

1918

Family Court

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THE FAMILY COURT

JANE DEETER RIPPIN¹

ONE FAMILY IN SIX COURTS

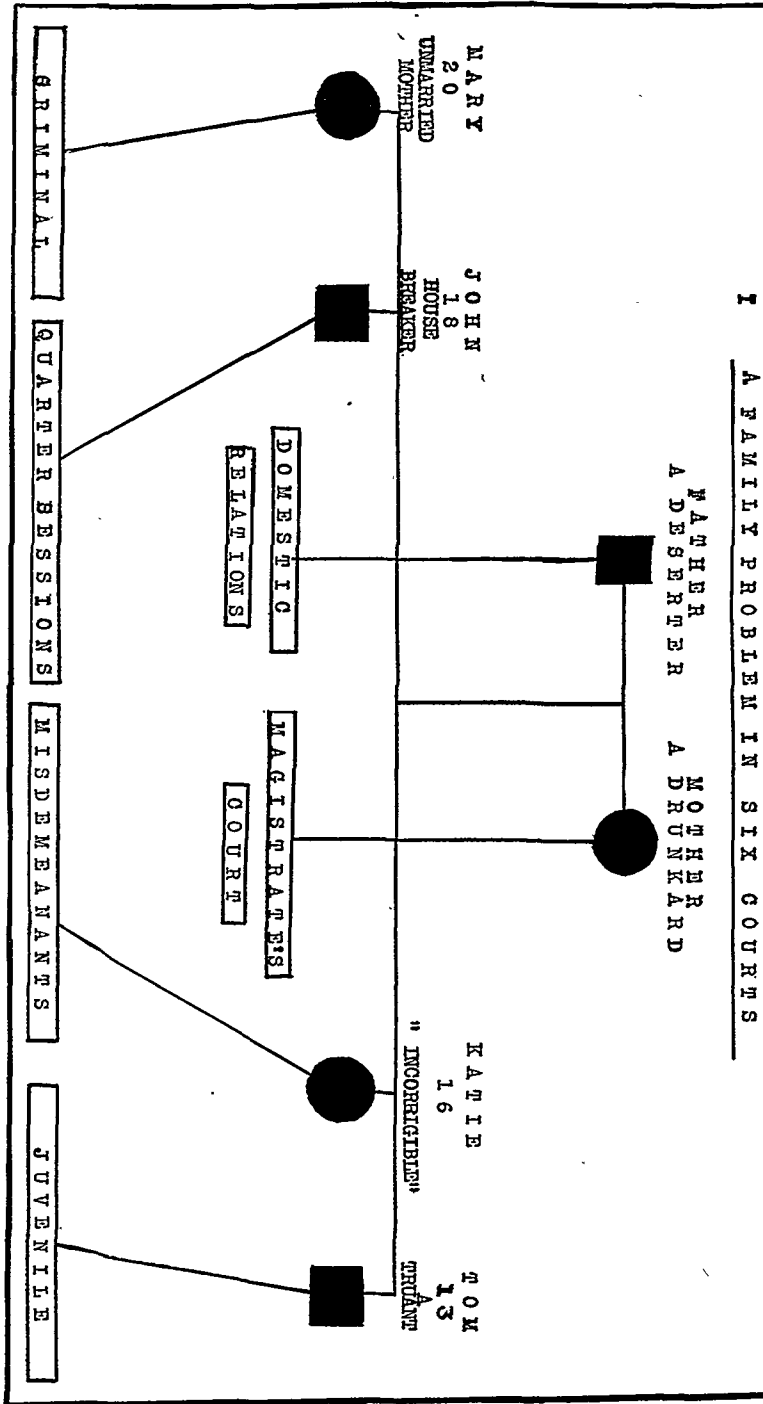
The problem of deserting fathers, drunken mothers, unruly children and young people who through sheer lack of the requisites for happy and normal young life drift into petty crime, is in the last analysis the problem of the family and its relation to the larger community life.

No delinquent family can be chopped up and treated successfully from the standpoint of such individual members as are brought before our courts. The way in which this piece-meal method works can be seen from the accompanying chart, which shows the make-up of an actual court family dealt with in 1916. Chart I shows how these separate tribunals "sat" in this one family as it was represented by its six members. Given the parents' history, the children's conduct seems almost inevitable. John, a house-breaker at 18 years of age, and the only felon of the family, had been in the Juvenile Court before he progressed to the higher Court of Quarter Sessions. If, in place of the separate treatment in his case, the whole family situation had been subject to court review, as shown in Chart II, the home conditions resulting in the father's desertion and the mother's drunkenness might have been discovered and altered in time to prevent the landslide in 1916. In any case, knowledge of the family as a whole should have altered the treatment of its individual members.

EXTENT OF PRESENT DUPLICATION

While the family shown in the charts is a remarkably complete example of the duplication of effort under our present court system, it is by no means unique. In six months' time no fewer than 705 cases were opened in either the Domestic Relations or the Juvenile Divisions of the Philadelphia Municipal Court which were already known to the other. The establishment of a joint index of records in the various courts would be needed to show the exact extent of this problem.

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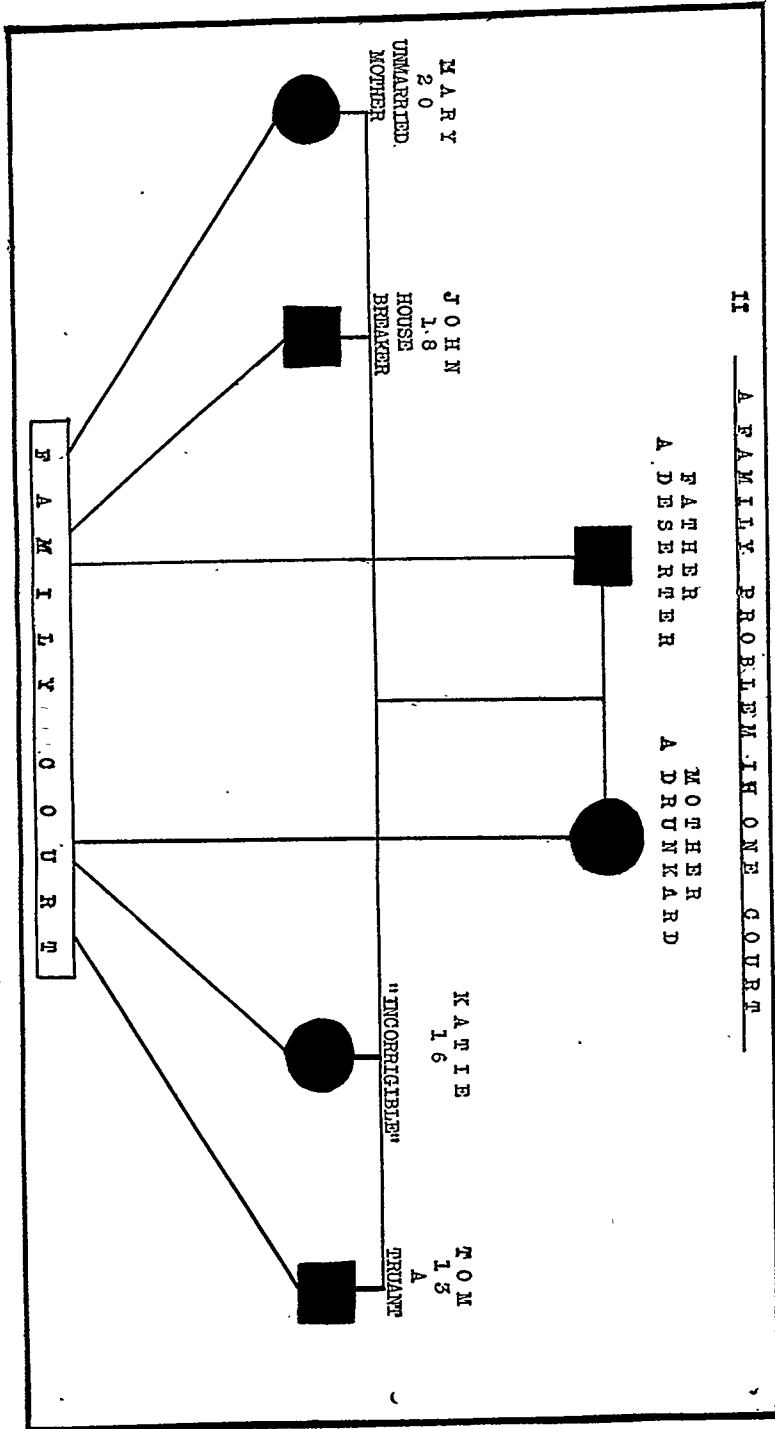
MEANING OF THE FAMILY COURT

While a central tribunal is desirable where all family problems may be considered in the light of the changing concepts of the community's responsibility for its individual units, this does not mean that all cases should be heard in one court, or even by one judge. The valuable principles of classification and specialization on particular problems must not be hazarded in this way. The cases should, however, be scrutinized at their outset, and the divisions of the court to which each is to go be determined not by the technical breach of law involved, but by what appears to be the underlying condition of family life which brought about the maladjustment. Thus the child who constantly begs in the street or steals with design is usually one member of the family of beggars and thieves, and is expressing his relationship to the family by his action. These cases are usually detected by the experienced workers, and should be brought into court, not as delinquent children, but rather as delinquent families, or particularly as delinquent parents. The boy who, when he is in with the gang, steals with the gang, or to carry out some personal plan, is another sort entirely, and needs haling before the "Boys' Judge" who knows how to administer a heavy hand in the way understandable to the boy. Similar distinctions should be made in the cases of older boys and girls who may have been classed as "incorrigible," but for whose incorrigibility sometimes the family is entirely responsible, and sometimes their own individual make-up.

SPECIAL PROSECUTION FOR THE CRIMINALLY NEGLIGENT PARENT

One kind of case that demands radically different treatment from the majority is that in which parents are charged with criminal negligence of their children. These are not the cases in which overworked and underpaid laborers neglect their children through poverty, but in which they abuse and ill-treat them with actual physical violence, locking and chaining them up and beating them or sometimes passively neglecting them until the children, starved and half-clothed, attract the attention of the police of the district. As a rule, though by no means always, these parents are heavy drinkers.

Whatever the conditions underlying their conduct, it is highly improbable that this will change without unusual pressure being applied. Before parents of this kind come into court they generally have had a long notorious history in their neighborhood, when neighbors, the police, and private social agencies have united in their efforts to relieve the unfortunate children. Parents who have thus shown



themselves indifferent to public opinion are not moved by the kindly court hearing in which they are given "another chance." The one thing that seems to affect them is the removal of their children. It would seem to be the part of wisdom to act positively and remove the children immediately, and make the condition of their return that the parents show themselves changed and fit guardians capable of providing adequately for their family. When the children in such cases are returned immediately after a court hearing, with the warning that they may be removed later, the parents feel that their ways have been vindicated, and the occasional visits of a probation officer cannot possibly counteract this conviction. Another ill effect of the negative procedure is that the neighbors who have resorted to the court as the last appeal lose respect for the law that returns children to the same hopeless situation. The more summary form of treatment on the other hand has had a distinctly good psychological effect on the neighbors who may even help the parents restore themselves in the court's confidence, instead of having the old antagonism heightened to a dangerous pitch.

Cases of such extremely delinquent parents are not frequent. For them to receive the kind of attention and treatment they require, they should be heard in separate session as occasion demands. The hearings might then take on somewhat the character of a criminal proceeding and time be given for a thoughtful consideration of carefully prepared evidence. Thus only can a decent chance be given the unfortunate children who are of all creatures the most helpless. For it is impossible to measure the evil that comes to children, physically, mentally and spiritually, from constant subjection to cruel, ignorant and incompetent parents.

The establishment of the Family Court will mean not something new, but rather a more perfect organization along present lines of the different court divisions. It will mean, first, a probation department whose members will consider themselves primarily as belonging to the court as a whole, and only secondarily as juvenile, misdemeanants' or domestic relations officers. It will mean the central filing of records, so that when one member of the family is known in one division, and his brother, sister or child comes into another, the family history gathered in the first case will be available in the second, or the two cases may be merged.

The actual sub-division of the court, as regards hearings and the assignment of judges, will be of necessity by the product of experimentation. The following is offered as a tentative plan of organization of such a Family Court, as related to a Municipal Court.

GENERAL MUNICIPAL COURT

Main Divisions	Family Court					Criminal Division	Civil Division
	Juvenile	Mis-demeanant	Domestic Relations	Delinquent Families	Offenses Against Children		
Sub-Divisions Predominant Social Questions	Delinquent children up to 16 years	Delinquent adolescents, 16 to 21 years	All desertion and non-support cases	Begging and thieving children	Magistrates' hearings for adult offenders against children	Final hearings in contested paternity cases	Arrearages in wages
	Classes of cases heard		Non-contested paternity cases	Certain incorrigible children and adolescents		Criminal negligence of children	Back claims for rent and board bills
Problems involved	Requiring special discipline and individual treatment		Economic issues	Problems of family treatment	Crimes against state through its children	Criminal offenses against children and criminal negligence of parents	Damages up to \$100
Work of probation staff	Preliminary interviews, investigation, preparation of cases for court hearings in the various sections, follow-up work, securing of medical care, employment and other restorative efforts.						