

placed out in selected foster-homes. The Department holds the view, shared by leading authorities, that home life, however humble, provided the foster-parents are suitable people, is better than institution life for the majority of the children who are cast on the State for sustenance and protection. The supervision of these cases, and the selection of employment for them when they become old enough, are carried out by the nurses, Managers of receiving homes, and Juvenile Probation Officers of the Education Department. Several of these officers gave valuable evidence in the course of this inquiry. These officials not only look after the welfare of the children brought under State control, but also carry out a great deal of preventive work in the way of advising parents and supervising children, who by their timely and kindly intervention are saved from coming within the scope of the law.

#### SECTION 8.—CHILDREN'S COURTS.

Several witnesses before the Committee pointed out the need for the establishment of special Courts for children and juveniles.

The Committee recommend that such provision be made, and also that clinics be established providing for the physical and psychological examination of all children coming under the jurisdiction of these Courts. The fuller knowledge thus acquired would be extremely valuable to the authorities dealing with the children.

Many countries have recognized this need and have established properly constituted Courts for dealing with children and juveniles as apart and distinct from Police Courts.

In this connection it is surprising to find that New Zealand is lagging behind in that in the laws relating to the punishment of crime hardly any distinction in procedure is made between the child and the adult. It is true, of course, that a practice has grown up whereby children are dealt with in the Police Courts at a time apart from the hearing of adult cases, but the procedure of the Criminal Court has been retained—*i.e.*, the young delinquent is charged with an offence, is required to plead, and if found guilty is liable to conviction. In the majority of such cases the charges are for minor offences and are dealt with summarily, but a child charged with an indictable offence and remanded to the Supreme Court for trial or sentence may in the interim be detained in prison.

By arrangement between the Departments concerned most of the cases of children and juveniles are investigated by the Juvenile Probation Officer of the Education Department prior to the hearing, but these officers have no legal standing in any Court, and are not even empowered to bring a destitute child before a Magistrate for committal to the care of the State. This function must be carried out by a police constable.

The Children's Court, as it is constituted in other countries, is a Court of equity, and its principal function is to consider all children brought before it as cases requiring protection and care. It is the business of the Court, by means of careful investigation in each case of conduct, school history, family history, and mental condition, to ascertain, if possible, the reason for misconduct, and either to eliminate or modify the causes, or to remove the child from the environment that has contributed to its present condition.

The presiding Magistrates are usually selected on account of their experience with children and knowledge of child psychology. In some of the Courts in America women are selected for these positions.

It is common knowledge that lack of mental balance, retardation, and physical defect are responsible for much juvenile delinquency, and it is therefore essential that if the children appearing before the Courts are to be dealt with in a scientific manner there should be provision on the lines recommended above.

#### SECTION 9.—POLICY FOR THE FUTURE.

It seems to the Committee that the Dominion has now come to the parting of the ways in this matter, and unless the multiplication of the feeble-minded is to be allowed to go on in an ever-increasing ratio, with consequences dreadful to contemplate, the problem must be dealt with on broader lines, and in a more comprehensive fashion.

In the first place, a comprehensive system of notification is essential so that a register as complete as possible may be made of the cases to be dealt with.

The English Commission for Inquiring into the Care and Control of the Feeble-minded, whose report appeared as far back as 1908, laid down the basic principles of a sound policy in dealing with this question. Their first principle was that persons who cannot take a part in the struggle for life owing to mental defect should be afforded by the State such protection as may be suited to their needs. Their next principle was that the mental condition of these persons, and neither their poverty nor their crime, is the real ground of their claim for help from the State. Their third principle was that if the mentally defective are to be properly considered and protected as such it is necessary to ascertain who they are and where they are.

This, of course, is the object of the system of registration to which we have referred.

Lastly, the English Commission held that the protection of the mentally defective person, whatever form it takes, should be continued as long as it is necessary for his good.

These principles appear to us to be quite sound, and we have no hesitation in adopting them.

#### *Proposed Eugenic Board.*

In regard to the method of compiling the register, some excellent suggestions were made by Dr. Theodore Grant Gray, Medical Superintendent of the Nelson Mental Hospital. He proposed, first, that a Government Department or sub-department should be created to deal with all feeble-minded and mentally defective persons living outside institutions. It would deal not only with the feeble