

No. 6.—INFANT-LIFE PROTECTION.

REPORT OF THE SECRETARY FOR EDUCATION.

Education Department, Wellington, 31st May, 1910.

The Hon. the Minister of Education.

I submit the following report on the work of the Department in respect of infant-life protection during the year 1909.

The original Act provided that on a parent's default the amount due to a foster-parent for the maintenance of an infant might be paid by the Crown, and that "all moneys of the Crown expended under the authority of the Act in respect of any infant (including the expenses of medical attendance and of the burial of any infant) shall be a debt due to the Crown for which the near relatives of the infant shall be jointly and severally liable. The said debt shall be recoverable in a Magistrate's Court, or any other Court of competent jurisdiction, by action at the suit of the Secretary for Education, in his own name, on behalf of the Crown.

In practice it was found that the prescribed method of recovery involved legal proceedings altogether unsuited to the trivial amounts to be dealt with, for in these cases the payments must be collected at short intervals, or they cannot be collected at all.

A subsequent amendment of the Act provided as follows:—

"All moneys of the Crown expended under the authority of the principal Act in respect of any infant maintained in a foster-home shall (without affecting the liability of any other person under the said Act) constitute a debt due to the Crown by the Hospital and Charitable Aid Board, or by the Charitable Aid Board, as the case may be, of the district in which the foster-home is situated.

"Every such debt shall be recoverable in any Court of competent jurisdiction at the suit of the Secretary, in his own name, on behalf of the Crown, or may be deducted by the Minister of Finance from any subsidy payable in the same or any subsequent year to the said Board.

"On the payment of any such moneys by any such Board to the Crown, all rights of action vested in the Crown against any other person for the recovery of those moneys shall become vested in the Board, and may be exercised by the Board in its own name and on its own behalf."

This provision also was found to present difficulties. If it becomes possible for foster-parents to get their money regularly and without trouble from the State, the energy which they are otherwise found to expend in collecting from the parents will of course no longer be put forth, and dependence on the State will inevitably become more and more the rule. This being the case, it appeared necessary to act with great caution in charging the Charitable Aid Boards with the large amount likely to be involved when it had to be considered also that these Boards would seldom have an opportunity of reviewing beforehand the case out of which the expenditure arose.

Though the intention of the Act is clearly that the persons who undertake the care of infants should be guaranteed against loss, it is equally clear that it was not intended to put upon the Crown the large expenditure involved in the guarantee. It has been considered that the one provision cannot be dissociated from the other, and therefore, so far as this matter is concerned, the Act is unfortunately very difficult to administer.

In some few cases the foster-parent has been assisted to sue on the agreement under which she accepted the care of the infant, but no encouragement has been got from this plan, for after judgment has been obtained the means of collecting the debt have practically become exhausted.

In other cases foster-parents have been assisted to take advantage of the provisions of the Destitute Persons Act. Too often this has been a last resource, after the foster-parent has kept the infant for many months, has obtained judgment against the parent and proved it ineffective, and is faced with the prospect of having a permanent and expensive addition to her family.

Even the operation of the Destitute Persons Act does not always meet the necessities of the case. An order may be obtained against the near relative of the infant, but it is not always effective. The proof of its inefficacy may be a slow process, and the foster-parent may after many months find herself at the end of the proceedings in much the same position as she was at the beginning.

Another method by which a foster-parent may sometimes relieve herself of the charge of an infant whose parents neglect to provide for its maintenance is afforded by the Industrial Schools Act; but a child committed to an industrial school on account of destitution becomes a charge on the Charitable Aid Board, and not infrequently the Board successfully interposes to prevent the commitment.

In not a few cases the possibility of making use of one or other of these methods of obtaining relief is negated by the disinclination of the foster-parent to appear in Court proceedings of any kind, or even to be the means of bringing the parent before the Court, in which event her finer feelings or her sympathies are unfortunately exercised only at the expense of her material interests.

The foregoing remarks are not to be taken to indicate that the percentage of loss annually suffered by foster-parents as a whole is a very serious consideration. No estimate has at present been made as to what that percentage is, but there is some reason to believe that it is not large. That there are individual cases of great hardship there can however be no doubt, and some simple and expeditious means of dealing with neglectful parents is greatly to be desired. The District Agents all refer to this matter; and it may be remarked that the difficulty in regard to medical attendance, of which they also complain, would be capable of easy adjustment if the Department had the means of doing what the Act contemplates in this respect.