WATKINS

The Juvenile Court System of Illinois Outside of Chicago

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THE JUVENILE COURT SYSTEM OF ILLINOIS OUTSIDE OF CHICAGO

BY

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THE JUVENILE COURT SYSTEM OF ILLINOIS OUTSIDE OF CHICAGO.

Being a thesis offered in partial fulfillment of the requirements for the degree of Master of Arts in the Graduate School of the University of Illinois,

by

Gordon Watkins.

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Chapter I.

The Origin and Development of the Juvenile Court.

A study of the juvenile court system of the State of Illinois would be incomplete and difficult of comprehension without a brief historical survey of the origin and development of legislation effecting the welfare of children who come within the jurisdiction of our courts. For this reason we have deemed it appropriate to present in this opening chapter a résumé of the general movement of the juvenile court which will, we hope, furnish the desired historical background.

Courts of justice are and always have been extremely conservative. Change and reconstruction are more easily and much more rapidly effected in the executive and legislative departments of government than in the department of the judiciary. The courts are usually a half century behind in the progress of a nation. "Change and decay in all around we see", except in the Temples of Law. This truth has been evidenced in the attitude of our courts toward the legislation which has been enacted to deal with the perplexing problems arising

out of our modern organization of industry. The transfer of productive industry from the home to the factory has resulted in certain serious evils, the eradication of which must be accomplished by means of legislation. Every one knows how difficult has been the task of securing recognition of new laws affecting the wages, hours, and conditions of labor. Many laws dealing with these industrial and social problems have been looked upon by our judges as being a too radical departure from the course of ordinary legal enactment, and consequently they have been declared unconstitutional. Reverence for and adherence to out-of-date and fossilized constitutions has greatly retarded the progress of the new social justice.

Such conservatism as that which characterizes our courts is, perhaps, necessary as a restraining influence upon the modern mania for radical changes and spontaneous reconstruction. The people, the majority, may become as despotic as kings and plutocrats, who frequently constitute the so-called "invisible government". But few will deny that our Judiciary has overdone its conservatism and has shown its unwillingness to keep pace with the other institutions of government.

It has failed to respond quickly to the imperative needs of the exploited masses and helpless industrial workers. Industrial revolution did not provoke the necessary reconstruction in legal enactments and legal interpretation.

Nor did this conservatism and indifference affect adults only, but even the child was denied due recognition from the court. For centuries the cold, stern hand of justice dealt unwisely with the little children who were so unfortunate as to be brought within its reach. The juvenile offender was arrested for misdemeanor, tried before a judge and jury, and, if found guilty, was sentenced to serve a term of imprisonment in the city or county jail. The law recognized no essential differences between the child offender, who was a criminal of legal definition rather than a natural one, and the hardened adult criminal whose years had been spent in the school of crime, and whose delight was in breathing the polluted atmosphere of vice. Having been found guilty and cast into the same prison with older prisoners, the boy was exposed to the demoralizing influences of those schooled in the art of law-breaking. He was branded as a criminal, and bore this indelible

stigma through life. Little wonder, then, that the boy became a "repeater", and developed into an expert violator and evader of the law. Increased juvenile, and later, adult criminality was the inevitable result of such unscientific and inhumanitarian methods of dealing with juvenile delinquents.

There was no recognition of preventable causes, the elimination of which would diminish, if not completely annihilate, juvenile delinquency. Before the law the child was a criminal, natural and almost incurable, with whom the court must deal severely as with an adult criminal, in order to protect society. No cognizance was taken of the fact that much of the waywardness of the boy was due to conditions which were not of his own making and the control of which was beyond his power. Hereditary disease and mental weakness, his heritage from his progenitors; and undeveloped sentiments moral ~~instability~~, the result of a demoralizing environment he did not create and could not amend; acquired habits of theft, due often to social and economic maladjustment which deprived his parents of the opportunity of giving him all he wished to eat and to wear - these contributory causes were never taken into consideration by those who parceled out judgment. In a word, the method of dealing with dependents

and delinquents was both unjust and unscientific.

The inadequacy of legal procedure against children was apparent, the need of reform was immediate and imperative. Criminals were being manufactured by the state in its penal institutions. Good people everywhere, whose souls were filled with sympathy and the spirit of altruism, began to champion the cause of the ill-treated infants, whose childish mistakes caused them to face the authority of the law. With this review of conditions which led to the beginning of juvenile legislation completed, we are now prepared to trace the history of that benevolent institution - the Juvenile Court.

The fundamental principle of the juvenile court law may be traced as far back as 1736, when, in the state of Massachusetts, efforts were made to secure better and wiser treatment of juvenile dependents and delinquents. A number of legal enactments of the same nature were passed in several states from time to time until the year 1863, when the commonwealth of Massachusetts passed a law providing for the separation of the child delinquent in court from the adult criminal.[1] According to some authorities, this marks the beginning of juvenile court procedure.

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1. Hurley, T. D.,"Origin of the Illinois Juvenile Court Law, p. 13.

The movement for specific laws relating to delinquent children was given a great impetus in 1877 by the Society for the Prevention of Cruelty to Children in New York City. At that time, under the leadership of E. Fellow Jenkins, this society secured the enactment of a law by the New York Legislature which provided that: "Any child, under restraint or conviction, actually or apparently under the age of sixteen years, shall not be placed in any prison or place of confinement, or in any court room, or in any vehicle of transportation, in company with adults charged or convicted of crime, except in the presence of a proper officer".[1] This was the first law, as far as evidence is ascertainable, passed in the United States separating the child from the adult offender.

The work of the above mentioned society did not cease with the attainment of this first success in its campaign for childhood. In 1884, it secured the passage of a state law in New York which made provision for a probation or parole system. The law, in part

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1. Hurley, T. D. "Origin of the Illinois Juvenile Court Law", p. 14.

reads as follows: "When a person under the age of sixteen years is convicted of a crime he may, in the discretion of the court, instead of being sentenced to fine or imprisonment, be placed in the charge of any suitable person or institution willing to receive and maintain him".[1] Societies were authorized by law in 1886, to receive and maintain at their own expense such children. The most definite step in the advance of legislation involving cases of delinquent children in New York was taken, at the suggestion of the above society, in 1892. In that year, a law was passed which provided that: "All cases involving the commitment or trial of children for any violation of the penal code, in any police court or court of special sessions, may be heard and determined by such court, at suitable times to be designated therefore by it, separate and apart from the trial of other crimiral cases, of which sessioh a separate docket and record shall be kept".[2] Here, it seems to us, may be found the

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1. Hurley, T. D. Origin of the Illinois Juvenile Court, p. 14.

2. Ibid. p. 14.

first juvenile court law of any definiteness and completeness in the United States, and it marks the genesis of the juvenile court system as we know that system today.

The State of Massachusetts was the next to make definite advances in legislation for the proper treatment of juvenile dependents and delinquents. For years previous to 1891, the State Board of Lunacy and Charity of Massachusetts, under provision of law, were notified of every criminal action against a child and were empowered to investigate the charge and to be present at the trial and to make such recommendations to the judge as might seem best.[1] In 1891, an act was passed in this state providing for the probation system. The duties defined by this statute are as follows: "Each probation officer shall inquire into the nature of every criminal case brought before the court, under whose jurisdiction he acts, and may recommend that any person convicted by said court may be placed upon probation; the court may place the person convicted in the care of said probation officer, for such time and upon such conditions as may seem proper". [2]

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1. Hurley, T. D., "Origin of the Illinois Juvenile Court Law", p. 15.

2. Ibid. p. 15.

In 1899, the State of Illinois enacted a law providing for the establishment of separate courts of justice for children who are "neglected, dependent and delinquent". Consideration of this law will be found in Chapter V of this treatise.

Once firmly established, the movement for children's courts soon became popular in various countries throughout the civilized world. Juvenile court laws are now in force in Great Britain, Germany, South Australia, New South Wales, Victoria, France, Italy, and even in Russia. In Canada, the Youthful Offenders' Act of 1894 applies to the whole Dominion, and provides that the trials of young persons under sixteen shall take place without publicity and apart from those of other accused persons.[1] The Ontario Act is more definite an requires that in towns and cities with a population over ten thousand, children may not have their cases disposed of in places ordinarily used as police courts.[2] Separate provisions must be made for the custody of children awaiting trial, either with some responsible person or society.

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1. Adler, Miss. N., "Separate Courts of Justice for Children", p. 8.

2. Ibid. p. 8.

The amendment of 1903 enables a judge to discharge a child without conviction and to place him in the care of a probation officer, who must report from time to time on the child's welfare.

The Juvenile Court has been widely adopted in the United States of America. Laws providing for the establishment of the Juvenile Court have been passed in Illinois, Indiana, Ohio, Michigan, Pennsylvania, New York, New Jersey, Kentucky, Washington D. C., Wisconsin, Iowa, Kansas, Missouri, Colorado, Minnesota, Utah, Washington, Oregon, California, Massachusetts, Connecticut, Georgia, Louisiana, Delaware, Texas, Rhode Island and Nebraska.[1] It will not be long before every state in the Union will have similar laws. The Juvenile Court is an institution that has grown up in response to a great need, and wherever the dependent and delinquent child may be found, juvenile court laws are sure to be enacted sooner or later.

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1. Hurley, T. D., "Origin of the Illinois Juvenile Court Law", p. 103.

Chapter II.

Causes of Juvenile Dependency and Delinquency.

In the introductory chapter we pointed out the unscientific method used by our courts in dealing with dependent and delinquent children. The reader will recall our statement concerning the lack of proper investigation into the fundamental causes of juvenile delinquency which was prevalent previous to the establishment of courts of justice whose exclusive function it is to deal scientifically with each child's case. Since the introduction of this new method of procedure, the investigation is carried not only to the child individually, but beyond the child into the home and the larger environment of the particular neighborhood in which the child is compelled to live. The causes that condition and create juvenile criminality are analyzed before judgment is passed. In this chapter we propose to discuss what most authorities on the subject agree are the fundamental causes of lawlessness among the youth of our country. The discussion is not so much a result of our own investigation as it is a result of the work of other observers

Our own presentation is reserved for a more appropriate place, and will be found in the chapter on A Case Study of Juvenile Dependents and Delinquents.

Before advancing we wish to devote a brief space to the correction of the prevailing erroneous conception that juvenile delinquents are as a class radically different from other children. Most people have thought that the delinquent child is either an abnormal or subnormal creature whose unrestrained liberty is a menace to society, and especially to the community in which he lives. In other words, the "bad" boy is the unfortunate possessor of certain inborn tendencies to crime and incorrigibility. The investigations made by the juvenile court have led to a different attitude and the delinquent boy is discovered to be much like other boys- with the possible exception that in many cases he possesses a greater amount of surplus energy. Judge Lindsey, friend and champion of the new justice for children, believes that at least ninety-five per cent of the children who are dealt with as delinquents are not different from the average child, but are such because their environment is different. Travis states

that "a study of the delinquent with respect to his physical, mental and ethical conditions shows that at least 90 per cent and probably 98 per cent of the first court offenders are normal".[1]

The deeper we go in our study of juvenile delinquency the more apparent it becomes that beneath the individual case of juvenile delinquency and dependency there are certain very definite contributory causes. Sometimes there is a combination of causes. The writer has found this variation in the number of causes in most cases that have come under his observation.

The most complete analysis of the causes of juvenile delinquency is that presented by Travis.[2] He classifies all causes under three main divisions: Environment, Heredity, Will. For the sake of clearness in our discussion we think it beneficial to present his complete classification.

<u>Environment</u>.

I. Physical Causes

(a) Geographical

(b) Climatic

(c) Temperature

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1. Travis, Thomas, "The Young Malefactor" Introduction p. X. This is probably exaggerated. Compare page 17

2. Ibid. p. 102.

II. Social Causes

(a) Social progress

(b) Social machinery

(c) Defective correctional institutions

(d) Defective education

(e) Immigration

III. Economic Causes

(a) Unequal economic struggle

(b) Crisis

(c) Competition

1. Evolution of production

2. Trade unions

3. Discounting of brawn

4. Centralization of population

5. Relative poverty

6. The tramp life

<u>Heredity</u>.

IV. Dispositional causes

(a) Normal:- truancy, idleness, gang instinct, spirit of lawlessness and adventure.

(b) Abnormal:- backwardness, insanity, and criminal nature.

V. Physiological Causes.

(a) Normal:- puberty, sex, youth

(b) Abnormal:- deformations, disease, somnambulism, hypnotism and bad heredity

Will.

VI. Individual Causes

(a) Bad habits

1. Intoxicants
2. Tobacco
3. Drugs
4. Sex habits
5. Bad associates
6. Lax honesty
7. Gambling

VII. Family Causes - The Non or Semi-Functionary Home.

(a) The incompetent home

(b) The borderlander's home

(c) The vicious home

We have outlined briefly the causes of juvenile criminality that have been most conspicuous in the cases that have come under our observation. We have found

that the three great fundamental factors in producing juvenile delinquency are the physiological, the environmental, and the individual. Our complete analysis is as follows:

I. Physiological Causes

(a) Hereditary diseases - insanity, feeble-mindedness, other mental defects, etc.

(b) Acquired diseases and defects - diphtheria, scarlet fever, measles, etc.

II. Environmental Causes

(a) The defective home

(b) Defective community life - lack of playgrounds, parks, libraries, etc.

(c) Vicious neighborhood.

III. Individual Causes

(a) General perversity

(b) Specific bad habits - intoxicants, tobacco, sex habits, stealing, lying, fighting.

(c) Dissociation from the community agencies - church, school, home.

1. Truancy

2. Running away from home

(d) Preference for bad companions

I. Physiological Causes

(a) Hereditary diseases - Under this head come those physical and mental defectives who constitute

a large proportion of the juvenile delinquents in every state and nation. In dealing with youthful offenders investigation should first of all be made in respect to the child's physical and mental status. Failure to recognize hereditary causes of delinquency has led to much of the inhuman and unscientific treatment of the young offenders. "Who hath sinned, this child or his father?", might prove a judicious question in juvenile court procedure. All juvenile court workers agree that much of the criminality of a child is due to some physical or mental defect inherited from his progenitors.

Judge Charles N. Goodnow of Chicago, speaking before the Ninth Annual Conference of the National Purity Congress, said: "The basal cause of delinquency as based on the examination of girls in the psychopathic laboratory of the Municipal Court of Chicago, is feeble-mindedness. Of the 120 cases examined twelve, or 9.5 per cent, were normal; five, or 3.1 per cent, borderland defectives; eleven, or 9 per cent, sociopaths, having a mental age of about twelve years; eighty-six, or 68.2 per cent, were morons, under the mental age of 12 years; five, or 4 per cent, had hereditary insanity; six, or 4.7 per cent, were alcoholic, and two, or 1.6 per cent were drug fiends. These findings correspond to the findings in the Boys' Court, where 84.49 per cent were found to be feeble-minded."[1]

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1. Chicago Herald. Nov. 9, 1914.

Three of the most difficult cases that ever came up in the Champaign County Court were those of a girl and two boys. In each case the fundamental cause of delinquency was disease. An investigation made by the probation officer revealed the significant fact that the parents, grandparents and great-grand-parents were either physically or mentally defective, (and victims of intoxicants, drugs or tobacco.) An operation was the means of restoring these three children to a normal physical, mental, and consequently, moral state.

(b) Acquired diseases - We were able to find but few cases where an acquired or post-natal disease played a prominent part in the delinquency of the child. In some cases, a disease left the child with weakened faculties which rendered him incapable of resisting temptations. Accidents,-the loss of a limb,- compelled the child to become dependent upon a street occupation for a living. Here he met with a variety of temptations to do wrong and developed into a delinquent. There is no question but that post-natal diseases often contribute to juvenile delinquency, but to just what degree this is true it is difficult to ascertain. Certainly it cannot be considered as one of the major causes of criminality.

II. Environmental Causes

Under this division may be considered all those cases which arise out of domestic or social maladjustment. The conditions under which the child is compelled to live, and the modification of which ~~are~~ is beyond his control constitute the problem of defective environment.

(a) The defective home - The defective home may or may not be due to the moral laxity of the parents. Too frequently, economic causes produce homes that are far from the American ideal. Unemployment is a big factor in causing poverty, and poverty is one of the fundamental causes of juvenile dependency and delinquency. In Paris poverty was considered one of the chief causes of delinquency. Between 1890 and 1892 over 47 per cent of the children arrested there had indigent parents.[1] In the home made deficient by economic want, the child has no adequate opportunity for development. He is sent to work in the factory long before he is physically able to do so. Or he is forced to engage in a street occupation in order to "keep the folks". In the street he comes in contact with all the vices and very few of the virtues of society.

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1. Travis, Thomas, "The Young Malefactor" p. 133.

Some authorities state that there are a million and a half children working in our factories. In all occupations in the United States there are employed as breadwinners 2,805,250 male native white children; 199,635 male children of foreign birth; 2,727,245 female children of native birth, and 195,771 female children of foreign birth. These workers are between 10 and 15 years of age.[1]

Laziness and drunkenness on the part of the chief breadwinner has much to do with the increase of juvenile delinquency. The desertion of the wife and mother by the husband leaves the home deficient, and in her struggle for existence the mother is unable to properly care for the little ones. Under such conditions it is an easy matter for the child to become a delinquent. "All the delinquency factors, because they become operative in the weakened home", says Travis, "may be summed up in one great cause which may be named, the non or semi-functionary home".[2] This is a very general statement, for there are causes of delinquency which do not originate in the home, but are due to deficient community life.

(b) Deficient community life - It is conceded that juvenile delinquents are more numerous in the city

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1. United States Bureau of Statistics, Abstract for 1911, pp. 252, 255, 257.

2. Travis, Thomas, "The Young Malefactor", p. 183.

than in the country. Over 20 per cent of city boys between the ages of ten to sixteen years become offenders, while only 2 per cent of our delinquents come from the open country.[1] The offenses for which children are frequently arrested are not serious enough to be classified as crimes. The city is a place of greater and more numerous temptations than the country. The lack of playgrounds, parks, public baths, and proper police regulation may be enumerated among the causes of delinquency. In the absence of a public place of recreation the children of the crowded city are forced to seek their fun and expend their surplus energy around the cheap "movie", the store or the saloon. Little wonder that they succumb to temptation.

III. Individual Causes. We mean by individual causes those causes which are found to be due not to any physiological or environmental defect, but to the laxity of morals on the part of the boy himself. Acquired bad habits may all be classified under this heading. They are intoxicants, tobacco, drugs, sexual habits, bad associates, bad literature, cheap theaters, loafing, lack of trade, street life, lax honesty, gambling.[2]

(a) Intoxicants - Most writers on the subject of juvenile delinquency concede that intoxication is a rare phenomenon in the juvenile. Morrison finds it of no

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1. Travis, "The Young Malefactor, p. 132.
2. Ibid. p. 154.

importance as a direct cause of juvenile criminality in England, and Travis comes to the conclusion that this same thing is true of the United States. However, more indirectly, drink causes delinquency. The child is sent to the saloon to purchase intoxicants for his parents, and is thus thrown into close contact with vice. "It is perhaps more the saloon than the drink per se which causes delinquency", says Travis.[1] Worst of all is the effect of drink in the demoralization of the home.

(b) Tobacco - Authorities differ as to the relative importance of tobacco as a cause of delinquency. It has been estimated that a majority of our criminals begin to smoke and use tobacco in various ways at an early age. In our investigation we learned that most of our probation officers believe tobacco to be a factor in juvenile delinquency, but we were unable to find any statistics on this question. To state that most of our male juvenile delinquents smoke does not establish any causal relation between tobacco and juvenile criminality. The cause lies deeper, and tobacco is but one of the many effects of such factors as hereditary disease and bad environment.

(c) Drugs - There seems to be very little ground for the belief that the use of drugs is prevalent among juvenile delinquents. Not a single case of this kind has come under our observation.

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1. Travis, "The Young Malefactor", p. 157.

(d) Bad sexual habits - Ellis, Travis, and Morrison find that most criminals are addicted to all kinds of natural and unnatural sexual acts. In our investigation we have discovered that a great many of the delinquents are given to the practice of masturbation. Abnormal sexual desires were characteristic of both males and females of the delinquents studied by the writer.

(e) Bad associates - Little comment is needed in regard to the evil influences of the "gang". A vast number of juvenile delinquents point to the "gang" as the cause of their criminality. As one boy expressed it, "Wid der bunch, a guy ain't himself". It is with the crowd the lad learns to smoke and to do many other undesirable things.

(f) Bad literature - "Diamond Dick" stories printed in the cheap "dime novel" are thought to be a cause of juvenile delinquency. No doubt they fill the minds of our boys with ideas of crime and vice and love for adventurous exploits. We frequently hear of boys imitating the hero of the cheap novel.

(g) Cheap theaters - It is but a step from bad literature to the bad theater. Travis says[1] that every time a "Buffalo Bill" play or strikingly dramatic

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1. Travis, "The Young Malefactor", p. 162.

piece is played in New York there follows indictment of children for robberies and woundings, sometimes causing death, while "playing Indian" or bandit.

(h) Loafing - In our study of delinquents we found that the older boys were given to loafing and in their idleness became victims to any scheme of wrongdoing. When a boy has no occupation he frequently becomes a partner to some illegitimate activity. Even where an opportunity for work presents itself, most of these loafers prefer begging or stealing to manual labor. Idleness and loafing are likely to be greater among boys who have no trade.

(i) Dishonesty - A large proportion of our juvenile delinquents are arrested for dishonesty. "Lifting" - the delinquents' classical term for stealing - is quite a habit with the "gang". Lead piping, brass, copper, and hooks are "swiped" and sold to the junkman and second-hand dealer.

(j) Gambling - The passion for gambling is strong among many of the older delinquent boys. Jane Addams discovered that gambling is wide spread among juvenile offenders. Much of the gambling passion is due to the slot-machines that are found in our pool rooms.

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1. Travis, "The Young Malefactor", p. 166.

The writer had specific occasion to observe the evil effects of such machines upon a group of boys.

Such are the fundamental causes of juvenile delinquency, a proper investigation of which will do much toward the elimination of unwise treatment of youthful offenders and the decrease of delinquency in general. It can be truthfully said that these causes are taken into consideration by almost every staff of juvenile court officers. One not acquainted with the work does not realize how efficiently this investigation of causes is conducted by many of our probation officers. Each case is dealt with in a scientific way and judgment is passed in accordance with the facts ascertained. Everything is done with a view to redeeming, not punishing the child.

Chapter III.

The Purpose of the Juvenile Court.

Redemption, not punishment, is the underlying principle of juvenile court procedure. Under the old method of dealing with delinquents the purpose was to punish the offender so as to prevent the recurrence of the crime. No thought was given to the saving of the culprit. The law had been violated and punishment must follow in order to protect society. The child who goes wrong and appears before the court today is not sentenced to a term of imprisonment in the city or county jail, and only in extreme cases is he sent to the state reform school. Instead of being sentenced he is placed under the care of a probation officer who becomes to him a needed friend, and not the harsh dispenser of stern justice. Correction through sympathy, not reformation through force, is the ideal of the new system of treating youthful offenders.

There are two main lines of procedure in a well organized court. They are: First, a thorough knowledge of all the facts involved in each case, and, second, redemption of the child by means of personal service. The two great words in the program of the Juvenile Court are "Acquaintance" and "Assistance". Let us briefly consider these fundamental principles of the children's

court.

First: Knowledge of the facts of the case. Earlier in our discussion we pointed out the disastrous results of the old method of dealing with juvenile delinquents. We saw that the legal procedure against children was both unjust and unscientific. The injustice of the method was evidenced in the practice of sentencing youthful offenders to serve terms of imprisonment in jails where they freely associated with adult criminals. The method was unscientific in that no investigation was made into the underlying causes of delinquency. No cognizance was taken of the factors of heredity and environment. The only facts considered were the nature and the extent of the offense committed.

Under the juvenile court system a new attitude has been taken toward the juvenile delinquent. The old superficial investigation has been replaced by a scientific treatment based upon a mass of collected data. Now the judge seeks to know whether behind the child's delinquency there are incapable parents, poverty, inherited tendencies to vice and crime, hereditary disease, or a demoralizing environment. The probation officer is delegated to learn

all these facts and to present them at the trial in order that a wise judgment may be passed.

Second: Personal service. Sympathy is the keynote of the probation system, and probation is the soul of the juvenile court. As Judge Lindsey puts it: "We must first understand the boy, then give him what he needs". In the majority of cases he needs a friend who, by means of intelligence and sympathy, will point out to him the fact that the way of the transgressor is hard. The duty of the probation officer is to find out the facts of each case, to appear in court as the councillor and friend of the delinquent, not as his prosecutor and accuser, to keep in touch with the boy or girl out on parole, to visit the home and befriend the family, rendering such assistance and advice as is necessary to the betterment of home conditions. Judge Lindsey goes out and mingles with the "kiddies" and learns to know them that he may later be of service to them when they are in trouble.

Knowledge of the facts in each case and personal service, then, are the two predominant principles or methods of the Juvenile Court. A more minute analysis will reveal other functions and purposes. Bliss[1]

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1. Bliss, The New Encyclopedia of Social Reform, p. 668.

enumerates the objects of the Juvenile Court as follows: (1) To keep young offenders from the ordinary courts with their hardened criminals and loafers; (2) to enable the judge to pay particular attention to each case - an impossibility in ordinary courts with their volume of business; (3) to make investigation about an offender beforehand, so as to know his or her antecedents; (4) to make the treatment educational rather than punitive; (5) to sentence for indeterminate periods, so as to put offenders upon their good behavior, and thus to evoke every spark of honor and manliness in their hearts.

We might add still another object - the placing of responsibility where it belongs. This purpose of the juvenile court has not yet been sufficiently recognized. The Juvenile Court of Denver has been a pioneer in making use of this principle, and is punishing all persons who contribute to the delinquency of the child. Under this clause of the law, delinquent parents and saloon keepers or any other person may be prosecuted if they are responsible for the child's misdemeanor. It will be a great step in advance when every state in the Union shall have written upon its statute books this kind

of supplementary legislation to the Juvenile Law.

To summarize this chapter, we might say that the chief functions of the Juvenile Court are (1) Individual treatment, (2) Sympathetic cooperation, (3) Investigation of facts, (4) Prevention rather than cure of delinquency, (5) Placing of responsibility where it belongs, (6) Elicitation of manly qualities, and (7) To make treatment of juvenile offenders educational rather than punitive.

Part II.

The Juvenile Court System of Illinois Outside of Chicago.

Chapter IV.

Conditions in Illinois Before the Enactment of the Juvenile Court Law.

The necessity of a law creating separate courts of justice for children in the State of Illinois was fully demonstrated by the deplorable conditions that existed previous to the enactment of such a law. A stoical indifference to the treatment of juvenile offenders characterized the criminal courts of this state. In these sacred halls of justice no distinction was made between the hardened adult criminal and the mere infant offender. Hon. Timothy D. Hurley, the most eminent authority on the origin of the Illinois Juvenile Court Law, has vividly portrayed the miserable conditions existing in this state previous to the coming of the juvenile court. He says: "If a boy was arrested for something which the law books termed a felony and he was over ten years of age, he was taken before the grand jury and indicted. Henceforth, among men he was a criminal."[1] It may plainly be seen what were the inevitable consequences of this lack of discrimination between adults and juvenile offenders.

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1. Hurley, "Origin of the Illinois Juvenile Court Law", p. 10.

There was an increase in crime. The boys were gathered into prisons with adult criminals, and with them freely associated, exposed to the most degrading influences.

According to Mr. Hurley,[1] in 1898 there were confined in Cook County Jail 575 children, charged with various offenses. For the twenty months ending November 1, 1898, there were 1,983 boys committed to the House of Correction,-the city prison of Chicago. Repeaters are not included in this number. Twenty-five per cent of them were charged with truancy and other petty offenses.[2] When a boy was brought before the Police Magistrate a fine of from one to a hundred dollars was imposed upon him. In case he was not able to pay the fine, the prisoner was compelled to work out the same at the rate of fifty cents per diem. So unbearable had conditions become, that in March, 1897, the Board of Education of Chicago established a school district in the institution and named it the John Worthy School. Certain hours of the day the boys were required to attend school, the remainder they spent in filthy cells. In the same year

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1. Hurley, "Origin of the Illinois Juvenile Court Law", p. 10.

2. Ibid. p. 12.

1898, over three hundred boys under sixteen years of age were confined in the Illinois State Reformatory at Pontiac.[1] These boys were indicted and convicted of some crime and then committed to this institution until they became of age. Many of these cases could have been dealt with in a manner that would have produced better results for the child and for the state.

Something was being done for dependent children. Provisions for this class were made by the Industrial and Manual Training School Laws of 1879 and 1883, respectively. But very little attention was being given to that class of children which the law branded as "truant and delinquent". Nothing officially was accomplished in the way of better and wiser treatment of those boys who in the future were destined to join the ranks of the professional criminal. On the contrary there are numerous evidences of the fact that young children with criminal tendencies were arrested, shut up with most depraved adults, and, instead of being far removed from vice and crime they were thus kept in

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1. Hurley: "Origin of the Illinois Juvenile Court Law", p. 13.

close association with it.[1]

In a meeting of the State Conference of Charities held in Kankakee, Illinois, November 16-17, 1898, Dr. Frederick H. Wines, Secretary of the State Board of Charities, made the following significant statement: "We are making criminals out of children who are not criminal, by treating them as if they were criminals".[2] At this conference there was brought out the fact that no provision was made by law for the care of the great mass of delinquent children who came within the jurisdiction of our courts.[3] The Visitation and Aid Society of Chicago had under its care 20,000 children. No supervision over this institution was exercised by the state. "Only when the child committed some petty offense", says Mr. Hurley, "did the state take cognizance of his existence, and then proceeded to make him a criminal by placing him in jails and penitentiaries."[4]

With no legal provision for the separate trial and detention of delinquent children, and with a system

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1. Hurley, "Origin of the Illinois Juvenile Court Law", p. 18.

2. Ibid. p. 22.

3. Ibid. p. 25

4. Ibid. p. 25

of prisons worthy of the name of incubators of crime and vice, it is not at all surprising that juvenile criminality increased with astonishing rapidity and to immense proportions. The need of reform was apparent, and soon benevolent people throughout the state saw that something must be done immediately to stop this moral slaughter of the innocents. We shall see by the contents of the next chapter that champions of the new cause stepped into the arena and started a propaganda to secure justice and humanitarian treatment for the unfortunate, "neglected, dependent and delinquent children" of the state of Illinois.

Chapter V.

The Origin and Development of the Illinois Juvenile Court Law.

Having reviewed the conditions which existed in the State of Illinois previous to the enactment of the juvenile court law, and having seen how these deplorable conditions made the passage of such a law absolutely necessary, we are now in a position to study its origin and development. So intolerable had become the method of treating juvenile delinquents that kind-hearted people throughout the state and especially in the city of Chicago, where conditions were most deplorable, began to make a strenuous campaign in the interest of the unfortunate delinquents who from time to time appeared before the courts. Humanitarian forces from every quarter of this commonwealth declared allegiance to the new cause, and became enthusiastic exponents of separate courts of justice for children. Churches, charitable societies, women's clubs, lawyers, judges, and laymen enlisted in the movement. A new era was about to begin in child saving, and a new justice for neglected, dependent and delinquent children was soon to be secured.

The earliest evidence which we have of the attempts to secure better treatment of accused children in the state of Illinois is the law introduced in 1891 by Hon. Joseph A. O'Donnell.[1] This law provided that in the case of any child who had not proper parental care and who was being trained in vice and crime by person or persons having charge of it, or was destitute and incapable of providing for itself, the court was authorized to commit the custody and care of such a child to any society whose object was to provide for such children. This bill failed to pass the legislature. Many other similar bills were introduced from time to time and met with the same fate.

In 1898 the Commissioner of Public Charities decided to take some positive action in regard to better court attention to the delinquent child. This Board of Charities recommended to Governor Tanner certain changes in the law which would bring about this desired care of children. At a meeting of the Chicago Bar Association, October 22, 1898, Mr. Ephraim Banning, a member of the Board of State Commissioners of Public Charities of

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1. Hurley, Origin of the Juvenile Court Law", p. 13.

Illinois, presented the following resolution:

Whereas, the State of Illinois and the city of Chicago, are lamentably deficient in proper care for delinquent children accused or convicted of violation of the law, lacking many of those reformatory institutions which exist in other progressive states of the Union; and

Whereas, children accused of crime are kept in the common jails and police stations, and children convicted of misdemeanor are sentenced to Bridewell, where they are kept in immediate association with drunkards, vagabonds and thieves, and

Whereas, the state of Illinois makes no provision for the care of most of the children dependent upon the public for support, other than the public almshouse - unlike many neighboring states which have long ago passed laws prohibiting the keeping of children in almshouses:

Resolved, that the president of this association appoint a committee of five of its members to investigate existing conditions relative to delinquent and dependent children and cooperate with committees of other organizations in formulating and securing such legislation as may

be necessary to cure existing evils and bring the State of Illinois and the city of Chicago up to the standard of the leading states and cities of the Union."[1]

The committee was appointed, as above recommended. Judge Hurd was appointed by the committee to prepare a bill for presentation to the legislature in the January following. Mr. T. D. Hurley rendered valuable assistance to Mr. Hurd in the preparation of the bill. The latter gentleman has been called the "father of the Illinois Juvenile Court Law".

The Bill was immediately drawn up and on January 14, 1899, was given to the press for publication. A copy was forwarded to Representative Newcomer at Springfield for presentation to the Legislature. Another copy was sent to Senator Case for introduction in the Senate. The Bill was presented in the House of Representatives at Springfield, Illinois, on February 7, by Representative J. C. Newcomer, and is known as House Bill no. 327. On February 15 it was introduced in the Senate by Senator Case, and is known as Senate Bill No. 269. The Bill was

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Hurley, T. D., Origin of Illinois Juvenile Court Law, p. 16.

referred to the committee on Judiciary of the Senate and the House. With some minor modifications it was recommended unanimously. The Bill became a law July 1, 1899, having been passed unanimously by both houses. It has been amended at subsequent legislatures.

Chapter VI.

Analysis of the Illinois Juvenile Court Law.

"The Juvenile Court Law, it is now conceded, ranks as one of the most beneficient enactments upon the statute books of Illinois," says Mr. Timothy D. Hurley. Any one who has visited a juvenile court and has had an opportunity to observe the law in operation will not hesitate to heartily endorse this statement. Where parents are deficient and proper home conditions are lacking the state, through the medium of the Juvenile Court, assumes parental responsibilities and endeavors to furnish the child with an adequate opportunity for development. No state can undertake a more important work than the task of the conservation of its future citizens. Such a work is beneficial from an economic, social and moral point of view.

For a proper understanding of our discussion, it is necessary that a summary of the salient points of the Illinois Juvenile Court Law be presented. For this reason we have briefly summarized the contents of each section of the act.

The Illinois Juvenile Court Law was enacted by the Legislature of 1899 (Laws of 1899, Page 131). Important amendments were adopted by the Legislatures of 1901 - 1905 - 1907.

Section 1. Definition. The purpose of the law is expressed in its title: "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms, and to provide for the treatment, control, maintenance, adoption and guardianship of the person of such children." In section 21 we find the purpose of the law further defined:

"To-wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can be properly done the child to be placed in an approval home and become a member of the family by legal adoption or otherwise." From these two sections it will be seen that the purpose of the law is to save the neglected or wayward child and to place him or her in an environment conducive to the best physical, social and moral development.

The scope of the law: "The words 'dependent child' and 'neglected child' shall mean any male child who, while under the age of seventeen years, or any female child who, while under the age of eighteen years, for any reason is destitute, homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship; or habitually begs or receives alms; or is found living in any house of ill-fame or with any vicious or disreputable person; or has a home which by reason of neglect, cruelty or depravity on the part of its parents, guardian or any other person in whose care it may be, is an unfit place for such a child; and any child who while under the age of ten (10) years is found begging, peddling or selling any articles or singing or playing any musical instrument for gain upon the street, or giving any public entertainment or accompanies or is used in the aid of any person so doing.

"The words 'delinquent child' shall mean any male child who, while under the age of seventeen years or any female child who, while under the age of eighteen years, violates any law of this State: or is incorrigible, or

knowingly associates with thieves, vicious or immoral persons; or without just cause and without the consent of its parents, guardian or custodian absents itself from the home or place of abode, or is growing up in idleness or crime; or knowingly frequents any policy-shop or place where any gaming device is operated; or frequents any saloon or dram shop where intoxicating liquors are sold; or patronizes or visits any public pool room or bucket-shop; or wanders about the streets in the night time without being on any lawful business or lawful occupation; or habitually wanders about any railroad yards or tracks or jumps or attempts to jump onto any moving train; or enters any car or engine without lawful authority; or uses vile, obscene, vulgar, profane or indecent language in any public place or about any school house; or is guilty of indecent or lascivious conduct; any child committing any of these acts herein mentioned shall be deemed a delinquent child and shall be cared for as such in the manner hereinafter provided."

Section 2. Jurisdiction. Jurisdiction coming within the terms of this act is placed in the circuit or county courts. Any person who has an interest in any trial under this act may demand a jury of six, or the judge may order a jury of the same number to try the case. By way of comment we wish to state that in no case coming under our observation has there been a jury demanded or appointed. It would seem that a sympathetic judge co-operating with an efficient probation officer can handle the case more intelligently than an inexperienced jury.

Section 3. Juvenile Court. The law provides that in counties having over 500,000 population, the judges of the circuit court shall appoint one of their number to hear all cases coming under this act. A special court room is provided for, and the findings of the court are to be kept in what is known as the "Juvenile Record".

Section 4. Petition to the Court. "Any reputable person being a resident of the county, having knowledge of the child who appears to be delinquent or dependent, may file with the clerk of the wourt a petition in writing, setting forth the facts verified by affidavit. It shall

be sufficient that the affidavit is upon information and belief."

Section 5. Summons. The law requires that "the parents of the child, if living, and their residence is known, or its legal guardian, if one there be, or if there is neither parent or guardian, or if his or her residence is not known, then some relative, if there be one, and his residence is known, shall be made party to the proceedings and summoned into court".

Section 6. Probation Officers. "The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers to receive no compensation from the public treasury." The duties of the probation officers are "to make such investigation as may be required by the court; to be present in the court in order to represent the interest of the child when the case is heard; to furnish to the court such information and assistance as the judge may require; and to take such charge of any child before and after trial as may be directed by the court". In counties having over 500,000 population, the judges of the circuit are to

appoint the necessary number of probation officers and a head probation officer, who are to receive suitable compensation. In counties having less than 500,000 the county judge may appoint a probation officer who shall be paid suitable compensation. In both cases the compensation is to be determined by the board of county commissioners or supervisors, and paid by the county.

Section 7. Dependent or Neglected Children. "If the court shall find any male child under the age of seventeen (17) years or any female child under the age of eighteen (18) years to be dependent or neglected within the meaning of this act, the court may allow such child to remain at its own home subject to the friendly visitation of a probation officer." In case parents are unfit or in any way incapable of caring for the child, the judge may place such child in the home of some respectable citizen or institution, state or private, organized for such purposes.

Section 8. Guardianship. "In every case when such child is committed to an institution or association, the court shall appoint the president, secretary or super-

intendent of such institution or association guardian over the child."

Section 9. Delinquent Children. Whenever possible the delinquent child is to remain in his own home subject to visitation by the probation officer. Whenever this is impracticable and the child proves incorrigible, the court may sentence such child, if a girl, to the State Training School for Girls, or some institution that will receive her, and if a boy, to the St. Charles School for Boys, or some institution organized for the care of such boys. Physical and mental defectives shall be cared for in the neccessary and appropriate hospitals and institutions. Reports shall be made by all institutions or associations that receive such children.

Section 10. Transfer from Justices and Police Magistrates. The law requires that a male child under the age of seventeen years or a female child under the age of eighteen years arrested with or without warrant may, instead of being taken before a justice of the peace or police magistrate, be taken directly before the court as provided in section 3 of this act, provided such court is in session.

Section 11. Children Under Twelve Years not to be Committed to Jail. "No court or magistrate shall commit a child under twelve (12) years of age to a jail or police station, but if such a child is unable to give bail it may be committed to the care of the sheriff, police officer or probation officer." No child shall be confined in any institution to which adult convicts are sentenced, and it shall be unlawful to confine such a child in the same building, yard or enclosure with adult convicts.

Section 12. Agents of Juvenile Reformatories. The board of managers of the State Reformatory at Pontiac, and the board of managers of the State Home for Juvenile Female Offenders at Geneva, and the board of managers of any other institution to which juvenile delinquents may be committed by the courts, shall appoint a special agent to examine the homes of paroled children, and assist such children in any way that is deemed necessary.

Section 13. Supervision of State Commissioners of Public Charities. "All associations receiving children under this act shall be subject to the same visitation, inspection, and supervision by the board of state commissioners of public charities as are the public charitable

institutions of the State."

Section 14. Incorporation of Associations. "No association whose objects embrace the caring for dependent, neglected or delinquent children shall hereafter be incorporated unless the proposed articles of incorporation shall first have been examined by the board of state commissioners of public charities."

Section 15. Order Relating to Adoption. A person who has been appointed guardian of a child may adopt such child by fulfilling the legal requirements. Provided, that the parents of the child are proved to be illegitimate, unfit to care for it, depraved, cruel, drunken, etc.

Section 16. Foreign Corporations. "No association which is incorporated under the laws of any other state than the State of Illinois shall place any child in any family home within the boundaries of the State of Illinois, unless the said association shall have furnished the board of state commissioners of public charities with such guaranty as they may require that no child shall be brought into the State of Illinois by such society or its agents, having any contagious or incurable disease, or having any deformity or being of feeble mind or of vicious

character, or likely to become a public charge within five years." Violation of this clause is punishable by thirty days in the county jail, or a fine of no less than $5.00 or no more than $100.00, or both, in the discretion of the court.

Section 17. Religious Preference. "The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith of the parents of the said child."

Section 18. County Board of Visitors. "The county judge of each county may appoint a board of six reputable citizens, who will serve without compensation, to constitute a board of visitation, whose duty it shall be to visit, as often as once a year, all institutions, societies and associations receiving children under this act." Reports are to be made to the court and to the Board of State Commissioners of Public Charities. Provision may be made by each county for the payment of necessary expenses incurred by the visitors while on duty.

Section 19. Powers of the Juvenile Court. "The powers and duties herein provided to be exercised by the county court or judges thereof may, in counties having over 500,000 population, be exercised by the circuit courts and their judges as hereintofore provided for."

Section 20. Industrial and Training Schools not affected. "Nothing in this act shall be construed to repeal any portion of the acts to aid the various institutions of the State."

Section 21. Construction of the Act. "This act shall be liberaaly constructed to the end that its purpose may be carried out, to-wit: That the care, custody and discipline of a child shall approximate as nearly as possible that given by its parents, and in all cases where it can properly be done, the child be placed in an approved family home and become a member of the family by legal adoption or otherwise."

Section 22. Support of Children. If parents or relatives named in petition are able to contribute to the support of the child, the court shall enter an order requiring payment by such person to the guardian or institution having care of such child.

Section 23. Order Relating to Support. The court may order the sum for the support of the child to be paid out of the wages, salary or commission of the parent or any other person responsible for the child's maintenance and education. Failure to make said payment is punishable as for contempt of court.

Section 24. Guardianship of Person. "Nothing in this act shall be construed to give the guardian appointed under this act the guardianship of the estate of the child or to change the age of minority for any other purpose except the custody of the child."

Section 25. Validity of the Act. "The invalidity of any portion of this act shall not effect the validity of any other portion thereof which can be given effect without such invalid part."

Section 26. "Cases under this act may be reviewed by writ of error."

Law in force as amended July 1, 1907.

Chapter VII.

Operation of the Juvenile Court in Illinois.

Thus far we have considered the conditions which existed in the State of Illinois previous to the enactment of the Juvenilt Court Law, the origin and development of that law, and its salient points. The next logical question which arises in the minds of those who are interested in the subject is: To what extent have the various counties of the state availed themselves of the privileges bestowed upon them by the Juvenile Court Law? We desire to know whether this law has proved valuable and effective in the control and treatment of dependent, neglected and delinquent children. There is nothing in the Juvenile Court Law which makes its adoption by the counties obligatory. On the contrary, its adoption is purely a voluntary matter. As we shall see in the course of our study, a large number of our county judges still follow the antiquated and unscientific procedure provided for in ordinary criminal law. The evils attending the use of criminal law in trying children's cases have been pointed out in a previous chapter.

It is the purpose of this chapter to show how extensively the procedure authorized by the Juvenile Court Law has replaced the procedure followed in the ordinary Criminal Court, and how very extensively the system of probation has been adopted by the various counties throughout the State.

Method of Investigation. The three following questions were asked of every county judge in the counties of the State of Illinois, with the exception of Cook County, which is not in our field of investigation:

1. Is it the general rule in your county, in the case of juvenile delinquents, to suspend the operation of ordinary criminal procedure and to follow instead the procedure authorized by the special provisions of the Juvenile Court Law?

II. Has a paid probation officer been appointed in your county?

III. Have there, at any time, been appointed in your county probation officers to serve without pay?

Of the first one hundred cards sent out, fifty five were returned with the desired answers; the rest of the judges did not reply. To those forty-five judges who had not answered our first inquiry we sent a second card with the same questions. As a result, thirty-five additional answers were received, leaving only ten counties unheard from. Later a letter and card were sent to these judges who had failed to answer and the total was brought up to one hundred. With the addition of Champaign County the total was brought to one hundred and one. Thus every county in the state answered the inquiries.

It is interesting to note the more complete expressions which some judges made in answer to the above questions:

"We have our juvenile court in an informal way"

"We do not, as a general rule, follow the procedure authorized by the Juvenile Court Law."

"We never had occasion to use Juvenile Law."

"In most cases we use the Juvenile Law."

"It has been followed quite frequently."

"Absolutely, in every case."

These statements reveal the attitude of the different judges towards the Juvenile Court.

As was stated above, one hundred and one counties answered out inquiries. These replies constitute the basis upon which the conclusions of this chapter are made. The first question, which asked whether the ordinary criminal court procedure is suspended in favor of the procedure authorized by the Juvenile Court Law, was answered affirmatively by eighty-four county judges. This means that 83 per cent of the counties of this state use the Juvenile Law in trying children's cases. One cannot appreciate the significance of this fact until he has become acquainted with the unscientific and often destructive treatment of juvenile delinquents under the ordinary criminal court procedure. When the child is tried in the criminal court there is no probation officer to make an investigation into the case and to represent the delinquent at the trial. The judge has little if any information about the child, and the cause of delinquency in that particular case. Facts are lacking regarding the child's physical and mental condition, and frequently a very unwise judgment is passed because of this lack of information concerning the conditions surrounding the

case. However, where the Juvenile Court law is applied, all this is changed, and the trial is conducted upon a sane and scientific basis.

Nine counties answered this question in the negative. This means that 9 per cent of the judges in the counties of this state, still follow the procedure of the ordinary criminal court when charges against children are heard. While this seems like a ~~very~~ relatively small percentage, nevertheless there is no valid reason why every county in the state should not adhere to the principles of the Juvenile Law. The child should not be judged by the same procedure that is used in the trial of adult criminal cases, especially since a special law has been enacted for the purpose of dealing with children's cases. A judge who refuses to make use of this special law for children either has not the breadth of sympathy necessary for the best treatment of delinquents, or else he is not acquainted with the splendid results that have been and are being achieved through the medium of the Juvenile Court Law. We see no possible justification for this cold indifference to the welfare of the boys and girls who from time to time

come into court. Three county judges stated that they had no occasion to apply the juvenile law. Either the children in these three counties are exceptional in behavior or else the laxity of law enforcement is such as to permit juvenile delinquency and dependency to go undetected and unpunished. It is a source of gratification, however, that some of our counties are exempt from the delicate business of dealing with dependents and delinquents. After all, three per cent is a small proportion of counties to be free from prosecution of children.

Five of the judges replied that they used both the Criminal and the Juvenile Law in hearing children's cases. Presumably, the course of procedure is determined by each particular case. There is no reason for using criminal procedure in treating delinquent children, for the Juvenile Court Law makes provision for almost every conceivable kind of case. A male child under seventeen years of age, and a female child under eighteen years of age, whether "neglected, dependent or delinquent", may be properly tried according to the special provisions of the Juvenile Court Law. Procedure according to this special law should be made obligatory, and in no case should a

child be tried by criminal law.

To the question concerning the appointment of probation officers, some very encouraging answers were received. Fifty-seven counties have appointed paid probation officers in connection with the Juvenile Court. This is very gratifying when we remember how important is the part played by a probation officer in the care and treatment of the unfortunate juvenile dependents and delinquents. That so many of our counties have realized this importance is encouraging. The wisdom of appointing paid probation officers cannot be questioned. The compensation in most cases coming under our observation was not very high. Not high enough, we think, to secure the most efficient workers. Will County pays its probation officer the sum of $100.00 per month, which is reasonable remuneration. Other counties are paying from $200.00 to $500.00 per annum. While we think that a salary should be paid which would attract the most efficient officers, nevertheless, it must be remembered that there is a great danger of making this all-important office a political plum. The writer discovered that in one of our counties the probation officer secured his position through a polit-

ical pull. The results of his work furnish ample evidence of the danger of allowing the game of politics to be played in connection with the juvenile court. The best work is being accomplished by women who are receiving the very modest salary of about $50 or $60 a month. Few able-bodied political parasites would consider that sum attractive. The welfare of the delinquent child should be entrusted to one who loves the work rather than the compensation.

Thirty-seven judges answered that no probation officer had been appointed in their counties. Three counties have appointed probation officers to serve for special cases. Three other counties reported that they have probation officers in connection with the criminal court.

In small counties where the judge is able to form a personal acquaintance with the offenders there may be no reason for employing a special probation officer. But where the work of the juvenile court is so extensive as not to permit such an acquaintance, a probation officer is indispensable to the success of the court.

In answer to the question concerning the appoint-

ment of unpaid probation officers, the results are no less satisfactory. Most of the judges stated that they appointed probation officers for each particular case of dependency and delinquency, to serve temporarily. The efficiency of such a method may honestly be questioned for it is not conducive to the best permanent results. It may be adequate in very small places, but would be of little value in large districts. With a paid probation officer to direct the work this system might be of great benefit. Danville, Illinois, has three paid probation officers and eight who are serving without compensation. The writer can testify to the efficiency of the work in that county, having spent some time studying the system in operation. The results of our investigation in Vermilion County are to be found in a later chapter. Several other counties report that they have two or three unpaid probation officers.

Fifty-seven counties have appointed unpaid probation officers. Certainly this reveals a deep public interest in juvenile work, and promises much in the way of reform. There are forty-three counties in which no unpaid probation officers have been appointed. The foregoing statistics are tabulated in the following tables.

The reader will recall that the State of Illinois has one hundred and two counties. Replies from one hundred one counties are listed below. The county of Cook is not listed because it is outside of our field of investigation.

Table I.- Statistics showing the method of procedure followed in the trial of juvenile delinquents.

Explanatory Note	No.	Per cent
Counties in which the procedure authorized by the Juvenile Court Law is followed ----------	84	83
Counties in which both the procedure of the Criminal Court and the Juvenile Court are followed --	5	5
Counties in which ordinary Criminal Court procedure is followed-	9	9
Counties which have no cause to use the Juvenile Court Law----	3	3
Total ----------	101	100

Table II.- Statistics showing the number of counties that have appointed paid probation officers, probation officers for special cases and the number that have not paid probation officers.

Explanatory Note	No.	Per cent
Counties in which paid probation officers have been appointed ------	58	57
Counties in which no paid probation officers have been appointed	37	37
Counties in which paid probation officers have been appointed for special cases ----------	3	3
Counties in which paid probation officers have been appointed in connection with the Criminal Court	3	3
Total ---------- -------	101	100

Table III.- Statistics showing the number of counties that have unpaid probation officers, and the number that have not appointed such.

Explanatory Note	No.	Per cent
Counties in which unpaid probation officers have been appointed ------	58	57
Counties in which no unpaid probation officers have been appointed ------	43	43
Total ----------	101	100

The above tables are tabulated below in their relation to each other. Opposite the method of court procedure are placed the statistics regarding the kind of probation system used. In considering this table it must be borne in mind that some counties have both paid and unpaid probation officers, and that this accounts for the duplication of statistics for these counties.

Table IV.- Statistics showing the relation of the kind of court procedure to the probation system.

Procedure followed by counties		Counties having paid probation officers	Counties having no paid probation officers	Counties having unpaid probation officers	Counties having paid probation officers for special cases	Counties having no unpaid probation officers
Juvenile Court	84	58	27	57	3	43
Criminal and Juvenile Court	5		5			
No Juvenile Court	9	3	2			
No Cause for Juvenile Court	3		3			
Totals	101	61	37	57	3	43

Method of dealing with juvenile delinquents. The method of dealing with delinquents seems to vary in detail with the different judges. Each judge determines to a certain degree how he will treat the individual case. The complexity and diversity of cases that come up before the Juvenile Court make it necessary that the law shall be liberally interpreted. A typical method of applying the principles of the juvenile court law is that presented by Judge Charles J. Gehlback, Logan County, Illinois. The following extracts are taken from a letter which Judge Gehlback sent to the writer, and they show briefly the operation of the juvenile court law in some of the counties of this State.

"It is the general rule in my county to have the probation officer investigate all cases in which complaints are made to me, and instruct the delinquent that if there is not a speedy reform, the procedure in my court will follow, which ultimately places them in St. Charles School for Boys, or the Geneva School for Girls, as the case may be. In case the parents are at fault, the same notice is given them. Visits are made quite frequently by the probation officer to see that the proper corrections are being made.

If this manner fails to bring about a change, then we have the States Attorney file a complaint in my court, and the parents and children are then brought into court and they are again notified by me as to what is expected of them. If the abuses are again continued, the child is then sent to one of the above mentioned schools."

In most counties the States Attorney has no part in proceedings against juvenile delinquents. The probation officer does all the work of investigation and presentation of facts. When a child is found guilty of offense, he is left at home on probation rather than sent to St. Charles. Only extreme cases are dealt with in the manner stated by Judge Gehlback.

The reader will note that prosecution is resorted to only after opportunities for reform have been given and failed. It is evident that no direct punishment is meted out to parents who contribute to the child's delinquency. At the opening of our discussion it was stated that Judge Lindsey of Denver had secured the enactment of a law in Colorado which provides for punishment of parents and other persons who in any way contribute to the child's misdemeanor. A similar amendment should be made to the Illinois Juvenile Court Law.

Mothers' Pension Laws. Before concluding this chapter we wish to make a brief mention of the "Mothers' Pension Law" of Illinois. Pensions are granted to mothers under the authority of the revised Senate Bill No. 300, passed March 25, 1913. The purpose of the Bill is indicated in its title:"A Bill.- For an act to provide for the partial support of mothers whose husbands are dead or have become permanently incapacitated for work by reason of physical or mental infirmity, when such mothers have children under fourteen years of age, and are citizens of the United States and residents of the county in which application for relief is made.

And, also to provide for the probationary visitation, care and supervision of the family for whose benefit such support is provided.

Jurisdiction:- The Juvenile Court, or where there is no Juvenile Court, the county court in the several counties of the State, shall have jurisdiction in all cases coming under the terms of this Act."

Regarding the grants of money, the law states that not more than $15.00 a month shall be paid when the

mother has but one child under fourteen years of age, $10.00 per month for each child where there are more than one child under that age, and the maximum sum which any mother may receive is placed at $50.00 a month. In very few cases is the maximum granted.

It has been objected that this law affords an opportunity for political graft in the way of special favors, and that it cannot be efficiently enforced. However, a great many counties are taking advantage of this law and are accomplishing some very satisfactory results. Under the direction of a prudent and diplomatic probation officer who makes the proper investigation in each case, there is no reason why this law should not be successfully applied. Mr. Frederick Almy[1] and C. C. Carstens[2] think that such a law tends to increase the number of dependents. Vermilion County, Illinois, has about twenty mothers on the pension list to whom are paid sums varying from $15 to $40 a month. The probation officer highly praises the law and the immeasurable benefits accruing therefrom. She says that it is cheaper to pay the mother a pension of $40 a month than to place the dependent children in homes and pay their board and room rent, which would amount in most cases to $50 or more per month. Furthermore, the children are

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1. National Conference of Charities and Corrections, Proceedings, 1912. p. 481-485.

2. Public Pensions to Widows With Children, p. 27.

thus kept at home with the mother whose tender care and influence cannot be duplicated by any institution. Twenty dollars a month is the usual grant made to mothers in Vermilion County. This limitation is due to a lack of funds.

On the other hand, Judge Spurgin of Champaign County, is not enthusiastic over the mothers' pension law, and even declares that he "positively has no use for it". Under his method grants of money are made to mothers under the special provisions of the "Dependency Clause" of the Juvenile Court Law. "Last year (1913) Champaign County granted approximately $5,000.00 to needy mothers," said Judge Spurgin. This money was taken out of the County Relief Fund. Judge Spurgin's reason for not using the pension law is brought out clearly in the following case: A widow in Champaign who had three children applied to the Juvenile Court for aid. She was granted an order for $30.00 a month. Soon afterward the said widow took in a young boarder "to make money". This caused a little comment among the neighbors, and the judge warned the beneficiary that the young man must leave or the order of relief would be revoked. She failed to comply with the demand and the payment of relief money was discontinued. "Under

the mothers' pension law", said Judge Spurgin, "I would not have the power to rescind the order."

The mothers' pension law has not yet been in force long enough to allow a reasonable judgment to be passed as to its success or failure. We repeat, a great many counties are making use of it and speak highly of its success, while others speak disparagingly concerning it. The writer is of the opinion that the splendid results achieved in the counties that have come under his observation give promise of the success of the "Mothers' Pension Law" as a benevolent factor in assisting burdened mothers to care for and rear their children. With adequate investigation and efficient supervision, there is no valid reason why this law should not prove a successful complementary agency in the juvenile court work.

Provision should be made for the continuation of the judge's control over each case after pension has been granted, and he should be invested with power to rescind the order when necessary.

Chapter VIII.

A Case Study of Dependency and Delinquency.

To understand and fully appreciate the work that is being done by the Juvenile Court, one must first become acquainted with the scope of its activities, - the kinds of cases that are dealt with and the untiring efforts that are put forth in the endeavor to redeem those who become wards of the State. It is often said that "figures do not lie", and it might appropriately be added that figures do not always tell the whole story. The reading of the report of a probation officer and a juvenile court record is an easy matter, but the great life of a juvenile court cannot be expressed in statistics and percentages. In order to appreciate the value of this work one must know the facts that are involved in each child's case,-the patience of the judge, the untiring efforts of the probation officer, the filth and immorality of the homes in which many children are forced to exist and grow up. The casual observer looks upon the delinquent child

and hastily brands him a menace to the "decent boys of the community". Such, we have found, is the attitude which a large number of our school teachers take towards the seemingly incorrigible boy. Only ignorance of the contributory causes of delinquency can give rise to such a view point. Behind most cases of delinquency there are certain fundamental causes that are not of the child's own creation. Too often there is an insane father or mother; there is drunkenness and various forms of debauchery; abject poverty due to illness, unemployment or desertion rob the child of proper nourishment; a home which is nothing more than a den of vice and immorality stamps upon the soul of the child the indelible imprints of delinquency. These are some of the causes that contribute to the child's deviation from the proverbial straight and narrow path. The Juvenile Court studies not only the delinquent child, but also the conditions under which the child is brought up. It finds an environment conducive to criminality, and scientifically proceeds to eliminate the maladjustment.

It is the purpose of this chapter to show the complexity of the cases that come before the Juvenile Court,

the importance of deciding cases judiciously, the causes that contribute to juvenile dependency and delinquency, and the magnificent results that are achieved through the medium of this tribunal for children. The study is not as complete as we wish it were, because of the deplorable incompleteness of the records kept by county judges and probation officers. In some counties no record is kept except a statement of the name of the parents and children concerned. Regarding the matter of records we shall have more to say later.

One hundred cases of dependency and delinquency furnish the basis of this chapter. These cases are taken from four representative counties in the State of Illinois - the counties of Champaign, Vermilion, Will and Stephenson. In the first three counties the writer collected the data in person, and in the last named county the data were sent him by the probation officer, Miss Jessie M. Eutrikin. It was found impossible to make a separate study of dependents and delinquents, because probation officers are reluctant to state a case as "delinquent", preferring to use the name "dependent". The reason for this is obvious.

The motive of the juvenile court is humanitarian, and its officers do not wish even to brand a child "delinquent". This adds to the difficulty of the student who wishes to study the cases involved. Therefore, our statistics are compiled upon the bases of both dependent and delinquent cases.

In Table I. we have presented the number and percentage of cases arising out of what the various probation officers interviewed state as the predominant cause of the dependency or delinquency. It must be borne in mind that in most cases there were a number of causes contributing to the trouble, and that it is difficult to state exactly which cause was the predominant one. However, in each case we have endeavored to state the fundamental cause. Here, as in every other phase of our investigation in this chapter, we rely absolutely upon the opinion of the probation officers, for it is they who have followed up each case and discovered the factors at the bottom of the maladjustment.

In the four counties from which these one hundred cases are taken, the probation officers are very capable

persons, and have a large measure of sympathy and a deep interest in the cases coming under their care. For this reason, we believe that the statistics which they have furnished the writer are true and reliable, and their conception and judgment in respect to the underlying causes of dependency and delinquency tolerably correct.

Minor causes such as tobacco, which are given by some writers on the subject, are not presented in the following table, because the writer was unable to find any evidence that these were causes and not effects of delinquency.

The following table will reveal what seem to us to be the predominant causes of juvenile dependency and delinquency.

Table I. - Showing the Fundamental Causes in One Hundred Cases of Juvenile Dependency and Delinquency.

Causes		No.	Per cent
Defective Home Conditions	Drunkenness	20	20
	Immoral Practices	10	10
	Poverty	5	5
	Divorce	5	5
	Desertion	10	10
	Unemployment	7	7
	Illness	2	2
	One parent dead	12	12
	Both parents dead	1	1
Mental Deficiency		6	6
Love of Fine Clothes		4	4
Influence of Bad Companions		10	10
Perversity		8	8
Total		100	100

The above table (Table I.) needs to be more fully explained and its terms elucidated in order that the reader may understand the content of each contributory cause.

Bad Home Conditions. By this term we mean several different things. In the first place, these homes which we have designated as bad, were absolutely unfit places for the rearing of children, being in many cases no better than resorts of vice. Decency was foreign to these hearths. As may be seen from the above table, a large number of the mothers were given not only to the use of intoxicants, but also to extremely immoral practices. The homes were, in many cases, no better than houses of prostitution and resorts of unspeakable vices. The child was neglected and constantly brought face to face with the most appalling conduct on the part of the mother. Especially was this so in homes in which there was no father, that is, where the father had died or deserted the family. Drunkenness and immoral acts on the part of one or both parents constitute one of the most important causes of juvenile dependency and delinquency. The writer is of the opinion that no other one cause contributes more to the increase of the problems coming before the Juvenile Court than does the habit of excessive use of intoxicants. When the

parents become victims of this habit, there is left little respect for home and children.

Abject poverty is another phase of bad home conditions which gives rise to a number of cases of delinquency, and especially of dependency. Lack of proper control and discipline plays an important part in the delinquency of children. Swearing, lying, and uncleanness are other features of the bad home. Divorce, desertion, and illness are other elements of the defective environment. However, we wish to emphasize that drunkenness and immoral practices are the chief characteristics of what we have termed bad home conditions.

Very little can be expected of a child whose home is but a den of vice and immorality. Constantly breathing in the polluted atmosphere of an immoral environment, incessasntly brought into contact with all that is of an evil nature, given no opportunity for the enjoyment of pure recreation and the proper development which are theirs by divine and human right, these little wards of the State are not responsibility for their moral delinquency, and should not so be held by any court of justice.

Mental Deficiency. Six of the one hundred cases which we observed are results of mental deficiency. In each case the child was a delinquent, and the mental weakness was an hereditary trait, one or both parents being likewise deficient. This class of delinquents deserve and should be given careful attention, and the proper medical examination should be conducted to discover the malady. All suspects should be examined. Such children may be sent to the State Colony at Lincoln, Illinois. We wish to state that there is very little doubt but that a large number of delinquents are mentally defective, and are never examined to find the causes, and receive no appropriate treatment.

Influence of Bad Companions. In ten cases of delinquency the predominant cause given was the "influence of bad companions". There is no question as to the validity of this statement, for we found that these boys inherited a perfect physique and had ideal home conditions. The "gang " influence is certainly a factor in juvenile delinquency.

Love of Fine Clothes. During our investigation there were called to our attention the cases of four girls between the ages of fourteen and eighteen who had become

delinquent. In each case it was found that the delinquent loved beautiful clothes, and in order to purchase them sold her virtue. It is doubtful if this can be considered the predominant cause in these cases. The homes of these girls were far from ideal and the moral status of the parents was not high. Some of the mothers were actually immoral and the fathers no less so. The girls in question stated that they went wrong because they wanted money with which to buy clothes. There is no doubt that this is one of the many causes of delinquency among older girls, but it is doubtful if it is ever an exclusive cause.

Perversity. Eight of the delinquents were lax in their conduct because they wanted to be so. In these cases no other prevalent cause could be found, other than the will to be, as one probation officer expressed it, "downright mean". These were boys who possessed a little too much surplus energy, which may not be a bad thing if properly controlled. They jumped cars, gambled, smoked, stole, and enjoyed a good fight. It is the problem of the community to furnish facilities for the proper direction of this surplus energy.

Divorce. It cannot be denied that the breaking up of a home and of family life has a tendency to create

delinquency. The absence from the home of either parent is not conducive to the best discipline on the part of the child. The children soon find out that they are cherished by each parent, and when they do not receive proper treatment at the hands of the one, they find refuge with the other. Disobedience soon drifts into delinquency.

Desertion. One of the most fundamental and important of the causes of dependency, and more or less indirectly of delinquency, is desertion. In ten cases we found that the father or mother had deserted the home and broken the marriage vow. It is but fair to state that in only one of these cases had the mother abandoned her family obligations and ties. In some cases the deserting father was believed to be insane or otherwise mentally deficient; in others a second woman was the cause of desertion. Thrown upon her own resources, the mother in most instances was unable to properly support her children, and sought help from the county. A mothers' pension or some other form of relief was granted her and enabled her to nourish and care for the dependent little ones.

Illness. In only two cases was illness given as a cause of dependency. The fathers in these cases

were victims of tuberculosis, and unable to contribute anything to the support of the family. County relief was granted the burdened mothers.

These are, so far as the writer investigated, the most important causes of dependency and delinquency. Taken as these cases are from four different counties in various parts of the state, presenting varying conditions of community life, they should reveal the general causes of the problems of the delinquent and the dependent child. The above statistics plainly show us that the fundamental causes of juvenile delinquency are to be found in hereditary disease and defective environment. In dealing with juvenile delinquency,then, there are many things to consider. Back of the delinquent boy, there is too often the defective home where drunkenness, vice, uncleanness, profanity, discontent or poverty prevail. There is sometimes a feebleminded or slightly mentally deficient father or mother who have given the child a weakened faculty. The gang beguiles the well-bred boy of the good home, and leads him into delinquency. In short, a complexity of causes contribute to the increasing number of

dependents and delinquents. Over many of these causes the child has no control, for he cannot remodel his defective home nor obliterate the physical and mental defect which is his by reason of birth. Patience and wisdom, then, must be exercised in the treatment of the unfortunate children who from week to week face the juvenile court throughout our State.

The Parents' Share of Responsibility. To what extent should parents be held responsible for the dependency and delinquency of their children? This is a vital question, for some of our states have passed laws providing punishment for delinquent parents. We reserve our opinion on this matter until later. It is our purpose now to present the statistics showing the physical and moral status of the two hundred parents of the children involved in our study of one hundred cases of dependency and delinquency. Just what part the parents have in the dependency and delinquency of children is not difficult to determine. The following table will make plain this relation.

Table II.- Showing the physical, moral, and mental status of the parents of the children involved in a study of one hundred cases of dependency and delinquency.

Explanatory Note			No.	Per cent.
Insane		Mothers	2	2.5
		Fathers	3	
Feeble-minded		Mothers	8	7
		Fathers	6	
Physically defective		Mothers	9	5
		Fathers	1	
Morally Defective	Drunkards	Mothers	13	16.5
		Fathers	20	
	Immoral Practices	Mothers	25	20.5
		Fathers	16	
	In Prison	Mothers	0	1.5
		Fathers	3	
Divorced			2	1
Separated			16	8
Father too lazy to work			6	3
Parents dead		Mothers	14	14
		Fathers	14	
Physically and Morally Well		Mothers	20	21
		Fathers	22	
Total			200	100

According to our statistics, in 79 per cent of the one hundred cases of dependency and delinquency studied, one or both of the parents were either insane, feebleminded, victims of the drink habit, given to illegitimate sexual relations, in prison, divorced, separated from each other, lazy, or dead. In 21 per cent only were the parents physically, mentally and morally sound. Our data serve but to re-emphasize our previous statement that heredity and environment are the two most important factors in juvenile dependency and delinquency.

Number of Children in Each Family.

It has been contended that there is a very close relation between the number of children in the family and juvenile dependency and delinquency. One can readily understand the tendency of large families of poor people to become dependent, for abundant evidence of this may be found daily in our cities where industrial accidents or unemployment deprive the home of its chief means of support. But the case for the size of the family in relation to delinquency is not so clear. Many probation officers, however, agree that small families, especially the one-child family furnish more delinquents than do the larger families. The reason for this is obvious.

An only child sometimes receives more attention than is good for him. There are no others to share the benefits and affections, and he meets little opposition to his own free will and desires. Discipline is apt to be slight where there is but one child, and disobedience is likely to follow and eventually drift into delinquency.

In order that the reader may see what relation exists between the size of the family and juvenile dependency and delinquency, we have collected statistics for the one hundred cases which we have been privileged to study. The following table will present to the reader the basis of our opinion, that there is a close relationship between the size of the family and juvenile dependency and delinquency, i. e., that the well-to-do family in which there are a few children contributes largely to juvenile delinquency, while the poor family with many children adds to the number of cases of dependency.

Table III.- Showing the number of children in each family of the one hundred cases of dependency and delinquency studied.

Explanatory Note				No.	Per cent.
Families having	one		child	32	32
"	"	two	children	17	17
"	"	three	"	18	18
"	"	four	"	12	12
"	"	five	"	9	9
"	"	six	"	8	8
"	"	seven	"	3	3
"	"	eight	"	1	1
Total				100	100

As indicated by the above table, 32 per cent of the one hundred familes have only one child. It was in the smaller families that the largest number of delinquents were found, while juvenile dependency characterized the larger families. We agree with those who contend that the one child families tend to furnish a relatively large proportion of juvenile delinquents and a comparatively small proportion of juvenile dependents.

Judgment Issued in Each Case.

In the earlier part of our discussion we repeatedly emphasized the fact that in many of the juvenile courts great care is taken in deciding the cases of dependency and delinquency. Special investigation is made by the probation officer, and upon the facts presented by that officer each case is decided. The purpose of the juvenile court is not to punish, but to redeem and help the children coming within its jurisdiction. This fact is clearly brought out in the statistics which we have collected, regarding the judgment in each of the one hundred cases oming under our observation. Of these one hundred cases, 26 per cent were decided by placing the children in respectable private homes, 15 per cent were left in their own homes on probation, 12 per cent were sent to the State School for Girls at Geneva, 10 per cent were sent to the State School for Boys at St. Charles, 3 per cent were sent to the State Reformatory at Pontiac, 3 per cent to the home at Glenwood, 1 per cent to the Lincoln State School and Colony, 1 per cent to an orpharage, 3 per cent to the Chicago Children's Home and Aid Society, 14 per cent were given the Mothers' Pension, and 12 per cent were given County Relief. The statistics upon which these percentages are based are found in the following table.

Table IV.- Judgment issued in one hundred cases of dependency and delinquency.

Judgment	No.	Per cent.
State School for Girls at Geneva	12	12
" " " Boys at St. Charles	10	10
Placed in Private Homes	26	26
Left at Home on Probation	15	15
Mothers' Pension	14	14
Relief by County	12	12
Chicago Children's Aid and Home Society	3	3
Placed in Orphanage	1	1
Sent to Glenwood	3	3
Lincoln State School and Colony	1	1
Sent to Pontiac Reformatory	3	3
Total	100	100

It must be taken into consideration that the conclusions stated in this chapter regarding the causes of juvenile dependency and delinquency are based upon a

study of the facts as they presented themselves to the writer in four counties only. We do not intend that our conclusions shall be interpreted as revealing the complexity of causes which give rise to these social maladies throughout the United States, for a broader and more exhaustive study would reveal a greater number of secondary causes which are not brought to light in so restricted a field as we have studied.

We might briefly summarize the contents of this chapter in the following manner: First, heredity and environment are the two predominant and fundamental causes of dependency and delinquency, especially of delinquency. Here may be classified ~~as~~ such factors ~~as~~ drunkenness, illegitimate practices in sexual relations, profanity, laziness, hereditary diseases,- such as insanity and feeble-mindedness,- divorce and desertion. In the second place we found that there is a definite relation between the size of the family and dependency and delinquency, large families contributing to the former and small families to the latter. Finally, ~~in deciding each case involving a child, the greatest precautions are taken to do what seems best for the welfare of the dependent or delinquent.~~

where the machinery of the juvenile court is [illegible]

the personal attitude of judges and probation officers [illegible]

of a high character.

Chapter IX.

The Probation Officer in Relation to the Juvenile Court.

If questioned as to the relation of the probation system to the Juvenile Court, the writer, in the light of his study of that system, would unhesitatingly answer that probation is the soul of the courts of justice for children. Take away the probation system and the Juvenile Court becomes a meaningless thing, for the scope of its activity would immediately be narrowed, and the thoroughness of its treatment of the individual case would be impaired. What is the purpose of the Juvenile Court? It is, in the first place, to make a thorough investigation of the facts in each case coming within its jurisdiction; secondly, to endeavor to evoke every spark of honor and manliness in the youthful offenders by placing them on probation in their own homes under the friendly care of the probation officer; in the third place, it is to make treatment educative rather than punitive; and, lastly, whenever possible to rehabilitate the disorderly home. Not one of these functions can be successfully fulfilled without the services of the

probation officer. Facts must be gathered and a thorough knowledge of the conditions surrounding each case must be gained; some one must be present at the trial as the defender of the child's cause; temporary or permanent homes must be found for the numerous dependents who are declared wards of the state; the boy on probation needs the kindly advice and friendship of one who is working for his welfare - all these activities constitute an essential part of the successful juvenile court, and without the probation officer would be impossible of realization.

In spite of the apparent need of a strong and efficient probation force, there are many counties that have not realized the importance of this branch of the juvenile court work. For example, the writer visited one city in the State of Illinois, which is the county seat of one of the largest counties. This city itself has a population of nearly fifty thousand souls. The juvenile court there is poorly equipped as far as the probation force is concerned, there being but one probation officer to do all the work. It was quite obvious that there was not only a lack of room for the conducting of the children's court, but the judge was so very busy that only a

comparatively brief session was given to the hearing of dependent and delinquent cases. The probation officer complained of the unreasonable amount of work left to the care of a single officer, and added that it was impossible to secure appropriations for the hiring of additional assistants. There are many similar cases. We call attention to this one to show how imperative is the need for an awakened public conscience that will take cognizance of its obligations to the unfortunate children who, often from no fault of their own, are forced to face the courts of justice. Not only as a matter of moral obligation and duty, but also as a matter of economy the county should have a sufficiently large probation force. Exhaustive investigations often find homes for the dependents who have been wards of the State. The placing of children in permanent homes saves to the county a large sum of money. Many people would gladly adopt these little unfortunates if they knew of the opportunity, and the probation officer can often make known this opportunity. Frequent examples of such economy practiced by the efficient probation officer have come under our observation during the past few months.

No example could be cited which more reveals the scope of a probation officer's activity than that of the work performed by Mrs. Sara N. Franklin, probation officer for the central district in Chicago. In this district there are thirteen nationalities represented including American, Irish, English, German, French, Italian, Russian, Scandinavian, Arab, and Negro. Mrs. Franklin says: "These are c hildren who have a thousand calls to vice where they listen to the merest whisperings of virtue. The squalor and filth of their homes is appalling. I have seen them, parents, children, sheep, goats and dogs; each seemingly as much respected as the other; kicks, blows and angry imprecations dealt with impartial justice."[1] Such a situation demands a probation officer who possesses almost supernatural patience and large sympathy. Such patience and sympathy characterized almost all the probation officers with whom we came in contact. They do their work because they want to be of service to the future citizen. Their meager compensation does not constitute an attraction.

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1. Charities, Vol. XI., p. 44 ff.

The importance of probation work has been beautifully expressed by Mrs. Hannah K. Schoff thus: "Individual treatment, sympathy, encouragement, firmness, and insight into the causes leading to the trouble usually prevent recurrence of the offense, and this can be accomplished by probation officers fitted by character and education for the work, provided always they have not too many cases to care for."[1] We would not fail to emphasize the last phrase "provided they have not too many cases to care for", for thoroughness cannot characterize the work of a probation officer who is endeavoring to perform the tasks of three such officials.

In the State of Illinois, prior to the enactment of the Juvenile Court Law, 50 per cent of the juvenile delinquents, or more than 500 a year, were sent to the county jail; but during the year 1901, only one per cent were sent to the jail. This State has schools for dependents and delinquents, and a reformatory to which older and more hardened offenders may be sent. Of 23,000 young persons who have passed through these institutions, 75 per cent have been so rehabilitated that they have become respectable and useful citizens.[2]

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1. Charities, Vol. XI, p. 426.

2. T. H. MacQueary, Am. Jour. of Soc. Vol. 9, p. 21.

With the growth of the probation system a decreasing number are sent to these schools, homes and reformatories, for whenever feasible the delinquent and dependent are left in their own homes under the care of the probation officer. As the probation system becomes more and more perfected, less than 25 per cent of the delinquents and dependents will be lost to respectable and useful citizenship. Sufficient has been said to add significance to our opening statement, that probation is the soul of the Juvenile Court, and success and efficiency cannot be attained in that institution until each county realizes the important function of probation officers.

Chapter X.

Conclusion.

In the course of our study we have endeavored to describe the origin, evolution, status, and success of the Juvenile Court in the State of Illinois. There were pointed out the deplorable conditions that existed in Illinois previous to the establishment of the Juvenile Court in the year 1899. We saw that in our Criminal Courts there was no distinction whatever made between the hardened adult criminal and the youthful offender. Both were equal before the law, and shared the same prison accommodations. This abominable practice of housing the delinquent child in the same jail with adult criminals was conducive to the production of an increasing number of lawless citizens. This unscientific and inhumanitarian method of treating child offenders finally evoked a storm of protest, and good people throughout the State, and especially in Chicago, began a strenuous campaign for reform.

Following a resume of pre-existing conditions, the history of the movement for better treatment of children was traced, and the immediate circumstances attending

the enactment of the Juvenile Law in 1899 were briefly stated. The splendid results accomplished throughout the State immediately after the establishment of the Juvenile Court revealed to the people of this commonwealth the justice and efficiency of such a system of procedure in the trial of children's cases. A new era of child saving had been ushered in, and henceforth the dependent, neglected and delinquent children were to enjoy the benefits of a scientific method of court procedure.

It was our next task to show the extent to which the procedure authorized by the Illinois Juvenile Court Law had been accepted and adopted in the various counties of the State. It was found that eighty-three per cent of the counties follow exclusively this special procedure in hearing children's cases; nine per cent still follow the antiquated method of ordinary criminal court procedure; five per cent make use of both methods; and three per cent have had no occasion to deal with delinquents.

It was further learned that fifty-seven per cent of the counties have appointed paid probation officers; thirty-seven per cent have not appointed paid probation

officers; three per cent have appointed paid probation officers for special cases; and three per cent have appointed paid probation officers to serve in connection with the Criminal Court. It was also found that fifty-seven per cent of the counties have appointed unpaid probation officers, while forty-three per cent had never done so. Including Cook County and Champaign County, eighty-five counties are using the Juvenile Court Law, while fifty-nine counties have appointed paid probation officers. These figures speak highly for the progressiveness of the various counties of the State of Illinois.

In a study of one hundred cases of juvenile dependents and delinquents we found that the predominant causes were heredity and environment. Under the division of heredity the most important contributory causes were insanity and feeble-mindedness; while under environment home conditions, including drunkenness, immoral practices, profanity, divorce, separation, and poverty were the chief elements. It was further revealed that the parents of these children were defective in some way, and that there is a definite relation between the size of the family

and juvenile dependency and delinquency.

Finally, we saw that the probation system is the most essential element in a complete and efficient Juvenile Court; that the sympathy, insight, patience and friendship of the probation officer are indispensable to the successful operation of children's courts of justice. This fact is manifested wherever a Juvenile Court is endeavoring to fulfill its function and obligations.

Suggested Improvements.

In conclusion we wish to state briefly the improvements that we believe should be made in the Juvenile Court System of Illinois. These conclusions are based upon our own experience in making the investigation, the results of which are recorded in the foregoing pages. The Juvenile Court is by no means a perfectly organized institution, nor is the Juvenile Law incapable of amendment. People are not yet conscious of their duty towards and responsibility for the dependent and delinquent children. Consequently, adequate appropriations of money are not made, and the Juvenile Court suffers from the lack of help.

The suggestions which we wish to make are:

I. A more complete record. One of the greatest obstacles to a thorough investigation of the Juvenile Court System of this State is the incompleteness of the records kept by the Court. The Juvenile Court Docket contains no other information than the name and age of the child, a statement as to the nature of the case, whether dependent or delinquent, and the judgment issued. Except in rare cases, this is the extent of the data specified in respect to the child. However, some probation officers have worked out their own system of keeping the necessary record, and collect data respective to the home conditions, the physical and mental status of the parents and the child, the moral history of the family, the judgment issued in each case and the subsequent history of the delinquent or dependent. Only experience as a probation officer can serve as an adequate basis for an outline of the record that should be kept. Nevertheless, we suggest that the following data be recorded in respect to every case:

1. Name and age of the child.
2. Home conditions

3. History of the parents.
4. Physical, moral, and mental status of parents.
5. Nationality.
6. Employment of the father.
7. Number of children in the family.
8. Age of the child or children involved.
9. Physical, moral and mental status of the child.
10. Judgment issued.
11. Predominant causes of the dependency or delinquency.
12. Subsequent history of each case.

The above facts could best be kept on an indexed card system, which is superior to the book method used by many of our juvenile courts.

II. Parental responsibility. The juvenile court law should be amended so as to hold directly responsible and punishable, parents and any other persons who contribute to the child's delinquency. Such an amendment has been made to the Colorado law. In Illinois parents are compelled to support dependent children, but there is no clause in the Juvenile Law which provides for punishment of delinquent parents. There is no valid reason why accomplices to the child's misdemeanor should not be punished.

III. Increased probation staff. The larger counties should have a greater number of probation officers. This is one of the imperative needs of the Juvenile Court throughout the State of Illinois. It is impossible for one probation officer to effectively carry on the work when an unreasonable number of cases come up for attention. In a county of ninety thousand souls, one person cannot take care of all the cases of juvenile dependency and delinquency. Yet this is exactly the situation in a county of this State in which the writer studied conditions. An enlightened public opinion and a quickened public conscience constitute the only means of bringing about this desired reform. It is the business of the people in each county to make the required appropriations, and yet such appropriations are not forth-coming.

IV. A longer juvenile court session. It is absolutely necessary that more time be given to the hearing of children's cases. In small counties the judge can easily try all cases during one morning, but this is an impossibility in a large county. In most of our juvenile courts every Saturday morning is set aside for the purpose of deciding dependent and delinquent cases. This is a comparatively short time, and a whole day if necessary should be spent in hearing and deciding these important cases. The judge of a juvenile court holds in his hands the destiny of children who come

under his jurisdiction. A wrong judgment might send deeper into misery and crime these young offenders. Time, patience, and sympathy are very necessary, and each should have its proper place in a juvenile court.

V. Higher salaries for probation officers. We have elsewhere stated the average salary received by probation officers. Fifty dollars a month is an inadequate remuneration for work of so great importance. It is not attractive to the best trained and efficient social workers. A probation officer's work is strenuous, often involving unpleasant experiences with vile and ignorant parents. Of course we do not discourage the pleasanter side of this very essential and worthy office. It is not difficult to understand the joys that come from the consciousness of having rehabilitated a demoralized home, or saved to good citizenship a delinquent child. These are services worthy of the most scholarly and capable workers. But a sufficiently high salary should be paid to attract and properly maintain the most efficient class of probation officers. This compensation should not be so large as to constitute a political plum attracting untrained, unsympathetic and mercenary politicians, who seek the office merely as a means of subsistence, not as

an opportunity for service to the childhood of our nation. Each judge appoints his own probation officer. It would be much better, and would add to the efficiency of the Juvenile Court if the candidate for this office were compelled to pass a Civil Service examination, thus making the office competitive rather than appointive. This can never come until higher salaries are paid.

The Juvenile Court is one of the greatest institutions that a state can possess. Under its jurisdiction come the most delicate constituents of the state - the neglected, dependent, and delinquent children. To call forth the noblest and best qualities that are dormant in the child, to train him for useful and respectable citizenship, and to save him from a life of indifference and criminality is one of the most beneficent missions of the commonwealth. Upon its success in carrying out this mission depends its future physical, moral, intellectual, and spiritual power. Through the medium of the Juvenile Court the state can restore the damaged lives of its unfortunate wards. Immeasurable is the reconstructive power of this new tribunal and inestimable are its possibilities. Its development has only just begun; it is destined to become one of our most respected and cherished institutions.

The End.

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