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NOTES AND COMMENTS

NOTE: PRIVATE-PLACEMENT ADOPTIONS

Due to the increasing interest being manifested today in social work policy and the concomitant concern over child welfare, there has been a resurgence of activity on the part of state legislatures in the area of adoption. One of the foremost problems has been the formulation of legislation regulating non-agency, more commonly termed private-placement, adoptions. There has been a noticeable sparsity of statistical and other necessary materials in the adoption field with the result that the legislation in many of the states has been approached from an experimental standpoint. One of the most recent approaches as exemplified by the recent amendment of New York's adoption law will be explored in this note and contrasted with the Uniform Adoption Act and several other major approaches taken by various states. This analysis will be made in an attempt to point up the manifold problems and varying solutions which are present in this area.

It has been estimated that there are some 75,000 adoption petitions filed annually in the courts of the United States and that this figure represents an increase of more than 500 per cent over the level of twenty years ago.[1] During the last decade the adoption laws of several of the states have been undergoing drastic revisions. In New York, the legislature has recently amended the adoption statute[2] so that a new two-stage private-placement procedure is now operative.[3] This new statute became effective September 1, 1961.

Procedure Under the New York Statute

Article VII of the Domestic Relations Law has been rearranged and modified so that there is now established a separate and distinct procedure for private-placement adoptions. The new procedure is put into operation by the filing of the petition, agreement and consents of adoption with the court.[4] At this time the judge, upon a finding that there has been proper compliance with the statutory prerequisites and that the adoption may be in the child's best interests, must order an investigation to be made by a disinterested person or an authorized agency.[5] This report must be submitted to the judge within thirty days after the order of investigation has been made[6] and must include a minimum of information relating to six specific areas.[7] If the report is favorable, there is a six-month

[1] GELLHORN, CHILDREN AND FAMILIES IN THE COURTS OF NEW YORK CITY 241 (1954).

[2] Adoption is defined in the New York statute as "the legal proceeding whereby a person takes another person into the relation of child and thereby incurs the responsibilities of parent in respect of such other person." N.Y. DOM. REL. LAW § 110.

[3] Private-placement adoption is defined as "any adoption other than that of a minor who has been placed for adoption by an authorized agency." N.Y. DOM. REL. LAW § 109(5).

[4] N.Y. DOM. REL. LAW § 116(2).

[5] N.Y. DOM. REL. LAW § 116(3).

[6] *Ibid.* "[U]nless for good cause shown the judge or surrogate shall grant a reasonable extension of such period." *Ibid.*

[7] N.Y. DOM. REL. LAW § 116(3).

waiting period from the time of the filing of the petition for adoption.[8] Then, if the requirements of the statute have been complied with and it has been determined that the interests of the child will be promoted by the adoption, a final order of adoption will be granted pursuant to Section 114 of the Domestic Relations Law.[9] There has been no change in the provisions relative to the actual issuance of a final order of adoption.[10]

However, if it should appear from the investigation that the proposed adoption is an unsuitable arrangement, the judge now has the authority in his discretion to remove the child from the foster home and return him either to his natural parents or an authorized agency, or to transfer the child to a court having jurisdiction over neglected children.[11]

Section 373 of the Social Welfare Law, which provides that the court give custody of the child to persons of the same religious faith "when practicable," has been incorporated into Section 110 of the Domestic Relations Law.[12] This provision was formerly contained only in Section 113 of the Domestic Relations Law, which referred solely to adoptions from authorized agencies. Now there is an express reference to the applicability of the provision to private-placement adoptions.[13]

The Investigation

The New York adoption law first required in 1924 that an investigation be made by either the court itself or by a person selected by the court.[14] By the provisions of that former statute the investigation could be made by a person, an agency or by the judge himself if he so desired. When pursuant to the former statute the judge had taken the investigation upon himself, it often resulted in a perfunctory analysis of the situation.[15] On the other hand, since there was no provision that a person designated by the court be disinterested, there was always the problem of the judge appointing the attorney for the petitioner to make the investigation.[16]

Under the new adoption law, the investigation can no longer be made by the judge, but must be made either by a disinterested person or by an authorized agency.[17] Thus, both of the above problems have been eliminated. One possible omission in the amendment is that no minimum standards have been established for the qualifications of the investigator and there remains the possibility that an unqualified investigator may

[8] N.Y. DOM. REL. LAW § 116(1).

[9] N.Y. DOM. REL. LAW § 116(4).

[10] N.Y. DOM. REL. LAW § 114.

[11] N.Y. DOM REL. LAW § 116(2).

[12] This incorporation of the provisions of § 373 of the Social Welfare Law into § 110 of the Domestic Relations Law only expresses what has always been the law. It was enacted only after the Governor gave assurance that no change had been made in existing law. See Governor's Message, March 17, 1961, reprinted in McKinney's N. Y. Sess. Laws 1961, p. 2079.

[13] The Court of Appeals of New York had held that § 373 was applicable to private-placement as well as agency adoptions. In the Matter of the Adoption of Maxwell, 4 N.Y.2d 429, 151 N.E.2d 848, 176 N.Y.S.2d 281 (1958). See N. Y. Times, March 17, 1961, p. 30, col. 5. In the situation where a mother consents to an adoption of her child by a family of another faith it would seem that the court would have to give it effect.

[14] See GELLHORN, CHILDREN AND FAMILIES IN THE COURTS OF NEW YORK CITY 240 (1954).

[15] See Note, 59 YALE L.J. 715 (1950). "Judges have neither the time nor the training to make the investigation themselves. When the matter is left entirely in their hands, adoption petitions are often filed and granted in a single day." *Id.* at 729-30. See also 1959 N. Y. LEG. DOC. NO. 44, REPORT OF JOINT LEGISLATIVE COMMITTEE ON MATRIMONIAL AND FAMILY LAWS 22 [hereinafter cited as 1959 N. Y. LEG. DOC. NO. 44].

[16] 1959 N.Y. LEG. DOC. NO. 44, at 25.

[17] N.Y. DOM. REL. LAW § 116(3).

be selected.[18] The aforementioned possibility is somewhat alleviated by the present requirement of a minimum amount of information in the written report of the investigator.[19] The following information is specifically required: (1) the marital and family status of the foster parents and child; (2) their physical and mental health; (3) the property and income of the foster parents; (4) the compensation paid with respect to the placement of the child; (5) whether either foster parent was ever a respondent in any proceeding involving neglected, abandoned or delinquent children; and (6) "any other facts relating to the familial, social, religious, emotional and financial circumstances of the foster parents which may be relevant to a determination of adoption."[20] It can be noted that the information which must be included in the report is of a comprehensive nature and should go quite far in assisting the judge in making a final determination as to the advisability of the proposed adoption.[21]

The Waiting Period

In 1924 the legislature established the necessity of a six-month residence of the child in the foster home before there could be a final order of adoption.[22] However court supervision of a private-placement could only be effected by the filing of a petition for adoption. Conceivably, therefore, a child could remain in a foster home for months or even years before a court could gain supervision of the proposed adoption.[23] Once the court did acquire supervision a final order of adoption could be made at any time. The problem was that strong emotional ties had often attached by the time the court received an investigation report and there was a reluctance to interfere with the existing arrangements, even if the investigation uncovered an unsuitable home.[24]

Under the new law there is a six-month residency requirement which goes into effect only after the child has been received *and* the petition has been filed.[25] In the usual case a final order of adoption cannot be made until six months after the petition has been filed.[26] Therefore, under old and present law, there is only one six-month residence requirement for private-placements, but now the period of residency goes into effect *after* the filing of the petition.[27] The court is also authorized under the new statute to issue a final order of adoption in less than six months if in

[18] The statute simply says that the judge or surrogate shall select a disinterested person who in the opinion of the court "is qualified by training and experience. . . ." N.Y. DOM. REL. LAW § 116(3). But see 1959 N.Y. LEG. DOC. No. 44, at 25 for some reasons why no standards were established.

[19] N.Y. DOM. REL. LAW § 116(3).

[20] *Ibid.*

[21] 1959 N.Y. LEG. DOC. No. 44, at 23.

[22] See GELLHORN, *supra* note 14, at 240.

[23] See Lukas, *Babies Are Neither Vendible Nor Expendible,* 5 RECORD OF N.Y.C.B.A. 88, 103 (1950).

[24] See GELLHORN, *supra* note 14, at 249-50; Lukas, *supra* note 23, at 104. Compare Cox, *Pennsylvania's Need – An Adequate Protective Adoption Placement Program,* 22 PA. B.A.Q. 154 (1951). "A judge, faced with this realistic situation, has no choice but to decree its adoption. It is only when the disqualification of the petitioners to be adequate parents is so gross as to demonstrate beyond question that the adoption of the child would not be for its best interests that it is refused." *Id.* at 157.

[25] N.Y. DOM. REL. LAW § 116(1).

[26] The residency requirements only have application where the foster child is less than eighteen years of age. N.Y. DOM. REL. LAW § 116(1).

[27] "The judge or surrogate may shorten such waiting period for good cause shown, and, in such case the order of adoption shall recite the reason for such action." N.Y. DOM. REL. LAW § 116(1).

the court's discretion the situation warrants it.

The purpose of having a six-month waiting period *after* the filing of the petition is to induce adoptive parents to apply promptly, thereby insuring an early investigation.[28] Foster parents will now be able to have a final order of adoption in six months and one day from the time the child is privately placed in their home if they file their petition immediately after the placement, and the time may be shortened by the judge for good cause.[29] This incentive, if effective, would give the judge an earlier look at the situation and an opportunity to correct it if undesirable.

The new provision would seem to indicate that there will be a more expedient judicial supervision of the adoption at the commencement of the procedure and a commensurate lessening of the risk of placing the child in an unhealthy environment.[30] However, one of the greatest problems in this area remains essentially unanswered. Foster parents may still keep the child in their home for an extended period of time before filing their petition, since there is no mandatory requirement as to the immediate filing of a petition.[31] If this occurs, emotional and sentimental ties will have been formed and the courts will be in the identical dilemma as they were prior to the amendment.

Court Removal of Child From Unsuitable Home

When the investigation had been completed under the old procedure and it had been determined that the foster home was unsuitable for adoption purposes, the court's interest would end there. This led to the problematical result that the child would often remain in the custody of unfit persons.[32] The only remedy available was to have the child deemed "neglected," in the sense of being in an improper or unwholesome custody, and therewith give him over to Children's Court jurisdiction to be placed more appropriately.[33] A recent amendment to the Children's Court Act provides that a child can be removed from the foster home as a "neglected" child, if the home is not suitable for his moral and temporal interests.[34] Even under these provisions there is always the question of who would know of the undesirable arrangements, or if they are known, who would suggest the commencement of this type of procedure.

This difficulty has been somewhat ameliorated by the new statute which empowers the judge to remove the child from the foster home when the court is satisfied that the welfare of the child requires it.[35] After the determination has been made to remove the child, the judge may now give him over to a natural parent or an authorized agency or transfer him to a court having jurisdiction of neglected children.[36]

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[28] 1960 N.Y. LEG. DOC. NO. 27, REPORT OF JOINT LEGISLATIVE COMMITTEE ON MATRIMONIAL AND FAMILY LAWS 21 [hereinafter cited as 1960 N.Y. LEG. DOC. NO. 27].

[29] 1959 N.Y. LEG. DOC. NO. 44, at 23.

[30] 1960 N.Y. LEG. DOC. NO. 27, at 21.

[31] See Lukas, *supra* note 23, at 103.

[32] See GELLHORN, CHILDREN AND FAMILIES IN THE COURTS OF NEW YORK CITY 265 (1954).

[33] *Ibid.*

[34] In § 2 of the New York Children's Court Act a neglected child is defined as "a permanently placed child . . . whose care, control, or custody by the person with whom such child is permanently placed is contrary to the moral and temporal interest of such child." Subdivision 12 of this section defines what is meant by a "permanently placed" child. See also N. Y. C. DOM. REL. CT. ACT § 2(23), (17)(j), where substantially the same provisions are applicable to New York City.

[35] N.Y. DOM. REL. LAW § 116(2).

[36] *Ibid.*

Other problems arise when the court removes a child from an unfit home and places him with an authorized agency. If the child is placed with the agency for purposes of adoption there would seem to be no objection. But where the court places him in an agency for the purposes of *long-term* foster care, it would seem that one of the purposes of the statute would be thwarted since the end result would be a child who would be without the benefits of adoptive parents.

Another anomolous situation develops where the home of the foster parents is *suitable,* but the adoption is denied on grounds such as religious difference. If the natural parent in this situation would want her child to remain in the custody of the foster family, it would seem questionable whether the judge should order a removal, since if he did, the child might very well be placed with some family not selected and approved by the natural parents.

The Problem of Unsupervised Private-Placements

At the outset it should be noted that a child may be privately placed either with an intention ultimately to adopt or without such an intention. But court supervision of such placements, and the accompanying power of a judge under the new law to remove a child from an unfit home, depend upon a petition for adoption being filed. Hence, a dual problem exists in this area. Clearly, if no intention to adopt exists, no such supervision is possible. However, even if there is an ultimate intention to adopt, the fact is that should the parties postpone filing a petition for adoption, the supervision of the court will come only after a lapse of time and the reluctance to remove a child once attachments have formed becomes a factor.

There appear to be two major trends of thought as to the means which should be employed in order to insure that a child will not be privately placed for adoption in an inimical environment and left there without any supervision by either the courts or other qualified agencies.

One solution which has been proposed calls for the channelling of all adoptions through public or private agencies with the resulting elimination of all private-placement adoptions.[37] This position has been criticized as being pragmatically impossible[38] with the strong suggestion that, if all families who normally turn to private-placement adoptions were to turn to agencies, the agencies would be without the facilities to handle them.[39] Three other objections proferred against the institutionalizing of the adoption process include the fear of a monopoly by authorized agencies in an area in which many believe that private-placements operate equally well; the fear of ultimate encroachment by the state into the practices and policies of voluntary agencies; and the notion that a mother has an unqualified right to delegate the care and to transfer the custody of her child to whomsoever she desires.[40] Some states have already taken the necessary statutory steps in order to institutionalize their adoption processes, but evasion is quite common and

[37] Cox, *Pennsylvania's Need – An Adequate Protective Adoption Placement Program,* 22 PA. B.A.Q. 154 (1951). "The placement of children for adoption requires resources not possessed by any individual. It should be undertaken only by organizations which can adequately provide the knowledge and the skill necessary. . . ." *Id.* at 160. See also Note, 15 U. PITT. L. REV. 150, 152 (1953).

[38] See Lukas, *Babies Are Neither Vendible Nor Expendible,* 5 RECORD OF N.Y.C.B.A. 88, 106 (1950).

[39] 1959 N.Y. LEG. DOC. NO. 44, at 413.

[40] See Lukas, *supra* note 38, at 106.

there are very few prosecutions brought against persons who circumvent these statutes by privately placing a child with a stranger.[41]

A second proposed solution calls for a mandatory public registration of every placement made for the purpose of adoption.[42] It has been argued in favor of this type of provision that such a registration, coupled with a requirement that the registered family appear before the court immediately thereafter, would have the following benefits: (1) the placement would be brought to the attention of the court at an early stage in the adoption process; (2) the court could request an immediate study of the proposed home and of the adoptability of the child; (3) the early report would allow the judge to come to a decision as to the advisability of having the child remain in the foster home for the balance of the period of probation; (4) the court could have the child and the foster family supervised by qualified personnel; (5) if the preliminary investigation indicated an unsuitable placement then the judge could order the child removed before close bonds of attachments took place;[43] (6) necessary statistics would be made available to the legislature to evaluate the situation with respect to children privately placed for the purpose of adoption.[44]

Opponents of a measure such as this have argued that the additional maintenance of files and an investigation staff would not be feasible since there is presently not enough staff time available to serve all of the children known.[45] It has also been pointed out that there is a great lack of qualified personnel to work in this area[46] and that the prospects for the future are not bright, since there is little incentive to enter this field due to the unappealing remunerative benefits involved.[47] An additional objection cited the possibility that a public registry would lead to the taking of children, particularly those born out of wedlock, into other jurisdictions where the law would not require a public recordation of the proposed surrender.[48] It would seem that in the case of an illegitimate child, the mother would seek as little publicity as possible and that a public registration would only complicate and magnify her plight. Thus the real possibility develops that she might seek refuge in a jurisdiction where the laws are more lenient and more amenable to her particular situation.[49]

Neither of these proposed solutions are intended to nor are they geared to solve the problem of an unsupervised private-placement, where there is no intention to adopt the child. This is basically a social problem and it is presently dealt with by Section 2 of the Children's Court Act. That section provides that a child, whether turned over

[41] See GELLHORN, *supra* note 32, at 251.

[42] 1959 N.Y. LEG. DOC. No. 44, at 348. See Lukas, *supra* note 38, at 106.

[43] 1959 N.Y. LEG. DOC. No. 44, at 348.

[44] *Id.* at 355-59. A child registry bill was proposed in the state legislature in 1959 and it provided for a two year temporary registry which would serve to determine the amount of children informally and privately placed outside the family circle in New York State. It was defeated overwhelmingly. S. Int. 1630, Pr. 1675, A. Int. 2182, Pr. 2205 (1959).

[45] 1959 N.Y. LEG. DOC. No. 44, at 301.

[46] 1960 N.Y. LEG. DOC. No. 27, at 22.

[47] 1959 N.Y. LEG. DOC. No. 44, at 25.

[48] *Id.* at 328.

[49] At the present time § 398(6) of the Social Welfare Law makes it relatively simple for a mother to surrender her illegitimate child to the Department of Welfare. If she makes an absolute surrender she is relieved of financial responsibility as are her parents. This is all accomplished with as little notoriety as possible. 1959 N.Y. LEG. DOC. No. 44, at 414-15.

for adoption purposes or not by the parent, can be removed as a "neglected" child if the foster home is not suitable for the moral and temporal interests of the child.

The question is then posed whether there should be legislation passed applying to children who are privately placed in a home where there is no intention to adopt, or whether this problem should be handled by the appropriate sections of the Children's Court Act. If new legislation is the answer, then a possible solution lies in a mandatory public registration of all private-placements irrespective of the intention.[50]

In the event of such legislation the objections to a public registration of private-placements for the purpose of adoption would seem to be equally applicable here. It is also interesting to note that Section 197 of the Sanitary Code,[51] repealed in 1959, required that anyone, other than an authorized agency, public officer or relative within the second degree of the child's parents, who received a child under sixteen years of age, obtain a permit issued by the Board of Health. This section, on the surface, would seem to have fulfilled part of the need which has been voiced for a public registration. But this statute was apparently ignored and the likely argument has been put forth that if people will not follow existing provisions in this sphere, nothing will make them abide by a new provision which would be essentially the same in many respects.[52]

Other problems would also arise under a mandatory public registration system. For example, the public would have to be educated to this new status of the law. In addition, the nature of the sanctions to be imposed in case of noncompliance would have to be given serious thought.[53] This is certainly a troublesome area and it seems that no panacea has yet been discovered.

Comparison With Other Adoption Statutes

The Uniform Adoption Act

The Uniform Adoption Act which was drafted in 1953 has been described as a compromise between competing groups, one wanting to give a high degree of control over placement to welfare departments and social work agencies and the other preferring to put a high degree of discretionary control in the courts.[54]

Initially the act calls for an investigation to be made upon the filing of the petition for adoption.[55] This investigation may be made by an agency or by a person designated by the court, although it is not necessarily stipulated that this person be disinterested.[56] No more than sixty days from the issuance of the order of investigation, the report of this investigation must be filed with the court.[57] As does the New York statute, the Uniform Act requires certain specific elements which the investigation must uncover and which are to be contained in the report.[58] It is further provided

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[50] See Lukas, *Babies Are Neither Vendible Nor Expendible*, 5 RECORD OF N.Y.C.B.A. 88, 106 (1950).

[51] N.Y.C. Sanitary Code of 1943. The Sanitary Code was incorporated into the revised New York City Health Code in 1959, and at that time § 197 was omitted.

[52] 1959 N. Y. LEG. DOC. No. 44, at 397.

[53] *Id.* at 415-16.

[54] See Merrill & Merrill, *Toward Uniformity in Adoption Law*, 40 IOWA L. REV. 299, 326 (1955).

[55] UNIFORM ADOPTION ACT § 9(1).

[56] *Ibid.*

[57] *Ibid.*

[58] *Ibid.* The elements required by the Uniform Adoption Act are not nearly as particular or extensive as those required in § 116(3) of the New York Domestic Relations Law. The Uniform Act

in the act that the court in its discretion may order separate investigations on separate parts of this inquiry.[59] The investigator himself is required to make a definite recommendation for or against the proposed adoption and state his reasons for such.[60]

After the examination of the preliminary report and after the hearing, the court may issue an interlocutory decree giving the petitioners custody of the child.[61] The investigator is then required to observe the child in the home for six months and then make a final report in writing of his findings to the court.[62] Thereafter a date is set for a final hearing and at this time the court may enter a final decree of adoption if it is in the best interests of the child.[63] However, if it has been determined upon examination of the preliminary report that the adoption is in the best interests of the child, the court may, in its discretion, waive the entry of an interlocutory decree and the waiting period of six months, and grant a final decree.[64]

No placement procedure has been incorporated into the act, but it is the feeling of some that since this is a Uniform Act the mechanical aspects of placement should be left to separate state legislation.[65] One obvious distinction between the provisions of the Uniform Adoption Act and the amended provisions of the New York Domestic Relations Law is that there is no power given to the court under the Uniform Act to remove a child from a home when on final hearing the petition for adoption is denied. On a closer analysis it may be noted that the Uniform Act does not contend with the problem of a child's being placed in a foster home where the adopting parents wait several months or even years before filing a petition of adoption. There also remains unanswered the case of a child being privately placed in a home for non-adoptive purposes.

It appears as though the Uniform Act is of little significance as a guide to the basic problems in this uneasy and uncertain area of adoption.[66] Possibly because of its more recent vintage, the New York approach seems to go much further in attempting to find some adequate solutions for the manifold problems in this field than does the Uniform Adoption Act.

State Legislation

Over the past several years many states have adopted varying approaches to the highly experimental and complex field of adoption legislation. In California, since there was a heavy gravitation towards public agency adoptions, the function of placing children for adoption has been vested by statute in licensed agencies.[67] Observation has shown that evasion of this requirement is easily possible and there are almost no prosecutions for violations of the statute.[68] This statute also contains a separate

requires only that an investigation be made into (a) the adoptability of the child, (b) the suitability of the home, and (c) any other pertinent circumstances.

59 UNIFORM ADOPTION ACT § 9(2).

60 UNIFORM ADOPTION ACT § 9(3).

61 UNIFORM ADOPTION ACT § 11.

62 *Ibid.*

63 *Ibid.*

64 UNIFORM ADOPTION ACT § 10.

65 See Merrill & Merrill, *Toward Uniformity in Adoption Law*, 40 IOWA L. REV. 299, 326 (1955).

66 "The members of the New York State Commission on Uniform State Laws did not and do not believe the Uniform Adoption Act to be a suitable substitute for the article on adoption in the New York Domestic Relations Law." 1959 N. Y. LEG. Doc. No. 44, at 280.

67 See tenBroek, *California's Adoption Law and Programs*, 6 HASTINGS L.J. 261, 262-63 (1955). A parent still has the right to place his child without violating the statute. CAL. CIV. CODE § 224(q).

68 See tenBroek, *supra* note 67, at 335-36.

provision relating to the removal of the child from the adoptive home and his subsequent placement if the petition of adoption is denied upon final hearing.[69]

Several other states have taken the necessary statutory steps to restrict private-placement adoptions.[70] These statutes, however, have been largely disregarded and there have been very infrequent prosecutions for violations.[71]

In the recent revisions of the Illinois[72] and Pennsylvania[73] adoption laws another approach has been taken requiring the petition of adoption to be filed within thirty days after the child has become available to the adopting parents.[74] In Illinois, if the petition is filed later than thirty days, the burden is thrust upon the petitioner to show the court that this delay was not due to his culpable negligence.[75] There is no requirement with respect to removal and subsequent placement in the Illinois statute. These statutes also contain provisions similar to New York's relating to investigation and specification of material information in the report.[76] Both Illinois and Pennsylvania retain a six-month residency requirement before an adoption may be completed.[77] In some states a slightly different procedure has been developed requiring judicial or administrative approval to be obtained before a private-placement adoption may be made.[78]

Since this area is one which is laden with speculation and conjecture, it would be most helpful to have accurate and comprehensive statistics showing the relative success of the varying adoption laws of the several states. With the conclusions to be drawn from statistics such as these it is very possible that much of the experimentation taking place today in the law of adoption could be eliminated and a sound and workable approach could be formulated.

Conclusion

It would appear upon analysis that the amendments to New York law with respect to private-placement adoptions have been, to some degree, a step forward in the improvement of adoption procedure. Remaining unsolved are certain problems such as the lack of a mandatory time period within which the petition of adoption must be filed and also some basic difficulties involved in unsupervised private-placements. If effective legislation responding to these problems could be passed it would seem that most of the major objections to the present private-placement measures would be met. Considering the fact that the lives of children are being dealt with here it would seem imperative that an expeditious solution for these problems be forthcoming.

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[69] CAL. CIV. CODE § 226(c).

[70] See, *e.g.*, GA. CODE § 74-421 (Supp. 1958) (unlawful for nonauthorized agencies to place children); N. J. STAT. ANN. § 9:3-19 (1960) (only a natural or adopting parent may privately place a child); TENN. CODE ANN. § 36-135 (1955) (private-placements unlawful and an attempted violation may be restrained by injunction).

[71] See GELLHORN, CHILDREN AND FAMILIES IN THE COURTS OF NEW YORK CITY 251 (1954).

[72] ILL. ANN. STAT. ch. 4, §§ 9.1-1 to 12.5 (Smith-Hurd 1960).

[73] PA. STAT. ANN. tit. 1, §§ 1-6 (Supp. 1960). See Note, 102 U. PA. L. REV. 759 (1954). See also Note, 15 U. PITT. L. REV. 150 (1953).

[74] ILL. ANN. STAT. ch. 4, § 9.1-5 (Smith-Hurd 1960); PA. STAT. ANN. tit. 1, § 1(c) (Supp. 1960).

[75] ILL. ANN. STAT. ch. 4, § 9.1-5 (Smith-Hurd 1960).

[76] ILL. ANN. STAT. ch. 4, § 9.1-6 (Smith-Hurd 1960); PA. STAT. ANN. tit. 1, § 1(c) (Supp. 1960).

[77] ILL. ANN. STAT. ch. 4, § 9.1-14 (Smith-Hurd 1960); PA. STAT. ANN. tit. 1, § 4 (Supp. 1960).

[78] See, *e.g.*, MO. ANN. STAT. § 453.110 (1952); OHIO REV. CODE ANN. § 3107.08 (Baldwin 1958).