

## The Office for Children.: administrative advocacy.

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THE OFFICE FOR CHILDREN:  
ADMINISTRATIVE ADVOCACY

A Thesis Presented

By

Paul Joseph Sherry

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fulfillment of the requirements for the  
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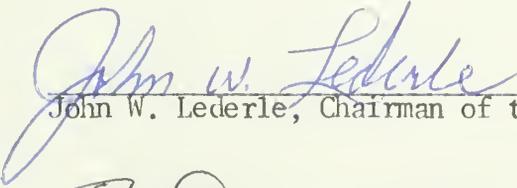
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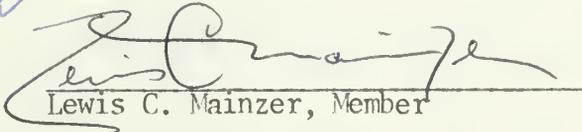
A Thesis

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To my wife  
Digitized by the Internet Archive  
Susan P. Sherry  
in 2015

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## ACKNOWLEDGEMENTS

As I commence writing this acknowledgement, I am reminded of the quip Mark Twain often used - "If I had more time I would have written a shorter letter." The fact of the matter is that I did have so much time to write this thesis that my "letter" of acknowledgement will be kept short - even though it most definitely should not be.

If it were not for my parents and wife reminding me that I should write my thesis, I probably would not have done so. If it were not for my wife and parents providing encouragement to me in writing my thesis, I most certainly could not have done so. I thank them sincerely.

To Professor John W. Lederle I owe more than my words are able to express. His guidance and assistance were always made available to me, and, were it not for that, I could not have persevered. I consider it a privilege to have written this thesis under his direction. The deep concern Professor Lederle showed for me as well as my thesis will always be remembered. I found his words then, and now, to be a source of inspiration. Who else could make writing a thesis a pleasure?

I wish also to thank my second reader, Professor Lewis C. Mainzer. I was flattered when Professor Mainzer remembered that I had once been a Graduate Student at the University - hardly anybody else did!! I very much appreciated the assistance and concern he showed. His efforts on my behalf were far in excess of what I deserved or what he was required to do.

Finally, to my wife Sue, to whom this thesis is dedicated. It is only fitting that this thesis, with children as its topic, be so dedicated. It was she who sacrificed so that I could have the luxury of time to research and write. All that I needed to undertake this thesis was given selflessly by her - and that includes the dining room that I occupied during my months of research and writing!

## INTRODUCTION

The status of children in our political system is unique in many respects and part of the reason for this is a consequence of the unique role children, as a group, occupy in this society of ours. This uniqueness affects bureaucracy as it undertakes to administer those concerns of government of which children are a part.

This thesis will examine The Office for Children and how this new agency of Massachusetts state government functions in its bureaucratic setting. The Office for Children is empowered with numerous functions which have as their objective to improve children's services. But the Office, itself, does not function as do other child service agencies in Massachusetts. Unlike other child service agencies, the Office for Children is empowered to advocate for children as a group.

The first chapter of this thesis will attempt to create the setting for an examination of this new agency of state government, the Office for Children, by presenting the administrative setting within which child service agencies function in Massachusetts. The factors leading up to the creation of the Office for Children will also be included in this analysis.

The second chapter, after examining the organizational structure of the Office for Children, will concentrate on an examination of how this new agency, because of its structure and functions, is unique from other state child service agencies with whom it must share power. The major function of the Office for

Children, the advocate function, will be discussed in depth.

The third chapter will concentrate on the so-called Local Councils for Children, which are seen by the Central Office of the Office for Children as providing "grass roots" support and direction for the Central Office. The relationship between the Central Office and the Local Councils will be examined.

## C H A P T E R I

### THE ADMINISTRATION OF CHILDREN'S SERVICES IN MASSACHUSETTS

#### Children--Their Unique Political Status

Massachusetts' state government, not unlike federal, local, or other state governmental units, recognizes that children are, to some degree, a governmental responsibility. This process of recognition, now well established, is a somewhat recent development. It was not until 1912 that the federal government, with the creation of the United States Children's Bureau, first acknowledged a responsibility to promote the welfare of children.<sup>1</sup> Prior to the establishment of the Children's Bureau which, at its inception, was exclusively a research and information center, the extent to which state governments were involved with children's services, be they categorized as "child protection" or "child welfare," was minimal.<sup>2</sup> The creation of the United States Children's Bureau and the work accomplished by this federal agency had the effect of increasing the involvement of government, particularly state government, with children and children's

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<sup>1</sup>Robert H. Bremner, ed., Children and Youth in America: A Documentary History, vol. 2.: 1866-1932 (Cambridge: Harvard University Press, 1971), p. 752.

<sup>2</sup>Some functions of government affecting children recognize that children are to be protected or treated differently from other groups in society. Thus, for example, criminal justice systems oftentimes differentiate between juveniles and adults. This type of governmental involvement may be viewed as "child protection." Other types of governmental involvement affecting children may attempt to improve the lot of children without trying to protect children as a group. This latter type of governmental involvement with children may be referred to as "child welfare."

needs.<sup>3</sup>

Massachusetts' state government had undertaken a responsibility to children, although on a very limited basis by today's standards, prior to 1912. The State Board of Charity, established in 1863, and the 1869 creation of a state agency to supervise foster homes represent examples of Massachusetts' governmental response to children.<sup>4</sup> More often, however, the needs of children that were then met received their funding and administrative supervision from the private sector and not from government.<sup>5</sup> Children and children's needs were then viewed as a main concern of the private sector, and this was so not simply because the scope of government was then a very limited one but also because children and children's needs were thought of then as non-public.<sup>6</sup> When government did involve itself with children and children's needs in the nineteenth century funding was oftentimes sought from the private sector.<sup>7</sup>

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<sup>3</sup>Bremmer, p. 753.

<sup>4</sup>Commonwealth of Massachusetts, Report of the Special Committee of the Senate on the Investigation of the Division of Child Guardianship and Other Related Matters, Senate No. 1098 of 1968, 1968, p. 6.

<sup>5</sup>Bremmer, p. 752-53.

<sup>6</sup>Ibid.

<sup>7</sup>Ibid. An example of the involvement of the private sector with both children's services and state government may be seen from the fact that in 1847 the Massachusetts Legislature sought the financial assistance of Theodore Lyman in funding a program for the treatment of delinquent youth. Mr. Lyman agreed and the first reform school in the nation was established in Westboro. In 1884 this institution, The Lyman School for Boys, was renamed in honor of Theodore Lyman.

While the present scope of governmental involvement with children and children's needs throughout the United States is very broad the limits of such involvement are still very much in issue. A recent veto of a legislative proposal which, if enacted into law, would have expanded the federal government's role in day care services was explained and defended, in part, on the belief that this child-related piece of legislation would cause the federal government to intrude on the family.<sup>8</sup> The child was seen as special or unique to society as well as the family and, as such, government, in this case the federal government, ought not to interfere.<sup>9</sup>

The unique status given children in our society has been the justification given for not involving government with children and children's needs.<sup>10</sup> Utilization of the unique status of children as a political weapon at a time when children are a major concern of government demonstrates at one and the same time the political impact that children, as a group, hold and the ramifications this can have on the governmental process.

In Massachusetts children and their needs, insofar as their needs are a concern of Massachusetts' state government, are very

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<sup>8</sup>U. S., President, Public Papers of the Presidents of the United States (Washington, D.C.: Office of the Federal Register, National Archives and Records Service, 1969-1974), Richard M. Nixon, 1971, pp. 1174-78.

<sup>9</sup>Ibid.

<sup>10</sup>Ibid.

much a function of the unique status of children.<sup>11</sup> The unique status of children used to be the equivalent of no rights with respect to their parents.<sup>12</sup> This common law status of children was, until recently, defended by Massachusetts' state government. This low status given to children appears to have carried over to Massachusetts from England where English Poor Laws often-times inadequately treated children as a group.<sup>13</sup> Now, however, legislation and court decisions in Massachusetts have begun to chip away at this once prevalent attitude. Most recently Massachusetts changed the common law definition of "child."<sup>14</sup> There exists today a steady evolutionary process with respect to children which has caused a readjustment of the once low status of children. Children today have rights and this has altered the intimate social setting of parent to child.

The unique status of children in our society is, today, often used as justification for increasing the involvement of government with children and their needs as well as for limiting

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<sup>11</sup>Richard R. Rowe, ed., Child Care in Massachusetts--The Public Responsibility, (Cambridge: Harvard University Press, 1972), p. 1-1 /The pages of this book are numbered by chapter as well as page./

<sup>12</sup>See Sanford Katz, William Schroeder and Lawrence Sidman, "Emancipating Our Children--Coming of Legal Age in America," Family Law Quarterly 8 (Winter, 1974), pp. 211-41.

<sup>13</sup>Ivy Pinchbeck and Margaret Hewett, Children in English Society, vol. 1 (London: Routledge & Kegan Paul, 1969), p. 94.

<sup>14</sup>Chapter 925 of the Acts of 1973.

governmental involvement. Notwithstanding the political considerations involved the increased role of government with respect to children and their needs, while partly a result of the fact that children are unique, is also the result of other factors. The greater dependence of the individual on government; the rapid expansion of government; the expansion of the social welfare function of government; technological advances which have been made and which have been adopted by government; federal assistance to the states through grants-in-aid; these are but a few of the factors which have increased government's role with respect to children and their needs.<sup>15</sup> The impact of government on the individual today is a major one. This is no less true where the needs of children are involved.

The needs of those other than children are very often reflected through government as children's needs. Day care, while it most certainly concerns children, does not concern only children.

In 1970 nearly half of all children in Massachusetts under six were cared for at least some hours on a regular basis by someone other than their parents. Nationally nearly one half of all mothers with children under 18 were in the labor force. . . .<sup>16</sup>

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<sup>15</sup>Victor A. Thompson, "Bureaucracy in a Democratic Society," in Roscoe C. Martin, ed., Public Administration and Democracy, Essays in Honor of Paul H. Appleby (Syracuse: Syracuse University Press, 1965), p. 206.

<sup>16</sup>Rowe, p. 1-1.

Day care concerns parents and others concerned with day care as well as children. And yet day care has been viewed primarily as a children's issue. Because children cannot speak for themselves in the political process others must speak for them. One result has been confusion as to what are actually children's needs.

The symbolism associated with children is an additional factor giving children uniqueness as a group. This uniqueness has also found its way into the governmental process. Children are often symbolized as the "hope of the future."<sup>17</sup> This image of children, coupled with the fact that children cannot speak for themselves in the political process may help to give those who do speak for them an added political advantage. The symbolism connected with children and the fact that they must have others speak for them may be one explanation for the accentuation of issues as "children's issues" when they may very well concern non-children's interests.<sup>18</sup>

Because of the symbolism associated with children those inside government, and not just those outside the governmental process, may derive political benefit from associating their

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<sup>17</sup>U.S., President, Public Papers of the Presidents of the United States (Washington, D.C.: Office of the Federal Register, National Archives and Records Service, 1969-1974), Richard M. Nixon, 1970, p. 1122.

<sup>18</sup>For a discussion of the impact of symbolism in politics see Murray Edelman, The Symbolic Uses of Politics (Urbana: University of Illinois Press, 1964).

actions with the needs of children. Elected officials as well as administrators and administrative agencies are very much aware of the value of children as a symbol, and this symbolism has been effectively applied.<sup>19</sup>

The political status of children most certainly makes them unique. No other large segment of citizens--and there are two million children in Massachusetts--is disenfranchised.<sup>20</sup> The political needs of these two million children cannot be ascertained by their direct participation in the political process. Children do form political impressions at an early age and although many children are unable physically or mentally to participate in the processes of government, many are well qualified and do possess knowledge about the processes of government from early youth.<sup>21</sup>

For not only does the child quite early begin to orient himself to the rather remote and mystical world of politics, but he even forms notions about its most abstract parts--such as government in general. Political marks are entered early on the tabula rasa and are continuously embellished thereafter.<sup>22</sup>

And, in addition, access to government through elected office or by means of performance in an important administrative capacity is closed to children because of their status.

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<sup>19</sup>John Holiman, interview held at Boston, Massachusetts, January 1975.

<sup>20</sup>Commonwealth of Massachusetts, Department of Commerce and Development, Massachusetts Fact Book, 1974, pp. 4-5.

<sup>21</sup>David Easton and Jack Dennis, Children in the Political System: Origins of Political Legitimacy (New York: McGraw-Hill, 1969).

<sup>22</sup>Ibid., p. 137.

And yet despite the limitations and restrictions placed on children, they are frequent beneficiaries of government largesse. Vast amounts of monies are spent on children by Massachusetts' state government.<sup>23</sup> Children and their needs are a very large part of state government in Massachusetts.<sup>24</sup> The exact amount spent for children and children's needs is difficult to determine, not only because there are many services which go indirectly to children and directly to a group other than children, but also because Massachusetts has numerous state agencies involved in the administration of children's services. One example of the number of state agencies concerned with children's services is seen from an examination of one specific area--early childhood education. There are thirteen state agencies either directly or indirectly involved in this one particular area.<sup>25</sup>

An appreciation for the amount of funds spent on children and children's needs in Massachusetts can be realized by an examination of the expenditures of the Department of Public Welfare. For fiscal year 1974 the Department of Public Welfare

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<sup>23</sup>In fiscal year 1974 four Departments of Massachusetts state government, Public Welfare, Mental Health, Youth Services, and Public Health spent a total of more than eighty million dollars on children's services.

<sup>24</sup>Almost half of the agencies of the Executive Office of Human Services are directly involved with children's services. See Commonwealth of Massachusetts, A Manual for the Use of the General Court for 1973-1976, 1973, pp. 545-46.

<sup>25</sup>Rowe, p. 9-12.

spent over \$357 million, 30 percent of its total budget, either directly or indirectly on children or children's services.<sup>26</sup>

The Administration of Children's Services in Massachusetts

Children and children's needs are very much the responsibility of Massachusetts state government which undertakes to administer to children and their needs through functions performed by a variety of state agencies. Within the Executive Office of Human Services four Departments: Public Welfare, Mental Health, Youth Services, and Public Health are very much involved in providing children's services.<sup>27</sup> In fiscal year 1974 these four Departments spent almost \$85 million directly for children's services.<sup>28</sup> Each of these Departments also involves a large number of its employees with children's services. Many children's services require personal contact between the child as client and the state employee or service provider. In the Department of Public Welfare it is estimated that over half

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<sup>26</sup>Commonwealth of Massachusetts, Office for Children, How Much Does Department of Public Welfare Spend on Children, August 1974, pp. 1-5.

<sup>27</sup>Commonwealth of Massachusetts, Department of Administration and Finance, F Y 75 Budget: Summary of Programs and Recommendations or The Budget in English, January 1974, pp. 46-49.

<sup>28</sup>Ibid.

of the more than six thousand employees are concerned with children's services with many of these involved with Aid to Families of Dependent Children, Massachusetts' most expensive public assistance program.<sup>29</sup>

The involvement of many state agencies and numerous state employees in the administration of programs affecting children and children's needs is not unique to Massachusetts. Children's services require the attention of many governmental employees if only because of the special attention given to many children's programs by dint of government designation.<sup>30</sup> The involvement of many state agencies in the administration of children's services in Massachusetts reflects an organizational theory long extant and not devised solely for the administration of children's services.<sup>31</sup>

The involvement of four Executive Offices of Human Services Departments in the administration of children's services demonstrates departmentalization on the basis of function.<sup>32</sup>

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<sup>29</sup> Samuel H. Beer and Richard E. Barringer, ed., The State and the Poor (Cambridge, Mass.: Winthrop Publishers, Inc., 1970), pp. 84-105. Jonathan Atkinson, interview held at Boston, Massachusetts, January 1975.

<sup>30</sup> Alan Keith-Lucas, "Child Welfare Today: An Overview and Some Questions, in Thorsten Sellen, ed., "Programs and Problems in Child Welfare," Annals of the American Academy of Political and Social Science 355 (September 1964), pp. 1-8.

<sup>31</sup> Schuyler C. Wallace, Federal Departmentalization - A Critique of Theories of Organization (New York: Columbia University Press, 1941), pp. 98-111.

<sup>32</sup> Ibid.

Particular Departments, such as Public Health and Mental Health, provide services to children as well as to other categories of individuals and this is so because these agencies are organized according to function such as public health or mental health. Children are a part of each agency because the function of each agency concerns children.

Departmentalization according to function is in use on the federal administrative level.<sup>33</sup> This theory of organization, like other organizational theories, has been seen as promoting efficiency in the administration of services.<sup>34</sup> However, organization according to function has been criticized as causing departmental duplication and has been seen as contributing to the development of an unwillingness to cooperate on the part of employees performing a particular function.<sup>35</sup>

The modern day expansion of government that has encompassed those needs of children previously beyond the scope of state government has, by making children and their needs a major governmental concern, drawn critical attention to the multi-agency organizational structure through which children's services are delivered in Massachusetts.

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<sup>33</sup>Ibid.

<sup>34</sup>Ibid., p. 101.

<sup>35</sup>Ibid., p. 107.

Indeed the history of governmental involvement in the field [of child welfare] suggests that a comprehensive system was never planned and that even the growth of services within a particular agency was largely unplanned for.<sup>36</sup>

Viewed with hindsight it is less difficult to see the inadequacies that departmentalization according to function has caused to children as a group or clientele.

Children are now a major concern of Massachusetts' state government and because of this it is easier to visualize children's needs as a singular concern. This focus was in large measure a contributing factor to the February 1972 recommendation to the Massachusetts Advisory Council on Education for a more clientele oriented agency to assist in the administration of children's services in Massachusetts.<sup>37</sup> Multi-agency involvement in the administration of children's services in Massachusetts, while useful as a means of providing specialization of child services, is lacking in that no one agency of state government answers the overall concerns of children as a group. "Children were high on the agenda of many agencies, but first on the agenda of none."<sup>38</sup>

Schuyler Wallace in his work Federal Departmentalization: A Critique of Theories of Organization points out that the federal Children's Bureau represents an example of departmentalization

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<sup>36</sup>Rowe, p. 9-31.

<sup>37</sup>Ibid., p. 9-29.

<sup>38</sup>F Y 75 Budget: Summary of Programs and Recommendations, p. 49.

on the basis of clientele.<sup>39</sup> This form of organizational structure is seen by Wallace as aiding in the development of new agency skills and in identifying the overall concerns of the group the agency represents.<sup>40</sup> An additional advantage to organization according to clientele which is pointed out by Schuyler Wallace is that it facilitates the relationship of that particular clientele with the public.<sup>41</sup>

Organization according to "clientele" and organization according to "function" represent structural mechanisms through which administrative programs are managed. The importance of organization structure may also be seen in its influence as an instrument of politics, position and power.<sup>42</sup> The involvement of numerous state agencies in the administration of children's services is an important factor because child service functions provide an agency with a source of bureaucratic strength.<sup>43</sup> Although children's needs may be viewed by some as a singular concern, administrative agencies are not inclined to so view children's services.<sup>44</sup> To each agency concerned with the

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<sup>39</sup>Wallace, p. 123.

<sup>40</sup>Ibid., p. 124.

<sup>41</sup>Ibid.

<sup>42</sup>Harold Seidman, Politics, Position, and Power, The Dynamics of Federal Organization (New York: Oxford University Press, 1970), p. 14.

<sup>43</sup>Francis Rourke, Bureaucracy, Politics and Public Policy (Boston: Little Brown Co., Inc., 1969).

<sup>44</sup>Robert Dowling, interview held at Boston, Mass., January 1975.

administration of children's services the particular child service function performed allows the agency to obtain bureaucratic power. It is this power source, and not the particular function involved, which is of primary concern to most administrative agencies.

The first objective-ultimate patriotism apart-- of the administrator is the attainment and retention of the power on which his tenure of office depends. This is the necessary precondition for the accomplishment of all other objectives.<sup>45</sup>

To each child service agency the performance of an administrative function represents relationships between an agency and the interests served by that agency.<sup>46</sup> Administrative agencies are in need of the political support which the performance of administrative functions provides.<sup>47</sup> Through the performance of agency functions support for an agency is obtained from both inside and outside the governmental structure.<sup>48</sup> In addition, the performance of agency functions allows agency expertise to be developed and, along with agency mobilization of support, this is seen as

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<sup>45</sup>Norton E. Long, The Polity (Chicago: Rand McNally & Co., 1962), p. 54-55.

<sup>46</sup>Ibid., p. 53. Robert Dowling, interview held at Boston, Massachusetts, January 1975.

<sup>47</sup>Norton E. Long, "Power and Administration," Public Administration Review 9 (Autumn 1949), p. 259.

<sup>48</sup>Francis Rourke, Bureaucracy, Politics, and Public Policy, cited in John Rehfuss, Public Administration as Political Process (Boston: Little Brown Co., Inc., 1969), p. 4

a major source of bureaucratic power.<sup>49</sup>

The involvement of numerous state agencies in the administration of children's services is important to each agency involved not only because it represents a source of bureaucratic power but also because the scope of many statutes pertaining to children's services gives administrators a larger policy making role than might normally be expected.

Child welfare statutes are often alarmingly vague in the powers that they do or do not establish and the respective powers of the . . . agency which cares for or works with the child are in need of clarification.<sup>50</sup>

The vagueness of many child welfare statutes in Massachusetts may serve to increase the policy making role of those administering such statutes. The previously held belief that policy making and administration are separate, with the former being exercised by other branches of government and the latter devoid of politics, has been strongly objected to by a plethora of post Second World War literature focusing on this particular aspect of the public administrative process.<sup>51</sup> In its place is a realization that bureaucracy is not just a part of the policy making process but, of necessity, a very important part of that

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<sup>49</sup>Ibid.

<sup>50</sup>Keith-Lucas, p. 8.

<sup>51</sup>For example, see Harold Stein, ed., Public Administration and Policy Development (New York: Harcourt, Brace and Co., 1952).

process.<sup>52</sup> Because child welfare statutes are oftentimes vague additional discretionary power and a larger policy making role will evolve to those administering child service programs rather than, perhaps, to other non-children's programs administered by the same agency. This increased policy making role will provide the agency with an additional source of bureaucratic power and will affect those administering children's services as well as those interests served by this administration.

The vagueness which is a characteristic of much child welfare legislation has provided the numerous child service agencies with a larger policy making role, but it may also be a cause of inadequacies in the administration of various child service programs. Departmentalization according to function, in and of itself, has been criticized as causing a lack of coordination between agencies.<sup>53</sup> The presence of vague legislative mandates may add to this lack of coordination by permitting policy decisions to be made which may be thought to be adequate for a particular agency but, in reality, may be inadequate to meet the intended scope of a legislative mandate. Further, this vagueness of many child welfare statutes, coupled with the fact that numerous state agencies are concerned with the administration of children's services, may cause a lack of coordination to exist

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<sup>52</sup>Wallace S. Sayre, "Promises of Public Administration: Past and Emerging," in Michael D. Reagan, ed., The Administration of Public Policy (Glenview, Illinois: Scott, Foresman and Company, 1969), pp. 13-16.

<sup>53</sup>Wallace, p. 129.

in the administration of particular children's services. The end result may be an inadequate delivery of particular types of children's services, and in Massachusetts this phenomenon, termed "falling between the cracks," has been noticed.<sup>54</sup>

### The Private Sector and Children's Services in Massachusetts

The responsibility for providing services to children, while very much a governmental function, is also a function undertaken by non-governmental agencies as well. DeToqueville's early observation about the American proclivity to form and join group associations applies with equal force to the non-governmental domain of children's services in Massachusetts.<sup>55</sup> In this Commonwealth there exist numerous non-governmental child welfare agencies. Many of these private agencies antedate state involvement in the child welfare field. For example, the Boston Children's Service and The Children's Mission to Children were operating prior to the 1863 creation of the State Board of Charity.<sup>56</sup>

Today, state administration of children's services has to

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<sup>54</sup>Commonwealth of Massachusetts, Office for Children, Office for Children Handbook (undated), p. 8, (hereinafter referred to as Handbook).

<sup>55</sup>Alexis DeTocqueville, Democracy in America - Edited with an Introduction by Henry Steele Commager (London: Oxford University Press, 1952).

<sup>56</sup>William Ryan and Laura B. Morris, Child Welfare Problems and Potentials - A study of Intake of Child Welfare Agencies in Metropolitan Boston (Boston: Massachusetts Committee on Children and Youth, 1967), pp. 103-08.

be recognized as being very much influenced by non-governmental sources including private sector child service organizations. The non-governmental sector most certainly has an influence on the state administration of child service programs.<sup>57</sup> Most significantly this is seen in the need of an administrative agency, and this would include state child service agencies, to draw on the support of the interests they serve as a necessary means of effectuating program policies.<sup>58</sup> Policy determinations of an administrative agency are partly shaped by such interests and in children's services this would include many private sector child service associations served by administrative agencies.<sup>59</sup> The interests served by an administrative agency provide that agency with needed political support.<sup>60</sup>

The existence of a close working relationship between governmental agencies and the interests they serve characterizes the state administration of child service programs in Massachusetts.<sup>61</sup> This political relationship is not unlike the political relationships formed by most governmental bureaucracies and the interests they serve. Such relationships are formed by bureaucracies out

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<sup>57</sup>Robert Dowling, interview held at Boston, Mass., January 1975.

<sup>58</sup>Ibid. In Massachusetts the relationship between state child service agencies and private child service organizations is an especially close one because many state child service agencies "purchase" services from the private sector.

<sup>59</sup>Ibid.

<sup>60</sup>Long, The Polity, p. 53.

<sup>61</sup>Robert Dowling, interview held at Boston, Mass., January 1975.

of necessity because of the relative vulnerability of bureaucracy in our governmental system.<sup>62</sup>

The weakness in party structure both permits and makes necessary the present dimensions of the political activities of the administrative branch--permits because it fails to protect administration from pressures and fails to provide adequate direction and support, makes necessary because it fails to develop a consensus on a leadership and a program that makes possible administration on the basis of accepted decisional premises.<sup>63</sup>

The association of governmental agencies with the interests they serve may be seen as mutually beneficial to both in that policy direction and support for policy undertakings may be received by an administrative agency, while input into the administrative process, and an impact on policy, may be advantageous to the interests of those served by a particular governmental agency.

The associations in Massachusetts between state child service agencies and child service organizations in the private sector are both helped and hindered by the involvement of numerous state agencies in the administration of children's services. Prior to 1972 no one office of state government was organized as a clientele agency for children. This undoubtedly hindered the efforts of those concerned with children as a group or clientele.<sup>64</sup> Moreover, the inability of one state agency to

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<sup>62</sup>Long, Public Administration Review, pp. 257-64.

<sup>63</sup>Ibid., p. 259.

<sup>64</sup>Rowe, p. 9-24.

necessarily answer all the needs of a particular child (for example, children's public health needs and mental health needs while they may be related would be the specialty of two different Departments) often-times necessitates a relationship with more than one state child service agency. Nevertheless, the multi-agency organizational structure which does exist may allow an agency performing a particular function to closely associate with an organization or interest concerned with that particular function. Thus, an organization like The Catholic Charitable Bureau of Boston, Inc., which is very much involved with adoption services, can take advantage of the organizational structure by developing a closer relationship with the Social Services Program of the Department of Public Welfare, which oversees many of this State's adoption functions.<sup>65</sup>

The relationship between child service agencies in the public and private sectors is further solidified by the use of the "purchase of service" methods for the delivery of many state services and also by the process of "deinstitutionalization." "Purchase of service" is a procedure under which a state agency contracts with a non-governmental unit whereby the latter, and

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<sup>65</sup>Prior to commencing work on this thesis this writer, in May 1974, had occasion to work closely with Ms. Rita Canney, an assistant Director of Social Services for the Department of Public Welfare and Ms. Margaret Sullivan of the Catholic Charities Bureau of Boston. Both of these individuals are involved in their agencies adoption program. This author observed that a close working relationship exists between these two agency representatives.

not the former, is responsible for program administration.<sup>66</sup>

"Deinstitutionalization" consists of removing individuals from a particular state institution and placing them in privately operated community-based treatment units on a per diem or contract fee basis.<sup>67</sup>

"Purchase of Service" is frequently used by child service agencies such as the Departments of Public Welfare, Mental Health and Public Health.<sup>68</sup> An example of the degree to which "purchase of service" is used by state agencies providing children's services is seen by examining day care services administered by the Department of Public Welfare. The Department of Public Welfare does not directly run day care programs but "purchases" services from those who do. In fiscal 1974 day care "purchase of service" amounted to over eight million dollars and served over thirty-eight hundred children.<sup>69</sup>

"Deinstitutionalization" has, since the early 1970's, been the hallmark of the Department of Youth Services.<sup>70</sup> "Deinstitutionalization" is dependent upon "purchase of service" in much

<sup>66</sup> Commonwealth of Massachusetts, Office for Children, Purchase of Service (undated two page publication), p. 1.

<sup>67</sup> Commonwealth of Massachusetts, Joint Committee on Post Audit and Oversight, Management Audit of the Department of Youth Services (April 1974), p. 72.

<sup>68</sup> John Holiman, interview held at Boston, Massachusetts, January, 1975.

<sup>69</sup> How Much Does the Department of Public Welfare Spend on Children, p. 20.

<sup>70</sup> Management Audit of the Department of Youth Services, p. 72.

the same way as other child service agencies.<sup>71</sup> The process of "deinstitutionalization" in the Department of Youth Services consists of residential care, foster care and aftercare programs; and, like the "purchase of service" programs of other child service agencies, it very much involves the Department with organizations and interests in the non-governmental sector.<sup>72</sup> The philosophy of "deinstitutionalization" undertaken by the Department of Youth Services, while more controversial than "purchase of service" functions of other child service agencies, nevertheless serves, along with "purchase of service," to solidify the relationship existing between child service agencies in the public and private sectors.

There are numerous private organizations and agencies involved, both with and without governmental support, with children's services in Massachusetts. Many of these agencies function on a statewide basis. The Massachusetts Society for the Prevention of Cruelty to Children, for example, has twelve district offices in addition to a central headquarters which is located in Boston.<sup>73</sup> Another private organization engaged in children's services, the Catholic Charitable Bureau of Boston, Inc., has

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<sup>71</sup>Ibid.

<sup>72</sup>Ibid.

<sup>73</sup>United Community Services of Boston, Directory of Social, Health, Welfare and Rehabilitation Services in Massachusetts (Boston: United Community Services Public Relations Department, 1970), p. 73.

six branch offices in addition to their central office in Boston.<sup>74</sup> And, although there may be uncertainty or doubt as to whether or not an agency is performing child service functions, if only because children's services are frequently interwoven with services to those other than children, nevertheless, it would appear safe to state that in Massachusetts there are at least fifteen private child service agencies with five or more offices throughout the Commonwealth.<sup>75</sup> The number of private organizations with less than five offices that are performing child service functions is well in excess of a thousand.<sup>76</sup>

The sheer volume of private organizations concerned with children's services is an indication that children and children's needs are very much a concern of numerous individuals. In addition, interest in children and children's needs can be proven as popular by pointing out that there are thirty-three Massachusetts colleges or junior colleges with degree granting programs in child study and/or child development.<sup>77</sup>

But the fact that there are numerous private child service agencies or that children and child studies are major areas of interest in Massachusetts, does not establish that these private sector organizations have an impact, or make their presence felt,

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<sup>74</sup>Ibid., p. 20.

<sup>75</sup>Ibid.

<sup>76</sup>Ibid.

<sup>77</sup>Rowe, p. A27-A40.

on the state governmental level, and, in particular, with those state agencies involved in the administration of children's services. That basic fact is clearly asserted by David B. Truman in The Governmental Process where the "dynamics of access," that is, the process by which interest groups attempt to establish a political base of support for their programs in addition to attempting to influence policy decisions, is analyzed.<sup>78</sup>

In spite of the existence of numerous private child service organizations, it would indeed appear that the impact of these organizations on much of the governmental process of Massachusetts state government is minimal.<sup>79</sup> While private child service organizations oftentimes do work closely with state child service agencies and provide assistance, input, and support to them in their policy making role, most private child service organizations, at least prior to 1972, did not focus on the overall needs of children.<sup>80</sup> The identification of private child service organizations with particular child service needs rather than overall child service concerns may be directly related to the presence of numerous child service agencies each performing a particular child service function and the absence, prior to 1972, of a clientele oriented child service agency. While the association of an agency with the interests it serves is vital for

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<sup>78</sup>David B. Truman, The Governmental Process, cited in Charles E. Jacob, Policy and Bureaucracy (Princeton: D. Van Nostrand Co., Inc., 1972), p. 54.

<sup>79</sup>Rowe, p. 9-24.

<sup>80</sup>Ibid.

an agency it is also vital for the interests served by that agency.

Agencies and bureaus more or less perform are in the business of building, maintaining and increasing their political support. They lead and in large part are led by the diverse groups whose influence sustains them.<sup>81</sup> (emphasis added)

The close relationship between an agency and the interests that agency serves, because it is mutually beneficial to both, may be one reason why private child service organizations have involved themselves more with particular child service concerns than with those general child service issues. And because the concerns of many private child service organizations reflect the organizational structure of this State's administration of children's services, that is, there is a concern for, and an identification with, particular child service functions rather than general children's issues, there would be a lack of commitment to the more general concerns of children. This lack of commitment finds expression in the fact that prior to 1972 it was noted that many private child service organizations were oftentimes apolitical and frequently in disagreement.<sup>82</sup>

The broad diffusion of administrative responsibility for children's services throughout numerous state agencies has had a most profound impact on those private organizations concerned with children and children's needs. Multi-agency involvement

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<sup>81</sup>Long, Public Administration Review, p. 259.

<sup>82</sup>Rowe, p. 9-24.

in the administration of children's services took place, prior to 1972, in an administrative setting where there was ". . . no centrally accountable structure responsible for developing comprehensive children's service."<sup>83</sup> While the presence of numerous state agencies, each performing particular child service functions, may operate to limit the affiliation of a private child service organization to one particular state child service agency, the absence of any one state agency to focus on the overall needs of children as a group or clientele must also be viewed as disadvantageous for private child service organizations.

A striking advantage inherent in grouping the various and sundry bureaus into a departmental structure upon the basis of clientele may be the development of highly desirable administration-pressure group relations.<sup>84</sup>

The presence of a clientele agency for children would not only provide a forum for considering the more general or overall needs of children but also would simplify the relationship of the agency administration with many private child service organizations. The multi-agency organizational structure that existed prior to 1972 provided no administrative arrangement allowing all private child service organizations to identify themselves with one state child service agency.

Organization according to clientele, as was pointed out in a study of the federal Children's Bureau, has the advantage

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<sup>83</sup>Ibid.

<sup>84</sup>Wallace, p. 125.

of helping to lessen agency duplication of effort.<sup>85</sup> In Massachusetts the presence of numerous state agencies in the administration of children's services has created some duplication, as evidenced by the fact that, prior to 1972, three state agencies, the Department of Public Health, the Department of Public Safety, and the Department of Public Welfare, each had licensing units performing similar functions in the domain of children's services.<sup>86</sup> The presence of these three licensing units engaged in the performance of similar functions is a source of confusion, too, to those governmental and non-governmental organizations concerned with children's services.<sup>87</sup>

State agencies involved with the administration of children's services are, for their own well-being, most desirous of obtaining the support of interests they serve.

. . . the support of outside groups must be sought. The administrative organization plans and carries out programs that require the cooperation of segments of the public or even the whole public. If the required amount of cooperation is not forthcoming, the organization will fail to accomplish its objectives and hence to satisfy its supporters. Those who are regulated must generally approve of or at least accede to, these programs.<sup>88</sup>

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<sup>85</sup>Ibid., p. 123-31.

<sup>86</sup>Rowe, p. 9-12.

<sup>87</sup>This, however, was changed when the Office for Children was created in 1972.

<sup>88</sup>Herbert A. Simon, Donald W. Smithburg, Victor A. Thompson, Public Administration (New York: Alfred A. Knopf, 1950), pp.384-85.

This support is sought regardless of organizational structure, although one form of organizational structure may be more beneficial than another. Thus, "outside groups" may find departmentalization according to clienteles more to their self-interest because it is thought by some to ". . . render administration unduly subservient to the demands of the pressure groups."<sup>89</sup> Nevertheless, regardless of organizational structure, administrative agencies and the interests they represent oftentimes build up an established way of working with each other.<sup>90</sup> This close working relationship may be viewed as a process of accommodation beneficial to both parties.

Administrative agencies and the interests they serve are not only very much interested in maintaining the administrative arrangements they regard as satisfactory, but also very much opposed to efforts to alter an existing relationship between the two.

The alliance, in infinite variations, between group interests, whether economic, regional or professional, legislative committees or sub-committees, and operating bureaus or agencies preferring the administrative status quo constitutes the most effective political stumbling block to executive reorganization.<sup>91</sup>

Administrative agencies and the interests they serve fear attempts at changing the administrative status quo because it

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<sup>89</sup>Wallace, p. 131.

<sup>90</sup>Francis E. Rourke, "Bureaucracy and Public Opinion," in Francis E. Rourke, ed., Bureaucratic Power in National Politics (Boston: Little Brown Co., 1965), pp. 187-99.

<sup>91</sup>Avery Leiserson, "Political Limitations on Executive Reorganization," American Political Science Review 41 (February 1947), p. 79.

threatens well-established mutually beneficial relationships between parties, each of whom are familiar with each other. The ability of an agency to administer is directly related to the support given it by the interests it serves, and a threat to this relationship is a threat to the ability of an agency to carry out its functions.

. . . a bureaucracy is itself a part of the structure of the community, and the achievement of its specific aim is in large measure dependent upon its ability to secure the cooperation and support of other group organizations.<sup>92</sup>

Attempts at change in the relationship existing between an administrative agency and the interests it serves extend also to attempts at changes in personnel. Changes in personnel may threaten to disturb the administrative status quo and may be viewed by administrative agencies and the interests they serve as posing a continuous threat to the security of each from the "inside."<sup>93</sup>

#### The Creation of the Office for Children

The passage of legislation in July of 1972 creating the Office for Children in Massachusetts represents the birth of an organizational structure based on clientele, with children as

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<sup>92</sup>Avery Leiserson, "Interest Groups in Administration," cited in Fritz Morstein Marx, Elements of Public Administration (New York: Prentice Hall, 1946), p. 316.

<sup>93</sup>Ibid.

the designated clientele.<sup>94</sup> But the creation of the Office for Children by the enactment of Chapter 785 of the Acts of 1972, while it establishes a clientele agency for children, must also be seen in relation to existing state child service agencies. Except for one minor area of exception, this new agency of state government takes no program responsibilities away from any of the many child service agencies performing child service functions through Massachusetts' state government.<sup>95</sup> Neither does Chapter 785 of the Acts of 1972 attempt to interfere with the established relationships existing between a state child service agency and the interests it serves. The fact that the Office for Children, with one minor area of exception, does not take away program responsibilities of other child service agencies, or, that the Office for Children does not have specific legislative authorization to interfere with the interests served by other child service agencies, may not be unrelated to a most significant factor--the interests served by the creation of an agency like the Office for Children are also those same interests preferring no direct interference with the functioning of programs of existing state child service agencies. Departmentalization according to function, simplifies the relationships of the clientele agency with the interests it serves.<sup>96</sup> These

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<sup>94</sup>Chapter 785 of the Acts of 1972; Mass. Ann. Laws Ch. 28A (1972)

<sup>95</sup>Chapter 785 of the Acts of 1972 delegated to the Office for Children licensing responsibilities previously the responsibility of the Departments of Public Welfare, Public Health and Mental Health.

<sup>96</sup>Wallace, p. 124.

interests, while very much in favor of the creation of an agency like the Office for Children, were also desirous of maintaining existing relationships with various child service agencies.<sup>97</sup>

The functions to be performed by the Office for Children, because they do not usurp power from other child service agencies, would not (and did not) draw objection from state child service agencies or the interests served by these established agencies.<sup>98</sup>

One important consequence of the fact that the Office for Children did not usurp power from other child service agencies is that the Office for Children, at its creation, received the support of other state child service agencies as well as the children's interests served by these agencies.<sup>99</sup>

Administrative reorganization may be viewed as an attempt by a chief executive to assert control over a bureaucracy.<sup>100</sup> In Massachusetts the deficiencies existing, prior to 1972, in the administration of children's services were well known to the Governor, Francis W. Sargent, who was very much interested in

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<sup>97</sup>Creation of a new agency to carry out administrative functions previously the responsibility of another agency will often-times be strongly objected to by those interests which have developed close relationships with an established agency. The creation of the Department of Transportation in the late nineteen sixties was objected to by interests closely associated with other agencies whose functions were transferred to the Department of Transportation. See Patrick Anderson, The Presidents Men, in Rehfuss, p. 34.

<sup>98</sup>Christine Chamberlayne, interview held at Boston, Massachusetts, January 1975.

<sup>99</sup>Ibid.

<sup>100</sup>Rehfuss, p. 35.

improving state governmental administration of children's services.<sup>101</sup> Governor Sargent, through the power of his own Office, was able to focus attention on the need for legislation changing the administrative structure through which children's services were administered. His legislative proposal, while accomplishing this goal, would have strengthened the authority of the governor over administration of children's services.<sup>102</sup>

By means of Executive Order 76 Governor Sargent, in August 1970, established the Governor's Commission on Adoption and Foster Care.<sup>103</sup> This Commission was to consist of not more than thirty-five people whose duty it was to:

- A. Identify important problems in Massachusetts relating to adoption and foster care.
- B. Evaluate existing procedures relating to adoption and foster care.
- C. From time to time to make specific recommendations to the Governor and General Court for changes in the statutes or procedures relating to adoption and foster care.<sup>104</sup>

This Commission began its work in September 1970 and is still in

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<sup>101</sup>Cecilia Decicco, interview held at Boston, Massachusetts, October 1974.

<sup>102</sup>See H. 5131 of 1972.

<sup>103</sup>Commonwealth of Massachusetts, Office of the Governor, Executive Order No. 76 (August 1970).

<sup>104</sup>Ibid.

existence today as an adjunct of the Office for Children.<sup>105</sup>

The Governor's Commission on Adoption and Foster Care did produce a work product consisting of two reports, one on foster care and the other on independent adoptions.<sup>106</sup> Of more value, however, was the prestige of the Commission, a by-product of the Commission's broad based and distinguished membership. This Commission brought together representatives from all segments of the child welfare community which enabled the Commission to function in an atmosphere of public support.<sup>107</sup> It was the Commission's recommendation that, in the area of licensing and monitoring of public and private agencies providing foster care to children, there was an urgent need for cooperation among four major Departments: Public Welfare, Public Health, Mental Health, and Youth Services.<sup>108</sup> The Commission also pointed out the need for effective coordination among state

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<sup>105</sup>The Governor's commission on Adoption and Foster Care is not a formal part of the Office for Children but there is a close working relationship between the two. The Executive Secretary of this Commission is Elton B. Klibanoff, Director of the Office for Children. The Commission's headquarters and phone number are the same as the Office for Children.

<sup>106</sup>Commonwealth of Massachusetts, Governor's Commission on Adoption and Foster Care, Report on Independent Adoptions, by Laurana Snow (Boston: State Purchasing Agent, 1972); Commonwealth of Massachusetts, Governor's Commission on Adoption and Foster Care, Foster Care in Massachusetts, by Laurana Snow (Boston: State Purchasing Agent, 1972).

<sup>107</sup>On the importance of commissions in developing public support in the political process see Seidman, p. 24.

<sup>108</sup>This recommendation was made prior to the creation of the Office for Children but was not contained in a report of the Commission until 1973. See Commonwealth of Mass., Governor's Commission on Adoption and Foster Care, Report of the Governor's Commission on Adoption and Foster Care (March 1973), p. 5.

agencies in the delivery of services to children. Both of these requests were to become a part of Chapter 785 of the Acts of 1972.<sup>109</sup>

The presence on the Governor's Commission on Adoption and Foster Care of individuals serving in either the legislative or administrative branches of state government, as well as individuals representing private child service organizations, may be viewed not only as an attempt to get meaningful representation on the Commission but also as Avery Leiserson points out, as a form of effective political strategy.<sup>110</sup> Participation on the Commission by individuals representing both governmental and non-governmental child service agencies may serve a twofold purpose of allaying the fears of those already involved in the administration of children's services as well as gathering support for future administrative changes which will affect the domain of children's services.<sup>111</sup> The inclusion of representatives of the Legislative Branch may serve to assuage the fears of those individuals with whom public or private agencies maintain a legislative liaison. Also, it may enable any proposals for change emanating from the Commission to obtain possible support in the Legislature. Most importantly the Commission's

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<sup>109</sup>Ibid.

<sup>110</sup>Leiserson, American Political Science Review, p. 69.

<sup>111</sup>Seidman, p. 23.

membership and its findings can provide the governor, in addition to political support, with a vehicle for proposing changes which are necessary but controversial; and the controversy may be absorbed by the Commission, not the Governor's Office.

The usefulness and political value of commissions as change agents in the governmental process has been given much attention in the field of political science.<sup>112</sup> This appears also to be the case in Massachusetts and, more specifically, in the area of children's services. The Legislative Branch in Massachusetts also made use of the commission process in the area of state administration of children's services.<sup>113</sup>

In addition to the efforts of various Commissions, the work of the Massachusetts Advisory Council on Education, with authority as found in General Laws Chapter 15, Section 1 H, was a major factor leading to the creation of the Office for Children.<sup>114</sup>

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<sup>112</sup>George T. Sulzner, "The Political Process and the Uses of National Governmental Study Commissions," The Western Political Quarterly 24 (June 1971), pp. 438-48. This article provides a listing, through 1970, of all of the studies undertaken by American government study commissions.

<sup>113</sup>Commonwealth of Massachusetts, Resolves, Chapter 79 of 1971. This Resolve created a Special Commission Relative to the Administration of Child Care Service in the Commonwealth.

<sup>114</sup>In May 1970 the Massachusetts Advisory Council on Education commissioned a comprehensive eighteen month research project on child care and early education in Massachusetts. In February 1972, this report, titled Child Care in Massachusetts - The Public Responsibility, was released. This report gave impetus to the creation of the Office for Children; Interview with Donna Makin, interview held at Boston, Massachusetts, October 1974.

Their report, made in February 1972 and entitled Child Care In Massachusetts - The Public Responsibility, emphasized that in Massachusetts there should be a ". . . client centered rather than a need centered. . ." <sup>115</sup> approach to state administration of children's services. The February 1972 report also called for the creation of a central office for children's services and proposed a model very similar to the organizational structure created five months later with the enactment of Chapter 785 of the Acts of 1972. <sup>116</sup>

A very important factor leading to the creation of the Office was the realization the federal government would not involve itself in children's services in a more substantial way through the allocation of additional federal monies. <sup>117</sup> The veto by President Nixon of a legislative proposal that would have more deeply involved the federal government in the child welfare field, particularly day care services, has been cited as a major contributing factor to the creation of the Office for Children. <sup>118</sup> The veto is seen as conclusively establishing that inadequacies existing in the state administration of children's services would not be solved by the federal government, and that, therefore, the Commonwealth itself would have

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<sup>115</sup>Rowe, p. 9-29.

<sup>116</sup>Ibid., p. 9-31 -- 9-49.

<sup>117</sup>Interview with Donna Makin, interview held at Boston, Massachusetts, October 1974.

<sup>118</sup>Ibid.

to resolve the deficiencies existing in its administration of children's services.<sup>119</sup>

The leadership in both Legislative Branches of state government also played major roles in the creation of the Office for Children.<sup>120</sup> The influence of Speaker of the Massachusetts House of Representatives, David Bartley and President of the Massachusetts Senate, Kevin B. Harrington, was evident not only in their soliciting support for that legislative proposal which eventually became Chapter 785 of the Acts of 1972, but also in their early efforts to elicit political support from their legislative branches for various children's issues.<sup>121</sup> Follow-Governor Sargent's proclamation that 1971 was to be the "Year of the Child" the leadership in both Branches of the Legislature, in both 1971 and 1972, supported the creation of Special Commissions concerned with the administration of child care services in Massachusetts.<sup>122</sup> Each of these Commissions had a membership which included distinguished members in the child care field as well as state children's service administrators and members of the legislature. One of these Special Commissions, created by

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<sup>119</sup>Ibid.

<sup>120</sup>Christine Chamberlayne, interview held at Boston, Massachusetts, October 1974; see also Rowe, p. IX.

<sup>121</sup>Ibid., Cecilia Decicco, interview held at Boston, Massachusetts, October 1974; see also Rowe, p. IX.

<sup>122</sup>Commonwealth of Massachusetts, Resolves, Chapter 79 of 1971; see also Commonwealth of Massachusetts, Resolves, Chapter 6 of 1972.

Chapter 6 of the Resolves of 1972, had as its objective to ". . . determine the feasibility of establishing an executive office for children's affairs."<sup>123</sup>

During the 1972 Legislative Session numerous legislative proposals pertaining to the alteration of this State's administration of children's services were filed.<sup>124</sup> Included was House 5131, a special message of Governor Sargent accompanied by a legislative proposal calling for the establishment of an office for children within the Executive Office of Human Services. In part this legislative proposal empowered the Office for Children to ". . .serve as an advocate for children and provide an articulate focus for the needs of children."<sup>125</sup> This reorganization proposal as filed by the Governor early in the legislative session may be viewed as an attempt to ". . .secure the advantage of the initiative in defining the issues in terms of the administrative answer to the problem."<sup>126</sup> The legislative proposal of Governor Sargent, that is, the Governor's Office, was heard by the Committee on Social Welfare. Largely through the efforts of State Senator Jack H. Backman of Brookline, who worked closely with the Governor's Office as well as

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<sup>123</sup>Resolves, Chapter 6 of 1972.

<sup>124</sup>Seventeen legislative proposals pertaining to children's services were reported out by the Committee on Social Welfare along with S 1487, the proposal which became Chapter 785 of the Acts of 1972.

<sup>125</sup>Commonwealth of Massachusetts, H. 5131 of 1972.

<sup>126</sup>Leiserson, American Political Science Review, p. 80.

the leadership of the State House of Representatives and the State Senate, a compromise proposal, embodying much of the language of House 5131, was substituted for House 5131 and seventeen other legislative proposals pertaining to children's services. This compromise proposal, as reported out by the Committee on Social Welfare, passed in both Legislative Branches without a single change. This legislative proposal, along with an emergency preamble, was signed by Governor Sargent on July 19, 1972. On that date the Office for Children came into being.

CHAPTER II

## THE OFFICE FOR CHILDREN AND CHILDREN'S SERVICES

The Organizational Structure of the  
Office for Children

The Office for Children presently employs almost three hundred people, less than one-third of whom operate out of the Central Office headquarters in Boston.<sup>127</sup> The first Director of the Office was Mr. David S. Liederman, a former State Representative with formal experience in community organization work. The present Director is Mr. Elton B. Klibanoff who, prior to his appointment in early 1975, had served as the Office's Deputy Director and General Counsel.<sup>128</sup>

The Central Office operates with two types of Units, one "administrative" and the other designated as "operating."<sup>129</sup> The Administrative Unit includes the offices of the Director, Deputy Director and General Counsel, Fiscal Affairs, and Public Information.<sup>130</sup> The Operating Unit encompasses Community Development, Regional Services, Day Care Consultation and Licensing,

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<sup>127</sup>Robert Dowling, interview held at Boston, Massachusetts, January 1975; see also Commonwealth of Massachusetts, Office for Children, Office Staff Listing (undated).

<sup>128</sup>In January 1975, David Liederman resigned as Director of the Office for Children to become Chief Secretary to Governor Dukakis.

<sup>129</sup>Handbook, p. 2.

<sup>130</sup>See Office Staff Listing.

Group Care Placement and Licensing and Program Development.<sup>131</sup>

In addition to the two Units Central Office staff may also be assigned to special projects by the Director.<sup>132</sup>

The Office for Children maintains seven Regional Offices covering seven different geographical areas of the Commonwealth. The location of each of these Regional Offices is as follows: Boston, Brockton, Cambridge, Newton, Springfield, Topsfield, and Worcester. The number of Regional Offices as well as the specific geographical boundaries of each Region were determined by the Secretary of Administration and Finance.<sup>133</sup> The boundary selections made were identical to those developed by the Department of Mental Health, following the enactment of the Comprehensive Mental Health and Retardation Act of 1966.<sup>134</sup>

The regionalized organizational structure of the Office for Children is similar to that of other agencies within the Executive Office of Human Services.<sup>135</sup> Because of this, the Office for Children, through its Regional Offices, has given support to the development of "Interdepartmental Teams" within each of the

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<sup>131</sup>Ibid.

<sup>132</sup>For example, see Commonwealth of Massachusetts, Office for Children, The Children at Bridgewater (December 1974).

<sup>133</sup>See Chapter 785 of the Acts of 1972.

<sup>134</sup>Sheldon H. Barr, "Organizing a Local Advisory Council: An Exploratory Study of Community Development," Boston University Graduate School - Submitted in Partial Fulfillment of the Requirements for the Degree of Master of Arts - 1974, p. 1.

<sup>135</sup>For example, the Department of Mental Health.

Office's Regional Offices. These "Interdepartmental Teams" are made up of representatives from each of the major Departments of the Executive Office of Human Services who administer children's services programs. This would include the Departments of Mental Health, Public Health, Public Welfare and Youth Services. These "Interdepartmental Teams" comprise one of several Units of which each of the Regional Offices of the Office for Children are comprised.<sup>136</sup>

The Administrative Unit of each of the Office's Regional Offices is headed by a Regional Director whose administrative responsibilities have been determined by the Central Office.<sup>137</sup> One important administrative responsibility of the Regional Director includes initiating advocacy projects on a Regional level.<sup>138</sup>

The Operational Units within each of the Regional Offices, in addition to the "Interdepartmental Teams" are: the Group Care and Placement Unit, the Day Care and Licensing Unit, and the Help for Children Unit.<sup>139</sup> The latter operates, in part, as a telephone information and referral system for individuals who are uncertain as to the type of services available for children in a particular area.<sup>140</sup>

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<sup>136</sup>Handbook, p. 9.

<sup>137</sup>Ibid.

<sup>138</sup>Ibid.

<sup>139</sup>See Office Staff Listing.

<sup>140</sup>Handbook, p. 11.

The third level on which the Office for Children operates, in addition to the Central and Regional levels, is the Local level.<sup>141</sup> Section Seven of the enabling legislation creating the Office for Children, Chapter 785 of the Acts of 1972, states, in part, that:

The office shall facilitate the establishment of local councils for children within localities determined by the office, provided, that such localities shall not be inconsistent with sub-state regions and areas as approved by the secretary of administration.<sup>142</sup>

The number of Councils established by the Office for Children, thirty-nine, as well as the geographical boundaries of each of these Local Councils was, like the development of the Regional Offices, an outgrowth of the Comprehensive Mental Health and Retardation Act of 1966, which specifically provided for local Boards.<sup>143</sup> The thirty-nine geographical areas into which the Commonwealth was then divided have been used since, by the Executive Office of Human Services, subsequent to the passage of legislation mandating local input. Their application to the Office for Children represents the latest use of these so-called "catchment areas."<sup>144</sup>

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<sup>141</sup>Ibid., p. 1.

<sup>142</sup>See ss 7 of Chapter 785 of the Acts of 1972.

<sup>143</sup>Barr, p. 1.

<sup>144</sup>Ibid.

Each of the Local Councils contains approximately 200,000 persons.<sup>145</sup> One Office for Children employee is assigned to work with each Local Council. This employee is the community representative. Originally, the community representative had the responsibility for contacting individuals and groups concerned with children's services in an effort to generate interest in the Local Council concept.<sup>146</sup> This effort began early in 1973 and culminated in the election of members to Local Council Boards.<sup>147</sup> Once a Local Council Board was elected, and by July of 1974, thirty-six such Boards had been,<sup>147</sup> the main function of the community representative is to serve the needs of the Council and its Board as it carries out its five mandated responsibilities as set down in Section Seven of Chapter 785 of the Acts of 1972.<sup>149</sup>

- (a) determine the extent and availability of services for children within the locality represented by the council;
- (b) develop an information and referral service for persons seeking services for children within the locality;
- (c) determine the need for services to children

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<sup>145</sup>Barr, p. 1.

<sup>146</sup>John Holiman, interview held at Boston, Massachusetts, January, 1975.

<sup>147</sup>Ibid.

<sup>148</sup>Commonwealth of Massachusetts, Office for Children, Office for Children 1974 Annual Report (March 1975), p. 14. (hereinafter referred to as Annual Report).

<sup>149</sup>John Holiman, interview held at Boston, Mass., January 1975.

within the locality and make recommendations to the office on priorities of need;

- (d) evaluate and monitor existing children's services in the locality; and
- (e) review and make recommendations to the office concerning approval or disapproval of proposals for state or federal funding for services to children in the locality. . . . 150

The three tiered organizational structure of the Office for Children consisting of a Central Office, seven Regional Offices, and thirty-nine Local Councils constitutes the administrative framework through which the purposes of the Office for Children, as set down by Chapter 785 of the Acts of 1972, are to be carried out. These purposes are found in Section One of the enabling legislation and are as follows:

- (1) to assure the sound and coordinated development of all services to children;
- (2) to assure parents a decisive role in the planning, operation, and evaluation of programs which aid families in the care of children;
- (3) to respect and draw upon family values and cultural heritage;
- (4) to establish the administrative framework for, and promote the development of day care services in order to provide that such services shall be available in every community for all families which express a need for them;
- (5) to assure that family foster care or other residential care is provided only when the family itself or the resources available to the family are unable to provide the necessary care and protection to insure the rights of any child to sound development; and

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<sup>150</sup>See ss 7 of Chapter 785 of the Acts of 1972.

- (6) to assure that every child shall in all circumstances be protected against all forms of neglect, cruelty, abuse, and exploitation.<sup>151</sup>

It is a somewhat unique situation in which the Office for Children, as a state agency concerned with the administration of children's services, is placed by Section Four of Chapter 785 of the Acts of 1972. There are thirteen subsections to Section Four and each delegates a particular child service responsibility to the Office. As such, this represents the first time that a state agency has been given functions which pertain exclusively to children.

All of the responsibilities delegated to the Office for Children concern children's services, with many of the functions directly involving the office with other state child service agencies. The major responsibilities delegated to the Office for Children, which directly involve the Office with other agencies of state government, are as follows:

- (f) analyze and evaluate all budget requests for services to children from departments or agencies within all executive offices and make recommendations to the secretary of human services and other appropriate secretaries and the governor regarding coordination and approval of such budget requests;
- (g) promote the coordination of programs for services to children in departments and agencies within all executive offices and make recommendations to the appropriate secretaries regarding changes necessary to improve such coordination;

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<sup>151</sup>See ss 1 of Chapter 785 of the Acts of 1972.

- (h) evaluate and monitor programs for children in departments and agencies within the executive office of human services and, by agreement with other executive offices, evaluate and monitor programs for children for which any such executive office has responsibility.<sup>152</sup>

None of the responsibilities delegated to the Office for Children, with the exception of subsection (c) of Section Four which concerns licensing, alter the existing program responsibilities of other child service agencies. Notwithstanding subsection (c) the functions delegated to the Office for Children do not represent a transfer of responsibility from established state child service agencies to the Office for Children. However, some of the major responsibilities delegated to the Office for Children by Section Four, in particular subsections f, g, h, have caused conflict between the Office and existing child service agencies of the Executive Office of Human Services.<sup>153</sup> The Departments of Mental Health and Public Health, as well as the Department of Public Welfare, have already voiced resentment over having another agency of state government evaluating their budget requests and programs.<sup>154</sup> This resentment by established child service agencies is not surprising or completely unpredictable. The carrying out of responsibilities, such as are delegated by Chapter 785 of the Acts of 1972,

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<sup>152</sup>See ss 4 of Chapter 785 of the Acts of 1972.

<sup>153</sup>Jonathan Atkinson, interview held at Boston, Massachusetts, January 1975.

<sup>154</sup>Ibid.

Section Four, subsections f, g, h will place the Office for Children in conflict with other child service agencies because what is involved are administrative responsibilities previously the sole responsibility of an established child service agency. The administrative responsibilities delegated to the Office by Section Four, subsection f, g, h will be viewed by established child service agencies as "bureaucratic imperialism" -- an attempt to assert permanent control over an area of jurisdiction shared by another administrative agency.<sup>155</sup> Further increasing agency tensions is the fact that the threatened agency will strenuously object to intrusions into what it feels is its area of special competence.<sup>156</sup> Consequently, even minor suggestions for change may be seen by an established agency as inappropriate.

The functions of the Office for Children largely differ from that of other child service agencies within the Executive Office of Human Services in that the Office does not carry out its own direct service programs but instead is authorized to concern itself with those agencies that do. The Office for Children, as the smallest and youngest agency performing child service functions, is responsible for effectuating administrative responsibilities which of necessity involve the Office with many other state child service agencies. The constituency of the Office for

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<sup>155</sup>Matthew Holden, Jr., "Imperialism in Bureaucracy," American Political Science Review 60 (December 1966) p. 943.

<sup>156</sup>Ibid.

Children includes other child service agencies and this fact alone makes the status of the Office unique.

The Office for Children and Existing  
State Child Service Agencies

The legislation establishing the Office for Children enables the Office to actively involve itself in all aspects of children's services in Massachusetts. The functions of the Office necessitate involvement with child service interests in both the public and private sectors. These functions include, but are not limited to, the power to perform an ombudsman-like role of providing information and referral to persons seeking children's services, as well as technical assistance and consultation to providers and potential providers of services to children.<sup>157</sup> Some of the other broad functions delegated to the Office for Children include: promoting the development of programs and services to all children; determining the extent and availability of services to children with the Commonwealth; making recommendations on need priorities, involvement in the licensing of day care facilities and with training personnel for day care centers; and the authority to seek, apply for and encourage the use of federal funds for children's services.<sup>158</sup>

The numerous functions delegated to the Office for Children

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<sup>157</sup>See ss 4 of Chapter 785 of the Acts of 1972.

<sup>158</sup>Ibid.

may be viewed as a reflection of the inadequacies existing in the multi-agency, need-centered organizational structure through which Massachusetts delivers children's services. The establishment of the Office, a clientele agency, represents a new form in the administration of children's services in Massachusetts. This new form, more so than the need-centered or function-structured organizational apparatus, makes possible the development of a close working relationship between an administrative agency like the Office and a large segment of those involved with the administration of children's services.<sup>159</sup>

Support by a large segment of individuals and groups concerned with children's services would seem to be assured the Office for Children as it commences its functions if only because the Office's very existence is related to the discontent, voiced by individuals and groups in the child service field, at the inadequacies existing prior to the creation of the Office.

Discontent on the part of various groups is thus the dynamic force that motivates the quest for new forms.<sup>160</sup>

The many interests and groups who were very much aware of the need for a clientele agency like the Office for Children, and who supported efforts to bring about this agency, will provide support as the Office for Children undertakes to perform its

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<sup>159</sup>Wallace, P. 124.

<sup>160</sup>Herbert Kaufman, "Administrative Decentralization and Political Power," Public Administration Review 29 (January/February 1969) p. 4.

functions.<sup>161</sup> The office, as a new agency without a well-established constituency, will undoubtedly benefit from the support of those individuals and groups. And this support, because it includes individuals and groups who recently helped in the creation of the Office for Children, and who are very much aware of the responsibilities of the Office, may be more alert and more vigorous in its support than might normally be expected.<sup>162</sup>

As has been pointed out, although the Office for Children does not undertake direct service programs, as do other state child service agencies, the functions of the Office do involve it with the program and administrative functions of other state child service agencies. Conflicts have arisen between the Office and other state child service agencies because of the fact that certain of those functions delegated to the Office for Children are also the function of, and for years have been the sole responsibility of, established child service agencies. Overlapping administrative jurisdictions must therefore be singled out as a main cause of the conflict between agencies; but what serves to exacerbate this situation is the fact that the Office for Children is a new agency. New agencies, and the Office for

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<sup>161</sup>Holden, p. 945

<sup>162</sup>Ibid.

Children appears not to be an exception, oftentimes possess, at their inception, generous amounts of administrative vitality and organizational pride.<sup>163</sup> Because the process of institutionalization has not yet taken place, there is a mobility and freedom from administrative restraints present to a larger degree in a new agency.<sup>164</sup> Further, the employees of a new agency, because they are not yet attached to established programs or methods of operating, may be inclined to want to waste little time in carrying out agency functions.<sup>165</sup> This setting, coupled with the knowledge that the interests which provide support for a new agency are oftentimes themselves eager for a new agency to undertake its functions, may cause a new agency to be overzealous in its efforts to carry out its functions.<sup>166</sup>

Resistance by established child service agencies to what it perceives as unwarranted and unnecessary intrusions into its administrative domain may not be thought of as such by a new agency like the Office for Children. A new agency may interpret the resentment and opposition on the part of an established agency as "old fogeyism;"<sup>167</sup> and yet from the standpoint of an

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<sup>163</sup>Rehfuss, p. 9.

<sup>164</sup>Philip Selznick, Leadership in Administration - A Sociological Interpretation (New York: Harper & Row, 1957), p. 16.

<sup>165</sup>Holden, p. 945.

<sup>166</sup>Ibid.

<sup>167</sup>Ibid.

established child service agency performing a particular child service function, the interventions of this Office for Children, even though the Office is only carrying out its administrative functions, may be seen as constituting a threat to agency existence.<sup>168</sup>

Established child service agencies, through the carrying out of their administrative responsibilities over an extended period of time, may well develop a commitment to a particular program procedure as well as a "departmental policy" which ". . . tends to harden into tradition that resists alteration."<sup>169</sup> Moreover, administrators, over time, may develop an expertise in certain program policy areas. In the administration of children's services the involvement of the Office for Children, in the course of performing its administrative responsibilities, in the administrative functions of other child service agencies, may be objected to as unnecessary by the established agency. An established agency may assert that its method of administration and its administration are better suited to determine which administrative course of action is more advantageous.

The involvement of the Office for Children in the administrative responsibilities of other child service agencies may also

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<sup>168</sup>Ibid.

<sup>169</sup>

V. O. Key, Politics, Parties and Pressure Groups (New York: Thomas Y. Crowell Co., 1964), p. 695.

be thought of by the latter as a threat to its political support. The power of the Office, especially because Section Four, subsections f, g, h, of its enabling legislation, to involve itself in major aspects of another agency's functions, may threaten, or be seen as a threat to, the relationship existing between an established child service agency and its clientele. Administrative agencies, as is pointed out by Norton Long, possess special competence which may be used by that agency to undertake specific policy initiatives.<sup>170</sup> To the interests or clientele they serve, an administrative agency, and more so because of its special competence, is viewed as the embodiment of policy.<sup>171</sup> The power of the Office for Children to interfere in the area of competence of a particular child service agency may inhibit the relationship between a child service agency and the interests or clientele it serves. In addition, the fact that the Office for Children, whether or not it involves itself with the administrative functions of another agency, serves the same interests or clientele as established child service agencies may be a cause of discomfort to established child service agencies.<sup>172</sup>

The Office for Children as a clientele agency has an advan-

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<sup>170</sup>Long, Public Administration Review, p. 257.

<sup>171</sup>John M. Pfiffner and Robert V. Presthus, Public Administration (New York: The Ronald Press Co., 1960), p. 48.

<sup>172</sup>This may be especially true since established child service agencies are organized on a functional basis, thus giving them a built-in representative character: see Pfiffner and Presthus, p. 48.

tage over other child service agencies because the latter, in that they are organized according to function, serve fewer interests and thus have a narrower base of support. The Office for Children is given broad administrative responsibilities which easily identify the Office, and its functions, with the public as well as with child service interests.<sup>173</sup> The functions of the Office for Children enable it to serve as a focus or symbol for all children's services, thus giving to the Office a potentially important source of administrative strength.<sup>174</sup> In particular, one delegated function, the advocate function, empowers the Office to speak for children as well as represent their interests.<sup>175</sup> This is a most important function, not only because it gives vast authority to the Office, but also because the performance of the advocate function enables the Office for Children, as an administrative agency, to establish itself as a state child service agency.<sup>176</sup>

#### The Advocate Function of the Office for Children

The functions delegated to the Office for Children enable it, in its capacity as a state governmental agency, to act in

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<sup>173</sup>John Holiman, interview held at Boston, Massachusetts, January 1975.

<sup>174</sup>Edelman, p. 172.

<sup>175</sup>See ss 4 of Chapter 785 of the Acts of 1972.

<sup>176</sup>John Holiman, interview held at Boston, Massachusetts, January, 1975.

furtherance of a particular clientele -- children. The office, like other state child service agencies, is concerned with children's needs; but unlike other state child service agencies the Office for Children is concerned with the entire range of children's needs. And, most significantly, the responsibility of the Office to act in furtherance of children and children's needs includes the authority to represent or speak for children and their needs -- "The office shall . . . advocate . . . for the needs of children."<sup>177</sup>

The advocate function of the Office for Children is rightfully viewed by the Office as one of its major responsibilities.<sup>178</sup> An exact definition of the advocate's function does not appear in Chapter 785 of the Acts of 1972. Nonetheless, absence of a specific definition has not prevented the Office from advocating, or from placing emphasis on this delegated responsibility.<sup>179</sup>

The Office for Children advocates on all of its three administrative levels: Central Office, Regional Offices, and Local Councils.<sup>180</sup> At each level there is strong emphasis on advocacy, that is, ". . . speaking out for children's interests."<sup>181</sup>

<sup>177</sup>See ss 4 of Chapter 785 of the Acts of 1972.

<sup>178</sup>Commonwealth of Massachusetts, Office for Children, Office for Children Interim Report, January-June 1973 (1972), p. 4 (hereinafter referred to as Interim Report).

<sup>179</sup>Ibid.

<sup>180</sup>See Annual Report passim.

<sup>181</sup>Annual Report, p. 16.

The Local Councils are advertised by the Central Offices as "grass roots" advocates for children.<sup>182</sup> The Local Councils undertake to perform this function primarily by representing the needs of children in that geographical area over which a particular Local Council has jurisdiction.<sup>183</sup> The Central Office policy has been one of encouraging each Local Council to advocate in a manner determined by that Local Council.<sup>184</sup> Thus, most frequently, Local Councils advocate independently of one another, although, on certain occasions, one Local Council may join with other Councils in the performance of certain advocacy projects.<sup>185</sup> Such was the case with advocacy in the area of special education where several Councils jointly discussed their advocacy roles with reference to Chapter 766 of the Acts of 1972, an Act regulating programs for children requiring special education.<sup>186</sup> Subsequent to the enactment of this legislation several Councils did work in concert to advocate for specific special education services before local school committees and boards.<sup>187</sup>

Although Local Councils as one group, that is, all Local Councils acting in concert, are pictured in the Office for

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<sup>182</sup>Ibid., p. 5.

<sup>183</sup>Ibid., p. 16.

<sup>184</sup>John Holiman, interview held at Boston, Massachusetts, January 1975.

<sup>185</sup>Ibid.

<sup>186</sup>Annual Report, p. 17.

<sup>187</sup>Ibid.

Children Report as advocating directly on the statewide level instances of this are infrequent.<sup>188</sup> All Local Councils seldom function in concert, or directly participate in advocacy projects on a statewide level, or are directly involved in statewide advocacy projects.<sup>189</sup> They most frequently advocate in a specific Local Council area.<sup>190</sup> Their impact on the statewide level as advocates is indirect in that they gather information or input which may have application on a regional or even a statewide level.<sup>191</sup>

The effectiveness of the Office depends, in fact, on how well each of the "pieces" feeds into the rest.<sup>192</sup>

The Local Councils by advocating on the local or area level are in a position to provide the other two levels, and particularly the Central Office, with vital information having useful application on these two levels. Local Council advocacy, because it is community based, is seen as making an effective contribution to the Regional Offices or the Central Office.<sup>193</sup> Community based advocacy, for example, has enhanced the Central Office's

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<sup>188</sup> Annual Report, p. 8; see also John Holiman, interview held at Boston, Massachusetts, January 1975.

<sup>189</sup> John Holiman, interview held at Boston, Massachusetts, January 1975.

<sup>190</sup> Ibid.

<sup>191</sup> Annual Report, p. 5.

<sup>192</sup> Ibid.

<sup>193</sup> Ibid.

Program Development functions and has further enabled "Inter-departmental Teams" in the Regional Offices to aid children in need of services.<sup>194</sup>

The types of advocacy functions performed by Local Councils on the local or area level are numerous and varied, oftentimes involving the Local Councils in the functions delegated to them by Section Seven of Chapter 785 of the Acts of 1972. Local Councils advocate for children before local governing bodies.<sup>195</sup> In addition, Local Councils, as part of their advocacy functions, have organized committees and workshops in an effort to publicize the availability and scope of particular programs for children.<sup>196</sup> Advocacy functions have included interaction between community residents and Local Council members and formal and informal discussions of ways to improve local day care services.<sup>197</sup> Moreover, publicity campaigns, as a means of drawing attention to the types of children's services available in a community, as well as a means of ascertaining the priority of children's needs, have also been undertaken as a part of the advocacy function.<sup>198</sup> Questionnaires have been employed to obtain this information.<sup>199</sup>

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<sup>194</sup>Handbook, p. 9.

<sup>195</sup>Annual Report, p. 17.

<sup>196</sup>Ibid.

<sup>197</sup>Ibid.

<sup>198</sup>Ibid.

<sup>199</sup>Ibid.

A most important advocacy function performed by the Local Councils evolves from their authority to evaluate and monitor existing children's services in a locality.<sup>200</sup> This is seen as a most important Council responsibility.<sup>201</sup> It enables Local Councils to become directly involved with the administration of child service programs in a Council area. The use of this authority is now being realized as Councils begin to carry out their administrative responsibilities. This authority will enable Local Councils, as advocates, to offer suggestions for change in programs administered on the local level. Most importantly, it allows the Local Councils to become involved, in a meaningful way, in the administration of children's services of other state child service agencies.<sup>202</sup> The authority delegated to Local Councils to evaluate and monitor child service programs makes them a citizen group with state authority. This authority cannot be ignored. And because state child service agencies cannot ignore Local Councils, an impact on the policy making role of state child service agencies on the local level may well be a byproduct of the performance of this aspect of the advocacy function.<sup>203</sup> This impact, while limited to the community level,

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<sup>200</sup>Jonathan Atkinson, interview held at Boston, Massachusetts, January 1975.

<sup>201</sup>. Ibid.; see also Handbook, p. 5.

<sup>202</sup>Johnathan Atkinson, interview held at Boston, Massachusetts, January 1975.

<sup>203</sup>Ibid.

will be important, nonetheless, because individual citizens are oftentimes affected to a greater degree, and in more intimate ways, by agency decisions of this type, than by decisions made by other branches or levels of government.<sup>204</sup>

Chapter 785 of the Acts of 1972 states that the Office for Children shall ". . . serve as an advocate. . . for the needs of children."<sup>205</sup> However, no specific statutory functions were delegated to the Regional Offices as they were to the Local Councils. Nevertheless, the Central Office, in a manner reminiscent of its description of Local Council advocacy, asserts that advocacy by the Regional Offices is perhaps the most important activity of each Regional Office.<sup>206</sup>

Advocacy on a Regional level is similar to Local Council advocacy in that direct involvements in statewide advocacy efforts or statewide advocacy projects are infrequent.<sup>207</sup> Regional advocacy, as shaped by the Central Office, is seen as a coordinated effort of a Regional Office and Local Councils in a particular Region.<sup>208</sup> Regional Offices, like the Local Councils, are seen by the Central Office as providing input to the

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<sup>204</sup>Kaufman, p. 5.

<sup>205</sup>See ss 4 of Chapter 785 of the Acts of 1972.

<sup>206</sup>Handbook, p. 10.

<sup>207</sup>John Holiman, interview held at Boston, Massachusetts, January, 1975.

<sup>208</sup>Handbook, pp. 8-13.

Central Office which can be used by the latter in any number of ways.<sup>209</sup>

The Help for Children Program provides an example of advocacy at the Regional level. The Help for Children Program is designed to provide information about children's services on request from individuals, and if needed, to assist individuals to obtain needed children's services.<sup>210</sup> This Program often-times goes into operation after a phone call from an individual to the Help for Children staff.<sup>211</sup> About six thousand such phone calls are made each year.<sup>212</sup> The Regional Office staff, by attempting to secure needed services, and, by following up after a service has been provided by a child service agency, performs a very important advocacy function.<sup>213</sup> Legitimate requests for needs or services that cannot be met by a particular child service agency because of so-called "service gaps" are referred to the Central Office.<sup>214</sup> This input received by the Central Office is often of use to Central Office Program Development, and may even be used as a basis for Central Office statewide advocacy.

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<sup>209</sup>Annual Report, p. 5.

<sup>210</sup>Ibid., p. 24.

<sup>211</sup>Ibid.

<sup>212</sup>Ibid., p. 25.

<sup>213</sup>Ibid.

<sup>214</sup>Handbook, p. 11.

The Help for Children Program, and the advocacy function that is performed through the Program, involves a number of factors.<sup>215</sup>

Advocacy. . . involves persistence [sic] and determination to make things happen for children and families. It involves cutting through red tape and confusion to get the facts straight, and then nudging and monitoring and following up in the appropriate places, finally getting the system to respond.<sup>216</sup>

Aiding the Regional Offices in their efforts to advocate in the Help for Children Program are "Interdepartmental Teams" from other child service agencies within the Executive Office for Human Services.<sup>217</sup> These "Interdepartmental Teams" assist the Regional Offices in their advocacy efforts by facilitating the performance of advocacy tasks which involve other state child service agencies.<sup>218</sup>

The Regional Offices of the Office for Children, in advocating through the Help for Children Program, also provide input to the Local Councils within a particular Regional area.<sup>219</sup> Requests received by the Regional Offices can be of value to the Local Councils in that they may indicate a specific child service category, such as special education is in need of advocacy.<sup>220</sup>

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<sup>215</sup>Ibid.

<sup>216</sup>Handbook, p. 12.

<sup>217</sup>Interdepartmental Teams are comprised of representatives from each of the four major Departments within the Executive Office of Human Services serving Children: Public Welfare, Public Health, Mental Health and Youth Services.

<sup>218</sup>Handbook, p. 9.

<sup>219</sup>Annual Report, p. 26.

<sup>220</sup>Ibid.

In fact, data received by Local Councils has demonstrated the need for increased Local Council advocacy with respect to the implementation of Chapter 766 of the Acts of 1972.<sup>221</sup> Local Councils have been involved in advocating for effective implementation of that part of Chapter 766 which concerns purchasing residential and day care services for children with special needs. The Help for Children Program, through its collection and distribution of data, helped bring this need for advocacy to the attention of Local Councils.<sup>222</sup>

Statewide advocacy functions are the main responsibility of the Central Office of the Office for Children.<sup>223</sup> The Central Office works closely with its two lower administrative levels, the Local Councils and the Regional Offices, to coordinate their advocacy efforts, wherever possible, on a statewide basis.<sup>224</sup> This procedure, as demonstrated by the Help for Children Program, has allowed the Central Office to use information gathered at lower levels as input for the performance of its own advocacy functions on a statewide level.<sup>225</sup> Thus, in the Help for Children Program, the Central Office has used information provided it by the Regional Offices to advocate statewide in a

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<sup>221</sup>Ibid.

<sup>222</sup>Ibid.

<sup>223</sup>Interim Report, p. 4.

<sup>224</sup>Annual Report, p. 5.

<sup>225</sup>Ibid.

variety of ways. Specifically the Central Office has utilized Help for Children data as a basis for recommending changes in the budget requests of state child service agencies.<sup>226</sup> In addition, the Central Office has used Help for Children data as a basis for seeking interdepartmental coordination among state child service agencies, and has even used such data as a basis for legislative proposals.<sup>227</sup>

Central Office advocacy functions, while different from Local Council and Regional Office advocacy functions in that they concern statewide advocacy, are similar in that they involve the Central Office with state child service agencies. Section Four of Chapter 785 of the Acts of 1972 delegates to the Office for Children broad administrative powers, including authority to involve itself with those state child service agencies carrying out direct service programs to children.<sup>228</sup> The Central Office has used this authority to advocate for children on a statewide level by involving itself with other state child service agencies. An example of this is seen in the Central Office's involvement in the budget process of the Department of Public Health. The Central Office has disagreed with the Department of Public Health as to the amounts of money that should be allocated to specific child service programs administered by that Depart-

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<sup>226</sup>Ibid., p. 26.

<sup>227</sup>Ibid., p. 26.

<sup>228</sup>In particular ss f, g, h.

ment.<sup>229</sup> This advocate function would properly be one for the Central Office rather than the Regional Office or Local Council because it concerns a statewide child service function.<sup>230</sup>

The ability of the Central Office to effectively advocate within the state governmental structure is of course greatly facilitated by the statutory authority given to the Office for Children by Section Four of Chapter 785 of the Acts of 1972. However, the success of the advocate function must also depend on the state child service agencies because it is they, not the Office for Children, who are involved in carrying out child service programs. Therefore, in addition to the authorization vested in the Office for Children through Section Four of Chapter 785 of the Acts of 1972, the successful performance of the advocacy function depends on a good working relationship existing between the Office and other state child service agencies. This end may very well be served by the widespread efforts of the Central Office to provide assistance and support to other child service agencies.<sup>231</sup> The Central Office has emphasized its efforts to work closely with line agencies and has always stated that it stands ready to assist other child services to

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<sup>229</sup> Robert Dowling, interview held at Boston, Massachusetts, January 1975.

<sup>230</sup> Ibid.

<sup>231</sup> A December 1973 pamphlet published by the Central Office states that "The primary activity of the Office for Children is . . . not carrying on its own direct service programs . . . about all the time of the staff of the office. . . is devoted to bringing

improve their management practices and to strengthen their capacity to carry out their own legislative mandates. This willingness to help other child service agencies may serve to create an atmosphere more favorable to the successful performance of the advocacy function.

The Central Office, as part of its advocate function, conducts an aggressive public information campaign on a state-wide level -- ". . . one of the most effective ways of advocating for children is public information."<sup>232</sup>

The Central Office Public Information Unit, very much aware of the value of a well-informed clientele as well as a well informed public, undertakes to speak for children by providing frequent publicity on Office activities past, present, and future.<sup>233</sup>

The unit prepares brochures, news releases, public service announcements, reports on special projects, special alert mailings, speeches, the Office for Children Annual Reports, and a

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about a comprehensive, coordinated state system of services to children. We do this by working closely with line agencies to strengthen their capacity to carry out their own legislative mandates, to develop their own programs, to improve their own management practices and to more effectively coordinate with their sister agencies."

<sup>232</sup>Handbook, p. 24.

<sup>233</sup>Maintaining relations with the "unorganized" public through the use of public information is seen as vital for many governmental agencies. Through public information many governmental agencies obtain a valuable base of support which can provide needed strength. See Pfiffner and Presthus, pp. 165-66.

Quarterly Newsletter.<sup>234</sup>

The Central Office also prepares a bi-monthly column for distribution to newspapers throughout the Commonwealth in addition to regular radio and television announcements. The scope of the publicity efforts of the Public Information Unit is broad as evidenced by the fact that the Office's Quarterly Newsletter has a circulation of over ten thousand.<sup>235</sup>

The Central Office's public information advocacy efforts serve to create a reservoir of goodwill in addition to providing much needed information to the public as well as the interests served by the Office for Children.<sup>236</sup> This is especially important because the Office is a new agency of state government which does not carry on its own direct service programs. Publicity may serve to generate political support behind the actions of the Office.

The Central Office's public information function also includes mailings to state government officials, including child service agencies as well as all members of the State Senate and State House of Representatives.<sup>237</sup>

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<sup>234</sup>Handbook, p. 26

<sup>235</sup>Annual Report, pp. 35-36.

<sup>236</sup>A discussion of the value of public relations for a governmental agency may be found in Marshall Dimock, Gladys Dimock, Louis Koenig, Public Administration (New York: Holt, Rinehart and Winston, 1962), pp. 483-501.

<sup>237</sup>The Annual Report was mailed to all State Representatives and State Senators.

Administrative agencies are concerned with the creation of a reservoir of goodwill among the general public that can be drawn on when specific legislative proposals are under consideration by the legislative body. A "good" press and a "good" name are of great value in convincing the [legisla-  
ture] of the necessity for an increased appropri-  
ation or for other legislation requested by the  
agency.<sup>238</sup>

The Central Office has frequently asserted that its advocacy role includes undertaking an aggressive effort on behalf of children when child related legislation is needed to improve services to children.<sup>239</sup> The Central Office has done just that. During the 1975 Legislative Session the Central Office filed fourteen legislative proposals covering a wide variety of child related concerns.<sup>240</sup> In addition, the Central Office has frequently sent spokesmen to speak before Committees hearing proposals which would have an impact on children or children's services.<sup>241</sup> The Central Office has also taken stands on various legislative proposals affecting children filed by other child service agencies.<sup>242</sup> Moreover, the Central Office, through the efforts of its first Director, David S. Liederman, a former State Representative, has successfully lobbied for specific legislative

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<sup>238</sup>Key, Politics, Parties and Pressure Groups, p. 697.

<sup>239</sup>Annual Report, p. 239.

<sup>240</sup>Central Office pamphlet distributed to Local Councils dated December 12, 1974.

<sup>241</sup>Mary Wozniakowski, interviewed at Boston, Massachusetts, January 1975.

<sup>242</sup>Ibid.

proposals and has organized children's groups, including Local Councils, to "pressure" the Legislature in several instances.<sup>243</sup>

The functions performed by the Central Office in advocating through the legislative process are similar to methods that might be employed by a pressure group.<sup>244</sup> Bureaucracies often perform functions which are similar to those performed by pressure groups.<sup>245</sup>

Since a public bureaucracy is concerned with special and limited aspects of public policy, to a degree it resembles the ordinary private pressure group. It is a congregating place for individuals concerned with the same subject. Some of these interested individuals become members of the administrative agency while others join groups which look to that organization as a rallying point, and the agency takes a leading part in representing their interests. In this representative process perhaps the bureaucracies most important function is to promote the idea that its special area of concern is important.<sup>246</sup>

This is perhaps more so true with the Central Office than other administrative agencies. The Office for Children and, more specifically, the Central Office because it has assumed state-wide advocacy functions, is expected by the interests it serves to do more than make recommendations to a legislative body on a continuing basis or to give other assistance to the legislative

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<sup>243</sup>Ibid.

<sup>244</sup>Key, Politics, Parties and Pressure Groups, pp. 696-97.

<sup>245</sup>J. L. Freeman, "The Bureaucracy in Pressure Politics," in D. C. Blaisdell, ed., "Unofficial Government: Pressure Groups and Lobbies," Annals of the American Academy of Political and Social Science 319 (September 1958), p. 11.

<sup>246</sup>Ibid.

process as, for example, commenting on various legislative proposals. The specific delegation of an advocacy function and other broad administrative responsibilities to this clientele agency which has Local Councils as its own built-in clientele enables the Central Office to assume a more active role in support of the interests it serves.<sup>247</sup>

The Central Office advocacy function, while in part determined by input from Local Council and Regional Office advocacy efforts, must also be seen as determined solely by the actions of the Central Office. The Local Councils and Regional Offices do contribute input to the Central Office which is used by the latter in its statewide advocacy efforts. In addition, there have been instances in which the Local Councils and Regional Offices have directly participated in a statewide advocacy effort. One example of this was Local Council lobbying at the State House for a "Children's Budget." However, the Central Office in the performance of its advocate functions also advocates of its own initiative and independently of the Local Councils or Regional Offices.<sup>248</sup>

The Advocate Function in Operation--

The Lead Paint Poisoning Program

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<sup>247</sup> Robert Dowling, interviewed at Boston, Massachusetts, January 1975.

<sup>248</sup> Ibid.

An example of the Central Office functioning as an advocate within state government is seen in the relationship existing between the Office for Children and the Department of Public Health, as the latter undertook to carry out the Lead Paint Poisoning Prevention and Control Act of 1971.<sup>249</sup>

The Lead Paint Poisoning Prevention and Control Act of 1971 has as its objective to prevent lead based paints from being used in Massachusetts and to eliminate those existing sources of this hazardous substance.<sup>250</sup> This Statute also directed that the Commonwealth develop effective programs for screening children for lead paint poisoning, for detecting those dwelling units containing this hazardous substance, and for removing lead paint from public use.<sup>251</sup>

The administrative Department of the Commonwealth within which the responsibilities for carrying out the Lead Paint Poisoning Prevention and Control Act of 1971 were placed was the Department of Public Health.<sup>252</sup> The Commissioner of Public Health was empowered to appoint a Director to oversee a program for the early diagnosis of cases of lead poisoning.<sup>253</sup> This Director is

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<sup>249</sup>The Lead Poisoning Prevention and Control Act was enacted November 15, 1971. See Chapter 1081 of the Acts of 1971.

<sup>250</sup>Chapter 1081 of the Acts of 1971.

<sup>251</sup>Ibid.

<sup>252</sup>Ibid., as 1

<sup>253</sup>Ibid.

responsible for informing the public of the dangers of lead poisoning and of the methods of prevention of such poisoning.<sup>254</sup> In addition, the Director is required to perform numerous tasks among which are the following: to define by regulation the term lead poisoning; to report a case of poisoning to local boards of health and public health agencies; to record all cases of lead poisoning; to examine children under six who reside with a lead poisoning victim; to establish a comprehensive program for the detection of the sources of lead poisoning; to inspect the dwelling where a lead victim resides or recently resided.<sup>255</sup>

Thirteen months passed from the November 1971 signing of the Lead Poisoning Prevention and Control Act before the first Director of this program, Doctor Robert Klein, was appointed.<sup>256</sup> Doctor Klein, a former director of the Boston Lead Poisoning Prevention Program, wasted little time in attempting to carry out his statutory responsibilities under this Act.

At the same time that Doctor Klein and the Childhood Lead Poisoning Prevention Division of the Department of Public Health, the administrative structure created to carry out this Act, began enforcing the provisions of the Lead Paint Poisoning Pre-

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<sup>254</sup>Ibid., as 3.

<sup>255</sup>Ibid., as 2 - ss 5.

<sup>256</sup>Massachusetts Advocacy Center, State of Danger - Childhood Lead Paint Poisoning in Massachusetts (Boston: Massachusetts Advocacy Center, 1974), p. 29.

vention and Control Act of 1971 the Office for Children came into being. The Director of the Office for Children then, Mr. David S. Liederman, originally sponsored the Lead Paint Poisoning and Control Act legislation.<sup>257</sup> This, in and of itself, may have been a significant factor in causing the Central Office to devote much attention to the Childhood Lead Poisoning Prevention Division. Regardless, the fact that at this time it was estimated that twenty thousand children in the Commonwealth were afflicted with lead poisoning was justification enough for the involvement of the Central Office with Doctor Klein and the Childhood Lead Poisoning Prevention Division.<sup>258</sup>

Beginning in 1973 the Central Office maintained almost daily contact with the Childhood Lead Poisoning Prevention Division.<sup>259</sup> The Central Office assigned its Senior Program Analyst to the task of assessing the progress made by this Division as it undertook to implement the mandates of the Lead Paint Poisoning Prevention and Control Act.<sup>260</sup> The Central Office as an advocate has worked closely with this Division in an effort to help the latter overcome Program deficiencies.

Although the federal government, through the enactment of the Comprehensive Lead Paint Poisoning Prevention Act, signed by

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<sup>257</sup>Ibid., p. 69.

<sup>258</sup>Ibid., p. 3

<sup>259</sup>Robert Dowling, interviewed at Boston, Massachusetts, January 1975.

<sup>260</sup>Ibid.

President Nixon in January 1971, made funds available to several Massachusetts communities to assist in their local screening programs, few funds were provided for many other communities in need of funds for local screening programs.<sup>261</sup> In addition, the federal government did not provide sufficient funding for educating the public as to the dangers of lead poisoning in children.<sup>262</sup> The Central Office, very much aware of these facts because of the close control it maintains with the Childhood Lead Poisoning Prevention Division, immediately sought to advocate for children by assisting the state program in these key areas.<sup>263</sup> The first step in this process was to advocate for an increased budget for the Childhood Lead Poisoning Prevention Division.<sup>264</sup> The Central Office advocated by criticizing as inadequate the fiscal 1973 appropriation of \$143,000 for the Childhood Lead Poisoning Prevention Division.<sup>265</sup> The following year, with the support of the Central Office, which made use of Local Councils and their lobbying efforts, the Division was able to obtain an appropriation of over \$280,000.<sup>266</sup>

In advocating for the Childhood Lead Poisoning Prevention

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<sup>261</sup>State of Danger, pp. 33-62.

<sup>262</sup>Ibid.

<sup>263</sup>Robert Dowling, interviewed at Boston, Massachusetts, January 1975.

<sup>264</sup>Ibid.

<sup>265</sup>Ibid.; see also State of Danger, p. 30.

<sup>266</sup>Ibid.

division the Central Office has made use of its statutory authority as found in Section Four, subsection f of Chapter 785 of the Acts of 1972, which, in part, states that the Office shall "analyze and evaluate all budget requests for services to children. . . and make recommendations to the secretary of human services. . ." <sup>267</sup>

The Central Office, prior to the Department of Public Health's submission of its 1975 Budget Proposal to the Secretary of Human Services, sought to convince the Commissioner of Public Health that he should increase his recommendation for the Childhood Lead Poisoning Prevention Division. <sup>268</sup> When these efforts failed, the Director of the Office for Children, David S. Liederman, met with the Commissioner of Public Health, Doctor William Bicknell, to discuss this same subject. <sup>269</sup> When all attempts at impasse resolution failed, Director Liederman met with Secretary of Human Services, Peter C. Goldmark, who subsequently overruled Commissioner Bicknell. <sup>270</sup> Additional funds were appropriated and have been used to assist local screening efforts and to educate the public as to the dangers of lead poisoning in children. <sup>271</sup>

The Central Office, in its role as advocate, has made effective use of the Local Councils in advocating for the Childhood

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<sup>267</sup> Robert Dowling, interviewed at Boston, Massachusetts, January 1975.

<sup>268</sup> Ibid.

<sup>269</sup> Ibid.

<sup>270</sup> Ibid.

<sup>271</sup> Ibid.

Lead Poisoning Prevention Division.<sup>272</sup> Local Councils, due to their broad based membership and community roots, have often been used to inform the public as to the dangers of lead poisoning in children.<sup>273</sup> In addition, two Local Council Boards, one in Framingham and the other representing Haverhill and Newburyport, have approved Office for Children funds for local testing programs.<sup>274</sup> Most importantly, however, Local Councils have pressured local governing authorities to implement effective screening programs.<sup>275</sup> The role of the Local Councils in providing assistance to the Childhood Lead Poisoning Prevention Division has been considered vital.<sup>276</sup>

The impact of the Local Councils in advocating for the Childhood Lead Poisoning Prevention Division must be seen as major because of the fact that many aspects of the Lead Paint Poisoning and Prevention Act, such as checking for lead paint in dwelling units, screening for lead poisoning, and even educating the public as to the dangers of lead poisoning are a primary responsibility of governmental units operating on a community level. The Central Office has encouraged Local Councils to involve themselves in all aspects of lead poison prevention.<sup>277</sup>

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<sup>272</sup>Ibid.

<sup>273</sup>Ibid.

<sup>274</sup>Annual Report, p. 76.

<sup>275</sup>Robert Dowling, interviewed at Boston, Mass., January 1975.

<sup>276</sup>Ibid.

<sup>277</sup>Ibid.

The Local Councils have responded and have pressured for increased local governmental involvement.<sup>278</sup> This activity by Local Councils has indirectly aided the Central Office because on the local level the Local Councils, not the Central Office, have absorbed criticism for interfering with the functions of other governmental agencies. The Local Councils have thus been able to shield the Central Office from additional criticism.<sup>279</sup>

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<sup>278</sup>Ibid.

<sup>279</sup>Barr, p. 276.

C H A P T E R   I I I

THE LOCAL COUNCILS FOR CHILDREN

The Structure and Organization of the Local Councils

The first priority of the Central Office after its creation in 1972 was to undertake the development of thirty-nine Local Councils, each representing a cross section of children's interests.<sup>280</sup> Beginning in early 1973 Central Office public information efforts attempted to draw attention to these Councils.<sup>281</sup> Community organizers were assigned by the Central Office to each Local Council area. Their primary responsibility was to contact "children's constituencies" in an effort to form committees. The goal of these committees was to lay the groundwork for election of individuals to Local Council Boards, the decision-making apparatus of the Local Councils.

In theory any individual residing within the geographical boundaries of a Local Council area is eligible to belong to the general membership of that Local Council. Once a Council is functioning, the general membership may be used for a variety of functions, including committee work on an ad hoc basis as well as

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<sup>280</sup> Annual Report, p. 14.

<sup>281</sup> John Holiman, interviewed at Boston, Massachusetts, January 1975; see also Office for Children pamphlet entitled Councils for Children.

standing committee arrangements.<sup>282</sup> However, the functions of the general membership of a Local Council, whatever they be, serve chiefly to provide information to Local Council Boards. In most instances, committees staffed in whole or part by the general membership make recommendations to Council Boards and it is the latter who will decide what action, if any, is to be taken.<sup>283</sup> General membership meetings are infrequent and attendance at these meetings is usually very low. One Local Council, the Bos-line Council, represents an area where there exists a high concentration of children's interests. The Bos-line Council holds only three general membership meetings annually and attendance at these meetings is under two hundred people.<sup>284</sup>

Following a general recruitment meeting at which Office for Children Director David S. Liederman discussed the purpose and function of the Office, the community representative guided his organizing committee as it formulated procedures for Board elections.<sup>285</sup> As of June, 1973, fourteen Board elections had been held.<sup>286</sup> Half of the thirty-nine Boards were elected soon thereafter.<sup>287</sup> By the end of 1974 almost all Local Councils Boards were

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282 Ibid.

283 Ibid.

284 Ibid.

285 Ibid.

286 Interim Report, p. 3.

287 Ibid.

At least one half of the Board of each Local Council must be "consumers," that is, persons who are not "providers."<sup>289</sup>

A "provider" is defined as:

A person who has a financial interest in or receives compensation from any public or private agency or business serving children.<sup>290</sup>

The Board must also be representative of a wide range of children's interests.<sup>291</sup> In an attempt to ensure a cross section of representation the Central Office has mandated that various categories of children's interests comprise all Local Council Boards.<sup>292</sup> Thus, under "consumer representation" there are to be at least eight separate categories of representation: foster care or adoption; physical handicaps; mental retardation; mental health; day care; special education; and adolescent services.<sup>293</sup> A similar format is to exist in the selection of "providers" to Local Council Boards. "Provider representation," however, must contain at least ten specific categories: social services;

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<sup>288</sup>Annual Report, p. 14.

<sup>289</sup>Commonwealth of Massachusetts, Secretary of State, Standards for the Recognition of Local Councils for Children (January 1975), ss 101.01, (hereinafter referred to as Standards); General Laws, Chapter 28A, ss 7 requires that the Office for Children promulgate such regulations.

<sup>290</sup>Standards, ss 101.01.

<sup>291</sup>John Holiman, interviewed at Boston, Massachusetts, January 1975; see also Councils for Children.

<sup>292</sup>Standards, ss 104.03 - ss 104.06.

<sup>293</sup>Ibid., ss 104.04.

physical health; day care; special education; public school administration or school committee member; juvenile justice; local government; mental health; mental retardation; and recreation.<sup>294</sup>

In addition, one Board membership position on each Local Council is to belong to a designee of that Department of Mental Health Area Board which exists in each Local Council area.<sup>295</sup>

The minimum number of Board members for each Local Council is set at twenty-one.<sup>296</sup> The exact number of Local Council Board members for each Council is to be determined by each Local Council and depends on the number of children's interests existing in a particular Council area.<sup>297</sup> All Councils are expected to make good faith efforts to include racial and ethnic minority groups, representatives of all income levels, and persons under eighteen years of age, on Local Council Boards.<sup>298</sup> All of these factors, plus those mentioned in the previous paragraph, have caused the membership of most Local Council Boards to exceed the minimum of twenty-one. In particular, Local Council Boards representing Council areas containing large cities tend to establish Boards with memberships far in excess of twenty-one. This,

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<sup>294</sup>Ibid., ss 104.05.

<sup>295</sup>Ibid., ss 104.06.

<sup>296</sup>Ibid., ss 104.02.

<sup>297</sup>John Holiman, interviewed at Boston, Massachusetts, January 1975.

<sup>298</sup>Standards, ss 104.03.

at least in part, may be a reflection of the not unrelated factors of the greater need for child-related services in a large city and the presence of many child service agencies and organizations in these same locations. In the Bos-Line Council, a Local Council representing all of Brookline as well as the Allston, Brighton, Back Bay, Jamaica Plain, and Roxbury sections of Boston, the Council By-laws stipulate that there are fifty-one Board positions.<sup>299</sup>

The Central Office stipulation to the Local Councils that a cross section of interests are to be represented on each Local Council Board demonstrates an attempt by the Central Office to have numerous child service interests involved in the decision-making process of each Council. But, in addition to this, the fact that numerous interests must be represented on each Local Council Board makes it most difficult, if not impossible, for any one faction in the child service field, for example, day care services, to be either over-represented or controlling in all Board actions. Further, the very presence of a structure of representation such as is mandated by the Central Office to the Local Councils would have the effect of discouraging those individuals or children's groups not interested in working with other child service interests from even seeking membership positions on a Board.

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<sup>299</sup> See by-laws of Bos-Line Council for Children, p. 3.

It is clear that the [Local Council Boards are] designed to foster rational discussion of issues within a broad group of participants. The underlying values of such an organization would not attract individuals or groups who take a more active, direct approach to change. Those residents associated with organizations whose goals involve active competition or conflict with other groups or with the state system itself, it would seem, would not find the council as reflecting any meaningful change.<sup>300</sup>

Undoubtedly, this is of great benefit to the Central Office which relies on the Local Councils not only for political support but also for the performance of important functions, including the advocate function, on the Local or area level. The membership structure of Local Council Boards, in helping to foster a rational discussion of issues, may enhance the efforts of Local Councils in their advocacy role in the local or area level. Further, because the Local Councils provide input to the Central Office which is used by the latter in its own statewide advocacy efforts, the membership structure of Local Council Boards benefits the Central Office in a most significant way.

One objective of the Central Office in mandating that numerous child service interests be on Local Council Boards is to have each Board ". . . represent a cross section of interests, rather than a limited constituency focused on one problem or disability."<sup>301</sup> This objective would appear to be well served by the membership structure of Local Council Boards. Moreover, the fact that each

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<sup>300</sup>Barr, p. 61.

<sup>301</sup>Handbook, p. 4.

Local Council is established according to population as well as geography may be seen as aiding the Central Office in its attempts to have Local Council Boards reflect a cross section of interests. The establishment of Local Councils on the basis of geography might have the effect of giving ". . . special representation to particular interests in different localities where the power of those interests is concentrated."<sup>302</sup> However, the fact that Local Councils reflect important statistical considerations, coupled with the fact that numerous interests must be represented in each Local Council Board, makes it very difficult for factionalism to develop on a Local Council Board.

Each Local Council Board is expected to function according to by-laws submitted by each Council to the Central Office.<sup>303</sup> The submission of by-laws to the Central Office is a condition precedent to the recognition of a Local Council Board by the Central Office.<sup>304</sup> The by-laws of each Local Council Board must cover the following subjects: membership on Local Council Boards; Board elections; collection and distribution of funds by a Board; Board vacancies; removal of Board members; offices, committees; meetings, notices; quorums; and amendments to by-laws.<sup>305</sup>

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<sup>302</sup> Grant McConnell, Private Power and American Democracy (New York: Alfred A. Knopf Co., 1966), p.110.

<sup>303</sup> Standards, ss 109.01.

<sup>304</sup> Ibid.

<sup>305</sup> Ibid., ss 104.08.

The community representative, the individual originally designated by the Central Office to assist in setting up a particular Local Council, is assigned by the Central Office to assist each Council Board as it carries out its by-laws and statutory responsibilities. The specific responsibilities of the community representatives are not mentioned in the Standards for the Recognition of Local Councils for Children; however, in practice, the community representative is expected to provide a Council Board with technical assistance and perform tasks as assigned by a Board.<sup>306</sup>

The Central Office rarely interferes with Local Council Board actions.<sup>307</sup> Involvement by the Central Office in Board actions is limited to instances of a violation of a state or federal law by a Board, or non-compliance with Standards for the Recognition of Local Councils for Children.<sup>308</sup> The philosophy of the Sargent administration in creating Local Councils, namely, ". . . to enable citizens at the local level to deal with their own problems" is adhered to and encouraged by the Central Office.<sup>309</sup>

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<sup>306</sup>John Holiman, interviewed at Boston, Massachusetts, January 1975.

<sup>307</sup>Ibid.

<sup>308</sup>Standards, ss 111.01.

<sup>309</sup>Communication between Office for Children and Executive Office of Human Services concerning Office for Children Budget Request (dated November 29, 1973).

The Central Office has not attempted to exercise control over the Local Councils through what may be termed "illusory decentralization."<sup>310</sup> In his study of administrative decentralization in the United States Forest Service, Herbert Kaufman pointed out that forest rangers, because of their training, oftentimes carry out administrative tasks which, although freely made, are substantially predictable and conform to headquarters doctrine.<sup>311</sup> Although the actions of Local Council Boards oftentimes do coincide with Central Office opinions there would appear to be no calculated effort by the Central Office to shape Board actions.

Instances of referral of matters to the Central Office for clearance as a prerequisite to the undertaking of responsibilities by a Local Council are practically non-existent.<sup>312</sup> The Central Office does maintain contact with Local Council Boards, and the influence of the former is felt, largely through personal contact or use of memoranda;<sup>313</sup> however, the use of personal contacts and memoranda are a means of providing Board members with assistance. For example, the issuance of a Central Office memorandum explaining Massachusetts' conflict of interest laws

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<sup>310</sup> Herbert Kaufman, The Forest Ranger, cited in James W. Fesler, "Approaches to the Understanding of Decentralization," Journal of Politics 27 (August 1965), p. 556.

<sup>311</sup> Ibid.

<sup>312</sup> John Holiman, interviewed at Boston, Massachusetts, January 1975.

<sup>313</sup> Ibid.

was of great assistance to Local Council Boards who were concerned with allocating State monies for child service programs.<sup>314</sup>

Delegation of Authority from the  
Central Office to Local Councils

The Central Office has worked to assist the Local Councils in the latter's performance of their statutory functions. Moreover, the Central Office has delegated additional responsibilities to Local Councils which have broadened the scope of the latter's advocacy responsibilities. One program developed by the Central Office and through which Local Councils have gained additional advocacy responsibilities is the Project for Children program. This program has been defined as "a service project developed on a cooperative interdepartmental basis by the Department of Public Health, Mental Health, Public Welfare, and Youth Services. . ."<sup>315</sup> The objectives of the Project for Children Program are twofold: (1) aiding children who "fall through the cracks," that is, children who, although in need of services, are not receiving services from a state child service agency; and (2) developing new needed services for children.<sup>316</sup>

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<sup>314</sup> See Memorandum from David Liederman, Director, Office for Children, to Council Chairpersons and Community Representatives (March 7, 1974).

<sup>315</sup> Interim Report, p. 1.

<sup>316</sup> Annual Report, p. 19.

The Central Office has delegated to each Local Council the power to decide whether or not there should be a particular Project for Children and, if so, the amount of funding it should receive. The close cooperation of the Regional Offices with Local Councils is an important part of the Project for Children program.<sup>317</sup> During fiscal year 1974, 4.3 million dollars was divided among the seven regions for use in Project for Children programs.<sup>318</sup> In fiscal year 1975 each Council will receive over 125,000 dollars in Project for Children funds, over which they will have exclusive funding control.<sup>319</sup> During fiscal year 1974 more than 350 contracts, totaling in excess of two million dollars, were entered into between Local Councils and private child service agencies.<sup>320</sup>

The delegation to Local Councils, through their Boards, of power to actually fund specific Project for Children programs represents a grant of authority in addition to that delegated by section Seven of Chapter 785 of the Acts of 1972. The authority to actually determine whether or not a program is to be funded enables Local Councils to more effectively advocate for children.<sup>321</sup>

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<sup>317</sup>Ibid.

<sup>318</sup>Handbook, p. 5.

<sup>319</sup>Ibid.

<sup>320</sup>Commonwealth of Massachusetts, Office for Children, Office for Children 1974 Annual Report Supplement (March 1975). This Supplement lists all programs developed by the Local Councils.

<sup>321</sup>John Holiman, interviewed at Boston, Massachusetts, January 1975.

The advocacy function of Local Councils is further enhanced by the efforts of Interdepartmental Teams of other state child service Departments of the Executive Office of Human Services -- the Departments of Public Health, Mental Health, Public Welfare and Youth Services. These Interdepartmental Teams are a most important part of the Project for Children program. The Interdepartmental Teams are located in each Regional Office. One of their main responsibilities is to provide Council Boards ". . . with technical assistance in reviewing program proposals for funding. . . and in evaluating programs."<sup>322</sup> The technical assistance provided by these Interdepartmental Teams is of great value to Local Councils in the performance of their advocate function.<sup>323</sup>

Contractual agreements signed by the Central Office and other state child service agencies represent additional sources of authority for Local Councils. Under these contractual agreements Local Council Boards are given major administrative responsibilities in the purchase of service functions of certain child service agencies. This additional grant of authority has greatly expanded the advocate function of the Local Councils.

Under a contractual agreement entered into by the Central Office and the Department of Public Welfare, Local Council Boards are empowered to review and make recommendations for the funding

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<sup>322</sup>Annual Report, p. 19.

<sup>323</sup>John Holiman, interviewed at Boston, Massachusetts, January 1975.

of numerous child service programs which are the statutory responsibility of the Department of Public Welfare.<sup>324</sup> The agreement involves the following children's services which are the responsibility of the Department of Public Welfare under Massachusetts General Laws, Chapter 18, Section 2: day care services for children including but not limited to infant and toddler programs; family day care; day care centers; after school day care and special needs day care; homemaker services to families with children; protective services for families and children including counseling and crisis intervention; emergency care and shelter for children; services to unmarried mothers; group care facility services for children; services to runaway children including temporary shelter care and counseling; training and recruitment services for foster care or adoption; family life education and counseling services; drug addiction and alcoholism services; foster care services; and day treatment services.<sup>325</sup>

The agreement between the Central Office and the Department of Public Welfare states that upon receipt of proposals for purchase of service submitted, the Department of Public

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<sup>324</sup> See Agreement between the Department of Public Welfare and the Office for Children Regarding Participation of Councils for Children in Purchase of Service Contracting by the Department (undated), (hereinafter referred to as Agreement).

<sup>325</sup> Agreement, p. 1.

Welfare is to forward each proposal ". . . to the [Local Council Board] in the substate area in which the potential provider is located."<sup>326</sup> Subsequent to this the Local Council Board to which the proposal has been sent ". . . shall review and make recommendations concerning approval or disapproval of proposals within thirty days."<sup>327</sup> After a recommendation has been made by the Local Council Board the Department of Public Welfare, in most instances, is obliged to enter into a purchase of service contract with the designee of the Local Council Board.<sup>328</sup> If the Department of Public Welfare disputes a Local Council recommendation the administrative heads of the Office for Children and the Department of Public Welfare are authorized to attempt to resolve the disagreement.<sup>329</sup>

In addition to the contractual agreement with the Department of Public Welfare a somewhat similar arrangement exists between the Central Office and the Department of Mental Health.<sup>330</sup> Under its agreement with the Department of Mental Health a "Joint-Review Committee," half of whom must serve on Local Council

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<sup>326</sup>Ibid., p. 3.

<sup>327</sup>Ibid.

<sup>328</sup>Ibid., p. 4.

<sup>329</sup>Ibid.

<sup>330</sup>See Agreement between Department of Mental Health and Office for Children (undated).

Boards, is given administrative control over . . . all mental health and retardation services to children, including drug programs, legal medicine services, and retardation services delivered by or paid for [by] the Department of Mental Health . . . ."331 In addition this agreement specifically calls for a "joint advocacy" undertaking between the Office for Children and the Department of Mental Health.332

The valuable assistance given Local Councils by the Central Office and the efforts made by the Central Office to increase the authority of Local Councils to advocate for children demonstrate the cooperative effort existing between these two administrative levels. The staff of the Central Office has enthusiastically supported increasing the authority of Local Councils.333 Increased Local Council authority represents increased citizen participation and this may have the effect of offsetting feelings of powerlessness and frustration often associated with centralized bureaucracy.334 And yet, increased citizen participation oftentimes arouses discontent among public

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331 See Policy Clarification of Department of Mental Health - Office for Children Agreement.

332 Ibid.

333 Robert Dowling, interviewed at Boston, Massachusetts, January 1975.

334 See H. George Frederickson, ed., "Curriculum Essay on Citizens, Politics, and Administration in Urban Neighborhoods," in Adam W. Herbert, "Management Under Conditions of Decentralization and Citizen Participation," Public Administration Review 23 (Special Issue - October 1972), p. 623.

employees and their administrative superiors, both of whom may fear that their expertise and status is being taken for granted or ignored.<sup>335</sup> This development has not occurred with Central Office employees in their relationship with Local Councils, and perhaps so because the Office for Children is a new agency without well-established policies or entrenched administrators with a settled view of how policy should be carried out. Because the Office for Children is a newly created state agency there is little likelihood that the Central Office, in its relationship with the Local Councils will be affected by an agency tradition that resists alteration.<sup>336</sup> The "organizational pride" which oftentimes is a characteristic of new agencies exists in the Central Office of the Office for Children.<sup>337</sup> The Central Office is committed to decentralization; and this "organizational pride" is manifested in Central Office efforts to increase the authority of the Local Councils. These factors have made possible a close working relationship between the Central Office and the Local Councils.

The placing of decision-making power into the hands of citizens rather than public employees has been viewed by some

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<sup>335</sup>Ibid., p. 627.

<sup>336</sup>It has been noted that bureaucracy, over a period of time, oftentimes develops a departmental policy which ". . . tends to harden into a tradition that resists alteration." See Key, Politics, Parties and Pressure Groups, p. 695.

<sup>337</sup>Rehfuss, p. 9.

public administrators as a "negation of the expertise built up by the specialist."<sup>338</sup> This viewpoint is not shared by the Central Office which views its role as using the expertise of its staff to increase the authority of Local Councils.<sup>339</sup> The Central Office may be seen as a "change agent" and, as such, the Central Office is not concerned with the traditional authoritarian ideology of public administration but with a "new public administration."<sup>340</sup>

The Central Office and Local Councils --  
Administrative Interdependence

The close working relationship existing between the Central Office and Local Councils, as exemplified by the increased delegations of authority given to the Local Councils, has been of benefit to the Central Office. The broad representation on each Local Council provides the Central Office with a base of support it very much needs. The delegation of increased authority to Local Councils by the Central Office may well serve to solidify the existing relationship between these two administrative levels, thus allowing the Central Office to maintain its base of

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<sup>338</sup>Frederickson, p. 623.

<sup>339</sup>Robert Dowling, interviewed at Boston, Massachusetts, January, 1975.

<sup>340</sup>Frederickson, p. 623.

support.<sup>341</sup>

Because administrative agencies both lead and are led by their clientele, the Central Office must be seen as greatly benefiting from the numerous child service interests that are represented on each Local Council Board.<sup>342</sup> The Local Council Boards may be seen as providing the Central Office with a large constituency which is ". . . diffuse and which is not central or preoccupying for any group."<sup>343</sup> Grant McConnell asserts that this type of constituency support allows governmental units to better serve the public interest.<sup>344</sup> Thus, in obtaining input from Local Councils the Central Office will not be acting at the request of "narrow constituent interest groups."

In addition to providing a built-in source of support for the Central Office as it performs its statutory functions, and in addition to providing input to the Central Office for the latter's statewide advocacy efforts, the Local Councils have also been used to advocate directly on a statewide level. The

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<sup>341</sup>For a general discussion of this type of relationship between a bureaucracy and the interests served by that bureaucracy, see Dimock, Dimock, Koenig, p. 494.

<sup>342</sup>Long, The Polity, p. 53.

<sup>343</sup>McConnell, p. 109.

<sup>344</sup>Ibid.

Central Office, very much aware of the fact that the group process is essential for breaking through the "formalisms" of government,<sup>345</sup> has directly involved Local Councils in lobbying efforts on behalf of statewide children's issues. The Local Councils, at the request of the Central Office, have lobbied at the State House in an attempt to gain support for the 1975 "Children's Budget."<sup>346</sup> When needed the Central Office has directly involved Local Councils in statewide advocacy efforts which are the main responsibility of the Central Office.

The Central Office asserts that Local Councils are "community based citizens advocates"<sup>347</sup> while the Central Office is an agency of state government which ". . . works within state government."<sup>348</sup> By emphasizing the non-governmental character of Local Councils the Central Office has been able to more effectively utilize Local Councils in the political process. Local Councils have been encouraged by the Central Office to advocate

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<sup>345</sup>David Truman, The Governmental Process, in Theodore Lowi, "The Public Philosophy, Interest Group Liberalism." American Political Science Review 61 (March 1967), p. 13.

<sup>346</sup>Annual Report, p. 8.

<sup>347</sup>Ibid., p. 38.

<sup>348</sup>Ibid.

for children by contacting their elected officials.<sup>349</sup> On occasion, Local Councils have discussed the possibility of working against the reelection efforts of certain elected officers not in agreement with its views of Local Council Board members.<sup>350</sup> Political involvement of that type would be unwise for an agency of state government not only because of its status as a state agency but also because its status makes it potentially vulnerable to retaliation from the Legislative Branch of State Government. In addition, there may be legal restraints on the involvement of state employees in political campaign efforts.<sup>351</sup> However, because Local Councils, even though they perform statutory functions, are characterized by the Central Office as "citizens groups" they are able to engage in types of political activity that would not be permissible for a state agency. As a result the aggressive "legislative liaison" work undertaken by Local Councils is legitimized with the Central Office being a chief beneficiary of these Local Council actions.

While the Local Councils are visualized as not being adjuncts of state government, the Central Office is seen as being an important part of the state governmental structure. The fact

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<sup>349</sup> John Holliman, interviewed at Boston, Massachusetts, January 1975.

<sup>350</sup> Ibid.

<sup>351</sup> For example, see Chapter 859 of the Acts of 1974 where distinctions are made between the political activities of state employees and the political activities of other individuals.

that the Central Office is a state agency has aided it in performing those functions which involve the Central Office with other state agencies. In its capacity as a state agency the Central Office is mandated to concern itself with other state child service agencies. As a state agency the tasks of monitoring and evaluating the programs of other state child service agencies and of involving itself in the budgetary process of other state agencies have been made easier because the Central Office is itself a state agency.<sup>352</sup>

While Local Councils, as "citizens groups," aid the Central Office it must not be forgotten that Local Councils do perform governmental functions as set down in Section Seven of Chapter 785 of the Acts of 1972. In addition, as has already been pointed out, Local Councils have also been delegated additional responsibilities by the Central Office. Therefore, the Local Councils, even though they are "citizens groups" do have administrative responsibilities which must be characterized as governmental. Thus, as governmental adjuncts, even though they are not envisioned as such, Local Councils perform important responsibilities for the Central Office.

A primary function of the Local Councils is advocating within a Council area and not directly on a statewide level.

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<sup>352</sup> Robert Dowling, interviewed at Boston, Massachusetts, January 1975. The Office for Children is also a part of the Executive Office of Human Services which enables the Office to use its status to influence other child service agencies.

Moreover, Local Councils also provide input to the Central Office which can be used by the latter on the statewide level. The Help for Children program is one example of a Local Council activity aiding the Central Office. This type of relationship between the Central Office and Local Councils is most beneficial to the Central Office. Recommendations by any one of thirty-nine Local Councils could be used to justify statewide action already planned by the Central Office.<sup>353</sup> The Central Office consistent with its philosophy of being "responsive to the public" could use the Local Councils to shield the Central Office from criticism over a Central Office action.<sup>354</sup> Moreover, because Local Councils advocate on a local level, the Local Councils, and not the Central Office, are likely to become the target of those local groups unhappy over the administration of children's service programs in a particular community.<sup>355</sup>

The Local Councils further assist the Central Office by filling a need, very much in evidence today, for participation by citizens in the public administrative process.<sup>356</sup> This need for citizen participation is often seen as necessary to offset

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<sup>353</sup>Barr, p. 76.

<sup>354</sup>Ibid.

<sup>355</sup>Ibid.

<sup>356</sup>Thomas D. Lynch, ed., "Neighborhoods and Citizen Involvement," in James Reidel, "Citizen Participation, Myths and Realities," Public Administration Review 22 (May/June 1972), p. 212.

feelings of frustration caused by the real or imagined failure of government to appropriately respond to the wishes of its citizenry.<sup>357</sup> This frustration appears to have been very much in evidence in Massachusetts prior to the creation of the Office for Children when there was no one agency concerned with the administration of children's services.<sup>358</sup> The failure of the Massachusetts state administrative process to respond effectively to children's concerns was a major factor in the creation of the Office for Children.<sup>359</sup>

It is a widely accepted fact that elected officials, in their actions as elected officials, are subject to public scrutiny. This same degree of scrutiny, however, has not always greeted administrators or the administrative programs they oversee.<sup>360</sup> Jacksonian democracy, with its emphasis on decentralized decision making and participation, regardless of education or social standing, was seen as a cause of administrative disorganization and chaos.<sup>361</sup> As a consequence, early public administration practitioners sought to reverse this process by asserting

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<sup>357</sup>Ibid.

<sup>358</sup>Rowe, p. 9-29.

<sup>359</sup>Ibid.

<sup>360</sup>Frederickson, p. 624.

<sup>361</sup>John H. Strange, ed., "The Impact of Citizen Participation on Public Administration," in John H. Strange, "Citizen Action in Model Cities and CAP Programs," Public Administration Review 32 (September 1972), p. 457.

that democracy is best served by denying its relevancy in the administrative process.<sup>362</sup> Public administrators such as Woodrow Wilson thought then that democracy was threatened by too widespread a distribution of power.

There is no danger in power, if only it be not irresponsible. If it be divided, dealt out in shares to many, it is obscured; if it be obscured, it is made irresponsible.<sup>363</sup>

The result was a reversal of the nineteenth century belief that democracy is achieved by distributing the functions of government among the people.<sup>364</sup> The administrator and the administrative process became less a part of the public process.<sup>365</sup>

Modern day developments in the field of public administration theory have lessened the impact of the view that democracy has no relevance in the administrative process.<sup>366</sup> Dwight Waldo attributes this change to two main factors: (1) rejection of the dogma that politics and administration are separate; and (2) critical treatment of efficiency as the central concept of the public administrative process.<sup>367</sup> These factors have helped

<sup>362</sup>Dwight Waldo, "Development of Theory of Democratic Administration in Recent American Political Theory," American Political Science Review 46 (March 1952), p. 85.

<sup>363</sup>Waldo, p. 86.

<sup>364</sup>Ibid.

<sup>365</sup>Ibid.

<sup>366</sup>Ibid.

<sup>367</sup>Ibid., p. 87.

foster a realization that democracy does have relevancy in the public administrative process. The nagging difficulty that remains, however, is how to reconcile the desire for democracy with administrative authority.<sup>368</sup>

Local Councils fulfill an important function for the Central Office in that they provide a forum for involvement in the administrative process by individual citizens and groups of citizens. But, in addition, the Local Councils, through actions of their Boards, undertake to perform administrative tasks which actually are of benefit to the Central Office. Therefore, participation by citizens through Local Councils, while it in and of itself serves a useful purpose, is also a means to an end which is of value to the Central Office.

The Central Office places heavy emphasis on the fact that it is "responsive to the public" and that there is "real citizen participation and control in making decisions."<sup>369</sup> This emphasis is found not only in many Central Office publications, but is also frequently referred to inside the Central Office itself.<sup>370</sup> This emphasis on citizen participation is of value to the Central Office because it symbolizes an objective which the Central Office

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<sup>368</sup>Ibid., p. 102.

<sup>369</sup>Handbook, p. 4.

<sup>370</sup>Robert Dowling, interviewed at Boston, Massachusetts, January 1975.

is seeking.<sup>371</sup> The symbol of participation in the life of community institutions is a valuable one today. This aristotelian concept is very much applicable to the administrative process and has application within an administrative organization as well.

The Local Councils are the vehicle through which the Central Office is "responsive to the public, accessible to the public and accountable to the public."<sup>372</sup> In responding to Local Councils the Central Office, very much in need of Local Council support, is not only being responsive but is also solidifying its base of support.<sup>373</sup> This relationship allows the Central Office to avert threats to its own stability or existence.<sup>374</sup> The Local Councils are thus a very important part of the policy making structure of Central Office; but at the same time they allow this new agency of state government to maintain its status in the child service community. This mutually beneficial relationship,

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<sup>371</sup>One of the greatest challenges to public administrators operating within a participatory environment is balancing the need of citizens to participate with the socio-emotional needs of public employees. See Frederickson and Herbert, p. 623. The Central Office has had little difficulty in maintaining this balance and this may be so because the Central Office has always sought to increase Local Council authority.

<sup>372</sup>Handbook, p. 4.

<sup>373</sup>For a general discussion of this type of relationship between a bureaucracy and the interests served by that bureaucracy see Dimock, Dimock, Koenig, p. 494.

<sup>374</sup>Ibid.

similar in some respects to the process of cooptation described by Philip Selznick,<sup>375</sup> greatly enables the Office for Children to undertake the performance of its advocate function.

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<sup>375</sup>Philip Selznick, T.V.A. and the Grass Roots - a Study in the Sociology of Formal Organization (Berkeley: University of California Press, 1953).

## C H A P T E R I V

### CONCLUSION

It has been stated that the institutions of government reflect the number and variety of interests in society.<sup>376</sup> The accuracy of this statement may best be proved by drawing a relationship between the many child service agencies in Massachusetts and the plethora of interests served by those agencies. The presence of numerous child service agencies in Massachusetts is a reflection of the numerous interests concerned with children. This has not been doubted. What, then, is to be said of the number and variety of interests in society when an agency of government like the Office for Children is created? It is that the number and variety of child service interests in society are a significant political force.

As has been shown in this thesis, children's interests have a significant impact on the governmental process because children's interests are the concern, too, of those other than children. This fact, coupled with other factors, one of which being the symbolism that is associated with children, has made children's interests a major concern of state government in Massachusetts.

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<sup>376</sup>Truman, p. 502

The main ingredient for the success of any administrative agency is power, and that is cultivated by the maintenance of a close relationship between an administrative agency and the interests served by the agency.<sup>377</sup> This is no less true where child service agencies are concerned, and this is especially true of one particular child service agency, the Office for Children. The Office as a new agency is now in the process of becoming institutionalized and of developing working relationships with the interests it serves. The success of this new agency will depend on its ability to cultivate support and to maintain that support.

The Office for Children, because it is a clientele agency and because its clientele are children, is in an envious position in terms of having the potential to obtain support (and thus power) from a large number of interests. This support may be obtained from the many interests that helped create the Office for Children. Further, the fact that the scope of what are thought to be children's interests will not be decreasing in the future, and the fact that there is a symbolism connected with children that is a positive force in the political system, will enhance the potential support of the Office for Children.

What is most unique about the potential for success of the Office for Children is its position with respect to other child

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<sup>377</sup> Long, Public Administration Review, p. 259.

service agencies and its unique functions, one of which is the advocate function. The advocate function enables the Office, in numerous ways, to speak for children as a group. The Office for Children takes a broad view of its advocate function and this has enabled the Office to establish itself as an agency of government.

The Office has, as an important part of its constituency, other state child service agencies. The Office seems to be aware of the fact that the success of the Office is partly a consequence of maintaining good working relationships with these established agencies. As the Office becomes institutionalized, there will be less conflict arising because of overlapping administrative responsibilities. What may well result is a realization that working in concert will be to the benefit of the Office for Children as well as established child service agencies.

The Local Councils for Children now provide many useful functions for the Office as the latter attempts to establish itself as an administrative agency. Most importantly, the Local Councils provide the Office with a built in base of support which is very much needed. And the Office has taken steps to increase the functions of Local Councils, thus assuring the Central Office of future support from the Local Councils.

The true value of the advocate function of the Office for Children is that, like many statutes pertaining to children, it

is broad and may be interpreted very broadly. This enables the Office for Children to use its advocating power in a somewhat flexible way. Presently, at a time when the Office is attempting to establish itself, the advocate function, broadly interpreted, aids the Office in developing support which is very much needed. However, as an administrative agency, the Office, to survive and prosper, must be able to change in response to changing conditions.<sup>378</sup> It is this potential which the advocate function can also provide and, because of this, the Office for Children is well prepared to meet its future administrative needs.

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<sup>378</sup> Pfiffner and Presthus, p. 33.

CHAPTER V  
APPENDIX

APPENDIX I

*There is a final agreement* 112

AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC WELFARE AND THE OFFICE FOR CHILDREN  
REGARDING PARTICIPATION OF COUNCILS FOR CHILDREN IN PURCHASE  
OF SERVICE CONTRACTING BY THE DEPARTMENT

Agreement between the Massachusetts Department of Public Welfare (hereinafter, DPW) and the Massachusetts Office for Children (hereinafter, CFC).

WHEREAS, DPW and CFC desire that Councils for Children (hereinafter, Councils), authorized by G.L. c. 23A, s. 7, and formally recognized by CFC in accordance with its rules and regulations, be an integral part of the decision-making for and monitoring of certain purchases of social services by DPW;

WHEREAS, pursuant to G.L. c. 18, s. 2, it is the responsibility of DPW to provide comprehensive social services to children and families;

WHEREAS, pursuant to G.L. c. 28A, s. 4, it is the responsibility of CFC to determine the need for, promote the coordination of, monitor and evaluate services to children throughout the Commonwealth; and

WHEREAS, pursuant to G.L. s. 28A, s. 7, it is the responsibility of each Council to determine the need for, evaluate and monitor children's services in its locality and to review and make recommendations concerning approval or disapproval of proposals for services to children in its locality;

NOW, THEREFORE, DPW and CFC agree as follows:

SECTION I. Services Covered

A. Kinds of Services

The following services are included in the scope of this agreement:

- (1) day care services for children, including but not limited to infant and toddler programs, family day care, day care centers, after-school day care and special needs day care;
- (2) homemaker services to families with children;
- (3) protective services for families and children, including but not limited to counseling and crisis intervention;
- (4) emergency care and shelter for children;
- (5) services to unmarried mothers;
- (6) group care facility services for children;
- (7) services to runaway children, including but not limited to temporary shelter care and counseling;
- (8) training and recruitment services for foster care or adoption;
- (9) family life education and counseling services;

- (10) drug addiction and alcoholism services;
- (11) foster care services; and
- (12) day treatment services.

Nothing in this agreement shall cover family foster care as defined in G.L. c. 28A, s. 9, or adoptive placement services for particular children and prospective adoptive parents.

B. Method of Purchase

Services listed in IA, above, and purchased by the DPW through the Purchase of Service Unit (hereinafter, DPW-PCS) shall be subject to the procedures described in Section II of this agreement.

All other services listed in IA, above, and purchased by DPW shall be subject to study by Councils in accordance with procedures agreed to by the Director of CFC and the Commissioner of DPW. Such studies may include:

- (1) an evaluation of a service provider who receives substantial payment through individual vendor agreements or contracts; and
- (2) a general survey of such services in a particular substate area. Recommendations resulting from such studies shall be submitted to the Commissioner of DPW and the Director of CFC.

SECTION II. Procedure for Purchase of Services

Procedures described in paragraphs B through F, below, shall be followed for all purchases of service subject to this section. In addition, procedures described in paragraph A shall be followed for services subject to this section which are purchased under the donated funds program authorized under Title IV-A of the Social Security Act.

A. Donation

- (1) Upon receipt of a letter of intent to donate funds which stipulate the geographic location in which the funds are to be expended and specifies the social services to be provided, DPW-PCS will send questionnaires to:
  - (a) Councils in the stipulated geographic area;
  - (b) DPW regional and local offices in the stipulated geographic area;
  - (c) CFC regional offices in the stipulated geographic area; and
  - (d) other planning and coordinating agencies in the stipulated geographic area.

The questionnaire will be designed to assess the local need and priority for the specified service and the capacity of the local social service delivery system to provide the specified service to the extent suggested by the donation.

(2) Councils and CFC regional offices shall return the questionnaires to DFW-PCS within fourteen days from the date of postmark.

(3) If it determines that the assessment of local needs, priorities and capacities warrants acceptance of the donation, DFW will enter a donation agreement and send a request for proposals to all agencies within the stipulated geographic area who have demonstrated experience in providing the specified service or who have expressed interest in initiating such services.

(4) DFW-PCS will send a list of the names of agencies receiving the request for proposals to those agencies and organizations to whom questionnaires were sent under sub-paragraph (1).

#### B. Request for Proposals

(1) Prior to distributing requests for proposals for particular services, DFW-PCS will send questionnaires designed to assess the need for services to all Councils, CFC regional offices and DFW regional offices.

(2) Councils and CFC regional offices shall return the questionnaires to DFW-PCS within fourteen days from the date of postmark.

(3) DFW-PCS will send requests for proposals to all agencies who have demonstrated experience in providing the particular services or who have expressed interest in initiating such services. Whenever in the judgment of DFW, limitation of funds would make it inadvisable to distribute requests for proposals to all agencies who have demonstrated experience or interest, it will send out requests for proposals on a limited basis to be determined by DFW and CFC.

(4) Upon receipt of proposals, DFW-PCS will forward each to:

(a) the Council in the substate area in which the potential provider is located, or if no Council exists, to the CFC regional office in the region in which the potential provider is located;

(b) appropriate personnel in DFW regional offices.

DFW-PCS will send proposals in groups wherever possible and shall accompany each proposal with a memo with specific information on location, maximum dollar amounts and minimal criteria for review which are agreed upon by DFW-PCS and CFC.

Whenever a proposal affects more than one Council area, DFW-PCS shall send the proposal to each such Council and immediately notify CFC of such distribution. CFC will be responsible for assuring the coordination and monitoring of the review of such proposal.

#### C. Council Review

(1) A Council shall review and make recommendations concerning approval or disapproval of proposals within thirty days of the date of postmark and send a written report to DFW-PCS and to CFC regarding its review. If a Council fails to send a written report within thirty days, DFW-PCS and CFC may proceed to negotiate contracts in that given area.

(2) Councils shall review proposals in accordance with guidelines and procedures established by OFC which shall require at a minimum:

- (a) participation on the Proposal Review Committee and the Policy Board of the Council which does not violate G.L. c. 263A, the Conflict of Interest laws of the Commonwealth;
- (b) fair and even-handed review for all proposals; and
- (c) written reports detailing the reasons for recommending approval or disapproval of any proposal.

D. DFW Regional Office

(1) Appropriate regional DFW staff will review and make recommendations for approval of proposals to DFW-POS within ten working days of the receipt of the proposal.

E. Contract Negotiations

(1) DFW will negotiate and sign contracts after consideration of Council review and other information available to it which supports the need for service and the provider's ability to assure service requirements. If DFW disagrees with the recommendations made by the local Council, it shall provide the local Council involved with written notice and reasons therefore and shall immediately attempt to resolve differences. In the event that a disagreement persists between a Council and DFW, no action inconsistent with the Council recommendation shall be taken by the Commissioner until the Director and the Commissioner establish a final process for attempting to resolve the dispute.

(2) DFW will consider expanding or renewing existing contracts for a second year (or any other time period beyond the initial term) after consideration of Council review and other information available to it which supports the need for the service, the provider's ability to meet added service requirements and the quality of the service.

(3) In cases of proposed expansion or renewal, DFW-PCS will require the provider to complete an abbreviated proposal which will then be subject to the procedures set forth in this section.

F. Extensions

(1) DFW-PCS may extend contracts for short periods, in no case longer than six months, without following the Renegotiation process. DFW-PCS will notify each Council of any extension in its area.

G. Termination of Contracts

(1) DFW may terminate contracts unilaterally, if consistent with the terms of the contract, if the provider is not maintaining compliance with the contract or if funds are no longer available. DFW shall notify the appropriate Council or Councils of such termination at the same time as it notifies the provider.

SECTION III. Arbitration

DPW and CFC shall submit to arbitration before the Secretary of Human Services or his designee any controversy arising out of, or relating to, this agreement. The decision of the Secretary shall be binding upon DPW and CFC.

SECTION IV. Evaluation

DPW-PCS and CFC shall evaluate the implementation of this agreement and submit periodic reports to the Commissioner of DPW, the Director of CFC, and the Secretary of Human Services which may include recommendations for changing any terms herein.

SECTION V. Schedule of Implementation

Implementation of this agreement shall begin upon signing. CFC will provide DPW with the names and addresses of all recognized Councils and DPW will begin the process described in Section II. Until a recognized Council exists in a given area, DPW shall proceed in its customary manner to negotiate contracts.

SECTION VI. Relationship of Local Councils and Welfare Community Service Boards

Each recognized Council shall establish a procedure for review of proposals subject to this agreement by the Community Service Center Advisory Board for that service area. The procedure may consist of one of the following:

- (1) establishment of a joint Proposal Review Committee, consisting of an equal number of consumers and providers from the Council and the Board, for the purpose of making recommendations on approval or disapproval to the Council for the purpose of aiding it in carrying out its responsibilities under Section II; or
- (2) forwarding of proposals from Council to the Board with an invitation for review and recommendation to the Council.

After July 1, 1974, no Council shall carry out the responsibilities of Section II without the establishment of the procedure required by this section unless the Commissioner of DPW and the Director of CFC authorizes it to do so.

SECTION VII. Amendments

This agreement may be amended at any time by mutual agreement of the parties.

SECTION VIII. Effective Date and Term

This agreement shall take effect on the date of signature of the last person to sign, and will continue in effect through December 31, 1975. This contract will be automatically renewed thereafter for successive periods of twelve months unless either party gives written notice of his intention to terminate to the other at least thirty days before the end of a contract year.

DEPARTMENT OF PUBLIC WELFARE

\_\_\_\_\_  
Steven A. Minter, Commissioner

\_\_\_\_\_  
Signature Date

OFFICE FOR CHILDREN

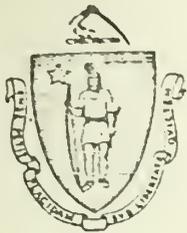
\_\_\_\_\_  
David S. Liederman, Director

\_\_\_\_\_  
Signature Date

Approved:

\_\_\_\_\_  
Peter C. Goldmark, Jr.  
Secretary of Human Services

APPENDIX II



Office for Children  
120 Boylston Street  
Boston, Massachusetts 02116

DAVID S. LIEDERMAN  
Director

Area Code (617)  
727-8900

POLICY CLARIFICATION OF DMH-OFC AGREEMENT

I. Scope of Agreement

- (1) The DMH-OFC agreement is meant to cover all mental health and re-tardation services to children, including drug programs legal medicine services, and retardation services delivered by or paid for the Department of Mental Health, and all mental health, retardation and drug programs purchased by the Office for Children.
- (2) For drug programs for FY'76 only: Drug programs will be reviewed and prioritized only at the area level by the Joint Review Committee. Final decisions on funding will be made at the regional level. One representative from each Joint Review Committee will be selected (from two nominees) to join the Regional Review Board. The representative selected to sit will be asked to participate in the formal training program for Regional Review Board members.
- (3) Specifically, a DMH program shall be described as eligible for joint review if it previously or currently qualifies for funding through the Division of Drug Rehabilitation, Mental Health, Retardation, or flexible children's money. Similarly, an OFC program shall be considered for joint review if it serves children 0-18 (or 0-22 if 766) and ultimately is suitable for transfer or funding within DMH accounts.
- (4) Clearly certain DMH program activities shall be outside the confines of this agreement, specifically services designed to serve adults.
- (5) Clearly certain program activities funded by OFC shall be outside the confines of the agreement including general social services, regular day care, family planning, education and tutorial programs, recreation services, medical services and general youth outreach and organizational activities, unless clearly limited to emotionally ill, disturbed or retarded children.
- (6) The agreement covers all funding for children's mental health services, including any federal, state or local (public or private) funding for children services. For cases of state funding, the agreement covers both "01", "02" personnel requests as well as "03", "07" purchase of service money. The agreement covers reallocation of funds as well as new and expanded programs.

II. Joint Activities Covered

This is an agreement of broad intent meant to encourage, support, and mandate, joint staff and board work in five major areas of activity as ways of achieving meaningful

## Integration of efforts at the community level:

- (a) Planning-joint assessment of needs and current resources. Mobilization of resources. Identify children not even being counted. Encourage coalitions with other citizen groups.
- (b) Setting Priorities-joint ranking needs of various target groups of children with various service needs. Putting together strategies for how best to use different kinds of resources.
- (c) Budgeting-joint decision making is both budget making and budget spending in an agreed on process and timetable and join grantsmanship activities to identify and persue new resources.
- (d) Monitoring and Evaluation-joint review of area mental health services to children.
- (e) Joint Advocacy-including community media work, legislative lobbying etc.

### III. Composition of the Joint Committee

The Joint Review Committee should have equal membership from the area board and the local Council. Membership from the area board shall include representation from the children's services, retardation and drug committees. The Chairman of the committee shall be elected from among the membership.

### IV. The Process

- (1) Each Joint Review Committee shall operate on clearly defined and voted up on guidelines.
- (2) Each Joint Committee should establish a specific set of procedures and timetables agreed to by both the Area Board and Council for receipt, distribution and review of proposals.
- (3) Each Area Board and Council shall define the powers of the area Joint Review Committee so that joint committees are either fully delegated full review and sign-off powers or are clearly asked to only make recommendations back to the whole board and council for final action.
- (4) There will be a mutually agreed-upon "decision for funding" date set by each area Board and Council for Children for acting on both OFC and DMH proposals.
- (5) No contract will be processed or signed by either DMH or OFC regional contract staff unless proposal is accompanied by letter from the Chairman of the Joint Review Committee indicating approval.

V. Regional Coordination

To ensure continuity of decisions, to respond to the needs of low incidence kids, and to ensure that the area priorities for funding are preserved in the DMH process at the regional level, the Commissioner of DMH will establish within each of DMH's regional councils a sub-committee on Children Services comprised of two representatives from each Joint Review Committee, including one representative from the area board and one representative of the local council for children. Membership from this sub-committee shall have voting membership on the DMH Regional Council.

VI. Appeal Process

Issues should be resolved if at all possible at the local level according to a locally developed, mutually agreed upon process. Unresolved conflicts shall be submitted to the Commissioner of DMH and the Director of OFC or their designees for resolution.

VII. Staffing

The Joint Review Committee shall be staffed jointly by the Area Director of the Area Board and the Community Representative for the Council.

VIII. Conflict of Interest

Membership on the Joint Review Committee shall be in compliance with the state's conflict of interest law.



The Commonwealth of Massachusetts

122

OFFICE FOR CHILDREN  
BOSTON, MASS. Executive Office of Human Services

Office for Children

100 Cambridge Street

MAR 20 1974

Boston, Massachusetts 02202

Area Code (617)  
727-7800

John ✓

MEMORANDUM

March 15, 1974

TO: Chairpersons of Councils for Children  
Presidents of Mental Health, Mental Retardation Area Boards

FROM: David Liederman, Director *DL*  
Office for Children

William Goldman, M.D., Commissioner *WG*  
Department of Mental Health

RE: Area Board/Local Council Joint Review for Purchase of Service

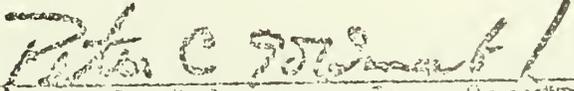
In order to implement the coordination of the Area Boards and the Councils for Children with regard to purchase of service money in the Governor's fiscal '75 budget, we are initiating the following steps:

1. OFC shall require that one position on the Policy Board of each Council be filled with the official designee of the Mental Health/Mental Retardation Board for the substate area.
2. The Commissioner of Mental Health shall fill one position on the Mental Health/Mental Retardation Area Board with the designee of the Council for Children in the substate area.
3. There shall be joint review by the committee referred to in 4, below, of all proposals for mental health or mental retardation programs for children which are to be purchased by DMH or OFC with funds whose expenditure is subject to review by the Area Board or the Council for Children.
4. In each substate area, the Area Board and the Council for Children shall come to an agreement on the makeup of a joint committee, chaired by either designee mentioned in (1) and (2) above, whose functions shall include:
  - A. Development of joint procedures and forms for soliciting proposals;
  - B. Development of joint procedures for assessing the need for mental health or mental retardation services to children in the area and for establishing priorities;

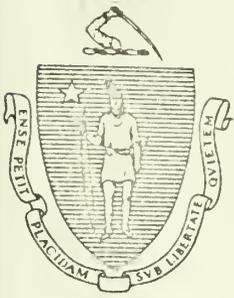
2.

- C. Review, evaluation and recommendation as to whether proposals for mental health or mental retardation services for children ought to be funded.
5. The members of the joint committee, the Area Board and the local Council shall be in compliance with Chapter 268A of the General Laws, the Conflict of Interest Law.
  6. In the event that the substate areas do not develop an agreement prior to July 1, 1974, for whatever reasons, the Commissioner of DMH and the Director of OFC shall determine how then to proceed.
  7. No mental health or mental retardation program for children shall be funded by DMH or OFC without review by the joint committee and agreement of the Area Board and the Council for Children that the program ought to be funded.
  8. In the event of a dispute between the Area Board and the Council for Children with respect to (1) whether a particular program ought to be funded, or (2) the applicability of any part of this agreement in a particular instance, the Area Board and the Council for Children shall refer the dispute to the Director of OFC and the Commissioner of DMH, who shall jointly decide a process for resolving the dispute.

Approved:

  
Peter C. Goldmark, Jr., Secretary  
Executive Office of Human Services

## APPENDIX III

*The Commonwealth of Massachusetts*OFFICE OF THE SECRETARY  
STATE HOUSE, BOSTON, MASS.

*Rules and Regulations filed in this Office under the provisions of  
CHAPTER 30A as amended.*

Filed by \_\_\_\_\_ OFFICE OF CHILDREN  
Standards for the Recognition of Local Councils for Children.

Date Filed \_\_\_\_\_ January 24, 1975

Date Published \_\_\_\_\_ January 31, 1975

Chapter 233, sec. 75

Printed copies of rules and regulations purporting to be issued by authority of any department, commission, board or Officer of the Commonwealth or any city or town having authority to adopt them, or printed copies of any ordinances or town by-laws, shall be admitted without certification or attestations, but if this genuineness is questioned, the court may require such certifications or attestations thereof as it deems necessary.

Attested as a true copy  
PAUL GUZZI

*Paul Guzzi*

SECRETARY OF THE COMMONWEALTH

## REGULATIONS OF THE OFFICE FOR CHILDREN

## CHAPTER II

STANDARDS FOR THE RECOGNITION

OF

LOCAL COUNCILS FOR CHILDREN

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE FOR CHILDREN  
ELTON B. KLIBANOFF, DIRECTOR  
120 BOYLSTON STREET  
BOSTON, MASSACHUSETTS

(CODE OF HUMAN SERVICES REGULATIONS)  
(TITLE 2 - CHILDREN)

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## Part 100 - Introduction

§ 100.01 Basis of Authority

The Office for Children was established by Chapter 785 of the Acts of 1972. It is mandated by G.L. c. 28 A, s. 7 to facilitate the establishment of local councils for children and to establish, after public hearings, guidelines and procedures for recognition of such councils. Local councils for children are authorized and established pursuant to the laws of the Commonwealth and may not incorporate.

## Part 101 - Definitions

§ 101.01 Definitions

As used in this chapter, unless the context otherwise requires, the following terms shall have the following meanings:

- (a) "Area" means a city or town, or combinations thereof, designated by the secretary of administration as a substate area.
- (b) "Board" means the decision-making board of a council.
- (c) "Consumer" means a person who is not a provider.
- (d) "Council" means a local council for children.
- (e) "Director" means the director of the Office for Children.
- (f) "Office" means the Office for Children.
- (g) "Provider" means a person who has a financial interest in or receives compensation from any public or private agency or business serving children. A person whose financial interest or compensation is insubstantial or whose job responsibility is remote from the business of serving children shall not be considered a provider. "Provider" shall not mean a person whose financial interest is limited to using services for children.

## Part 102 - Functions of a Council

§ 102.01 Functions of a Council

A council shall perform the following functions in accordance with the regulations in this chapter:

- (a) serve as an advocate for children;
- (b) determine the extent and availability of services to children within the area represented by the council;
- (c) develop an information and referral service for persons seeking services for children within the area;
- (d) determine the need for services to children within the area and make recommendations to the Office on priorities of need;

(e) evaluate and monitor existing children's services in the area;  
and

(f) review and make recommendations to the Office concerning approval or disapproval of proposals for state or federal funding for services to children in the area.

#### Part 103 - Membership on the Council

##### § 103.01 Opportunity for Membership

(a) A council shall provide a fair and open process for people to become members;

(b) A council shall widely publicize the opportunity of the general public to become members of the council. The council shall take affirmative action to assure that racial and ethnic minority groups are notified of such opportunities.

##### § 103.02 Council Membership

No person shall be a member of more than one council.

##### § 103.03 Consumer Eligibility

A consumer is eligible to join a council in the area where he resides or in the area where his children receive services.

##### § 103.04 Provider Eligibility

A provider is eligible to join a council if he or his agency or business serves children in the area represented by the council, or if he resides in the area represented by the council.

#### Part 104 - Decision-Making Board

##### § 104.01 Responsibility

A council shall have a decision-making board elected by the council membership which shall carry out the business of the council.

##### § 104.02 Size

✓ The board shall consist of at least twenty-one members.

##### § 104.03 General Representation

(a) Membership on the board shall be the result of a good faith effort to represent the geographical area of the council.

(b) Membership on the board shall be the result of a good faith effort to include racial and ethnic minority groups in the area.

(c) Membership on the board shall be a result of a good faith effort to include representatives from all income levels.

(d) Membership on the board shall be the result of a good faith effort to include persons under eighteen years of age.

§ 104.04 Consumer Representation

(a) More than fifty percent of the members of the board shall be consumers.

(b) Consumer representation shall reflect a wide range of interests and shall where possible include, but need not be limited to, persons with an interest in each of the following areas of children's services:

- (1) foster care or adoption;
- (2) physical handicaps;
- (3) mental retardation;
- (4) mental health;
- (5) day care;
- (6) special education;
- (7) adolescent services; and
- (8) general education.

(c) No person shall represent more than one category.

§ 104.05 Provider Representation

(a) Provider representation shall reflect a wide range of interests and shall where possible include, but need not be limited to, persons in each of the following areas of children's services:

- (1) social services;
- (2) physical health;
- (3) day care;
- (4) special education
- (5) public school administration or school committee member;
- (6) juvenile justice;
- (7) local government;
- (8) mental health;
- (9) mental retardation; and
- (10) recreation.

(b) No person shall represent more than one category.

§ 104.06 Representation of Area Board of the Department of Mental Health

One member of the board shall be a designee of the area board of the Department of Mental Health. He may be a consumer or a provider and may fulfill the requirement in sections 104.04 (b) (3) or (4) or 104.05 (a) (8) or (9) if the council so decides.

§ 104.07 Officers

The board shall select its officers in a manner consistent with its by-laws.

§ 104.08 By-Laws: Approval by the Office

(a) Each board shall have reasonable and fair by-laws covering its internal working procedures.

(b) By-laws shall cover membership, elections, collection and distribution of funds, vacancies on the board, removal of board members, officers, committees, meetings, notice, quorums, amendments to by-laws, and such other areas as are required in these regulations or desired by the council.

(c) By-laws shall be submitted to the Office for approval prior to, and as a condition of, recognition.

§ 104.09 Minutes of Meetings

Each board shall keep and maintain minutes, including votes, of all meetings.

Part 105 - Election of the Board

§ 105.01 Voting Eligibility Criteria for Election of the Board

(a) Reasonable and fair voting eligibility criteria shall be provided for by the council in its by-laws.

(b) Consumers shall vote only for consumers and providers shall vote only for providers.

(c) A council shall establish a minimum age for voting.

(d) Fees may not be charged for voting eligibility.

§ 105.02 Nominations

(a) Nominations from the floor by general members shall be provided for by the council in its by-laws.

(b) The council shall in its by-laws provide for such other nomination processes as it determines.

(c) No person shall be a nominee for election to the board unless such person is a member of the council.

§ 105.03 Notice of Election

(a) Council members shall be notified of the time, place, and method of an election at least fourteen days prior to the election.

(b) A list of nominees containing the names, addresses, area of interest and affiliations shall be distributed to council members prior to the balloting, (e.g., Jane Doe, 26 Bond Street, Anywhere, Massachusetts, mental health provider, social worker, ABC Mental Health Clinic).

§ 105.04 Election Procedures

(a) Elections shall be held according to procedures provided for by the council in its by-laws.

(b) Elections shall be by secret, written ballot.

(1) No consumer nominee shall participate in tabulating ballots for consumers.

(2) No provider nominee shall participate in tabulating ballots for providers.

§ 105.05 Term of Office

The term and rotation of board members shall be provided for by the council in its by-laws.

Part 106 - Committees

§ 106.01 Proposal Review Committee

(a) A council shall have a committee known as the "proposal review committee" which shall be responsible for making recommendations to the board concerning the approval or disapproval of proposals for funding services for children in the area.

(b) The proposal review committee shall consist of at least five members who shall be broadly representative of the areas of interest listed in sections 104.04 and 104.05. Members shall be elected or appointed in such manner as is provided for by the council in its by-laws.

(c) More than fifty percent of the members on the proposal review committee shall be consumers.

(d) Vacancies shall be filled in such a manner as is provided for in the council's by-laws.

(e) The proposal review committee shall vote on a proposal only when there is a quorum, which shall be one half of the committee's members plus one.

(f) The proposal review committee shall keep and maintain minutes, including votes, of all meetings.

§ 106.02 Other Committees

A council shall provide in its by-laws for such other committees as it determines necessary to carry out its functions in section 102.01.

Part 107 - Proposal Review

§ 107.01 Consideration of Proposals

The board may review and make recommendations to the Office concerning approval or disapproval of proposals for state or federal funding for services to children in the area.

§ 107.02 Written Procedures

The proposal review committee shall have a written description of its procedures. Such procedures shall include the process, if any, for on-site visits by the proposal review committee.

§ 107.03 Report of the Committee

The proposal review committee shall prepare a written report stating its specific recommendations on each proposal submitted to it and the reasons therefor. The report shall be submitted to the board for its action under section 107.04.

§ 107.04 Action by Board on Report of Proposal Review Committee

The board shall accept, reject, or modify the report of the proposal review committee by a majority vote at a regularly scheduled meeting. If the board rejects or modifies the report of the proposal review committee it may return the report to the committee with or without attached recommendations for further consideration. The board shall submit its final report to the director or his designee.

§ 107.05 Action by the Director or his Designee on Report of Proposal Review Committee

For proposals the Office is authorized to approve or disapprove or review, the director or his designee shall act in accordance with the report of the board unless:

(a) he believes that funding a proposal would violate any law or regulation of the Commonwealth or the United States. In such cases, he shall return the proposal in question to the council stating his reasons in writing; or

(b) he is reasonably convinced that the proposal review committee or the board acted in violation of these regulations. In such cases, he may reject all or part of the report stating his reasons in writing; or

(c) he has received information which he believes was not available to or was not properly considered by the proposal review committee or the board which, had it been available or been properly considered, would have influenced the decision of the proposal review committee or the board. In such cases, he may return the affected

proposals to the council for its reconsideration stating his reasons in writing and shall inform the council of all new information available to him.

#### Part 108 - Conflicts of Interest

##### § 108.01 Conflicts of Interest

The Office shall provide separate guidelines establishing procedures for applying the state conflict of interest law and the board and its committees shall abide by such guidelines.

#### Part 109 - Recognition

##### § 109.01 Requirements for Recognition

A council seeking recognition shall submit the following information to the office together with a request for recognition:

- (a) the names, titles, and affiliations of the council membership and the board;
- (b) an outline of a plan for carrying out the functions described in section 102.01;
- (c) a written explanation, including supporting documents, of compliance with part 104;
- (d) a copy of the written procedures required under section 107.02;
- (e) a copy of its approved by-laws.

##### § 109.02 Recognition

No council shall have the powers enumerated in section 102.01 unless it is recognized in accordance with the provisions of part 109.

##### § 109.03 Action by the Office

(a) The director or his designee shall meet with representatives of the board of a council seeking recognition within thirty days after receipt of the information required in section 109.01.

(b) The director or his designee shall grant recognition to a council if he finds it has complied with these regulations and shall deny recognition if he finds it has failed to comply with these regulations.

(c) The director or his designee shall, within thirty days after the meeting in section 109.03 (a), give written notice to a council that it is granted recognition as a local council for children or that it is denied recognition. Notice that recognition is denied shall contain an explanation of the reasons therefor.

(d) The Office shall provide technical assistance to a council denied recognition to help it meet these regulations.

§ 109.04 Up-Dating Information

Each council shall, within thirty days after the annual election of members to the board, notify the Office of board changes and such other changes in the information required by section 109.01.

§ 109.05 Suspension or Revocation

The director may suspend or revoke the recognition of a council if the council acts in violation of these regulations or if the council violates any law or regulation of the Commonwealth or the United States.

## Part 110 - Funds

§ 110.01 Grants; Bequests; Gifts; Contributions

Subject to the approval of the director, a council may apply for and accept on behalf of the Commonwealth any federal, local, or private grants, bequests, gifts or contributions to aid in the financing of any of the programs or policies of the council. Such funds shall be received by the state treasurer on behalf of the Commonwealth and be expended with the approval of the director. The provisions of part 107 shall apply to proposals funded with such grants, bequests, gifts or contributions.

## Part 111 - Removal of Board Member, Committee Member, or Officer

§ 111.01 Removal of Board Member, Committee Member, or Officer

The director may direct the board of a council to have the board remove a board member, a committee member, or an officer if the director finds such person has violated any provision of these regulations or any law of the Commonwealth or the United States. Failure by the board to act may result in the suspension or revocation of council recognition under section 109.05.

## Part 112 - Disputes

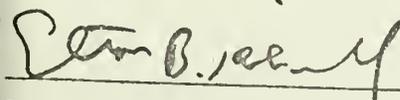
§ 112.01 Responsibility for Resolving Disputes

Each council shall be responsible for resolving disputes arising pursuant to all aspects of its operation and shall develop a mechanism therefor.

§ 112.02 Request for Intervention

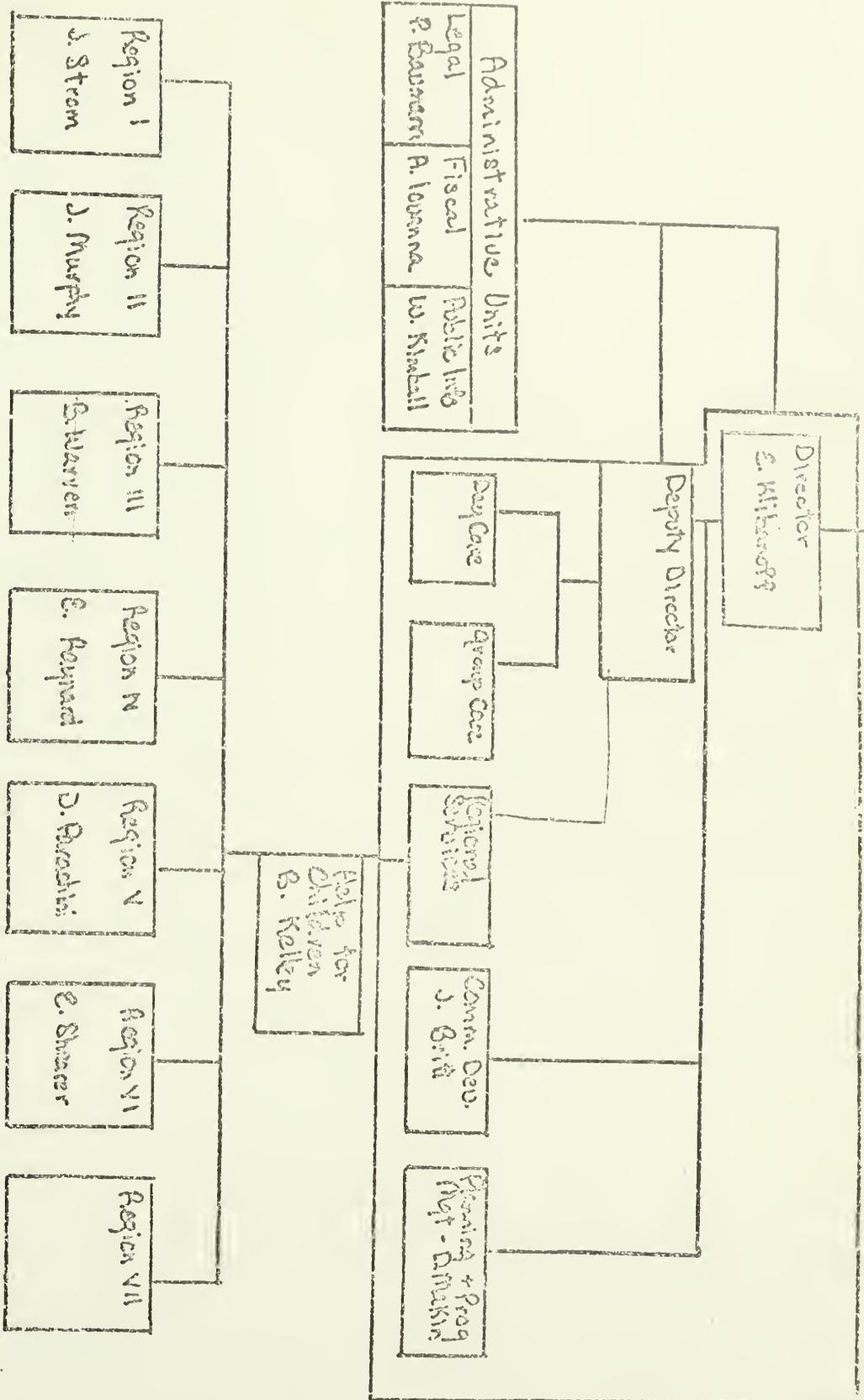
A board may request the director of the Office or his designee to intervene in a dispute if the board finds it is unable to resolve such dispute.

A True Copy Attest:



Elton B. Klibanoff, Director  
Office for Children

APPENDIX IV



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