

U. S. DEPARTMENT OF LABOR

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CHILDREN'S BUREAU

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JUVENILE-COURT STANDARDS

REPORT OF THE COMMITTEE APPOINTED BY
THE CHILDREN'S BUREAU, AUGUST, 1921, TO
FORMULATE JUVENILE-COURT STANDARDS

ADOPTED BY A CONFERENCE HELD UNDER
THE AUSPICES OF THE CHILDREN'S BUREAU
AND THE NATIONAL PROBATION ASSOCIATION

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FOREWORD.

At the request of a conference on juvenile-court standards held in Milwaukee on June 21-22, 1921, under the auspices of the Children's Bureau and the National Probation Association, a committee was appointed by Julia C. Lathrop, then chief of the Children's Bureau, to work out standards.

The following served as members of the committee:

Judge Charles W. Hoffman, Hamilton County court of domestic relations, Cincinnati, Ohio, *chairman*.

Judge Kathryn Sellers, juvenile court of the District of Columbia.

Judge Henry S. Hulbert, juvenile division of the probate court of Wayne County, Detroit, Mich.

Judge Frederick P. Cabot, juvenile court, Boston, Mass.

Dr. Miriam Van Waters, referee of the juvenile court of Los Angeles County, Calif.

Dr. William Healy, director of the Judge Baker Foundation, Boston.

Dr. V. V. Anderson, associate medical director of the National Committee for Mental Hygiene.

Charles L. Chute, secretary of the National Probation Association.

Herbert C. Parsons, secretary of the Massachusetts Probation Commission.

Bernard Fagan, chief probation officer of the children's court of New York City.

Joseph L. Moss, chief probation officer of the juvenile court, Cook County, Chicago, Ill.

Henry W. Thurston, of the New York School for Social Work, New York City.

Ralph S. Barrow, State superintendent of the Alabama Children's Aid Society.

Secretary: Emma O. Lundberg, Children's Bureau, United States Department of Labor.

This committee has been at work for two years. It has met a number of times, and in January, 1923, held a two-day session in Washington, at which a tentative draft of standards was prepared. This draft was mimeographed and sent by the Children's Bureau to more than 200 persons, including judges, probation officers, officers of child-caring agencies, and others interested in juvenile-court work. A considerable proportion of those to whom the draft was sent made

specific suggestions, which were carefully considered at meetings of the committee in May of 1923. The members of the committee were not agreed on all points, but each statement represents the prevailing opinion as expressed in the committee meetings and in suggestions received.

The committee presented a preliminary report to a second conference held in Providence in June, 1922, and a final report to a third conference held in Washington on May 18, 1923, both under the auspices of the National Probation Association and the Children's Bureau. After a free discussion in this conference, and the adoption of certain amendments, the report was approved in the form in which it is here given.

The fundamental principles underlying the standards might be summarized as follows: (1) That the court dealing with children should be clothed with broad jurisdiction, embracing all classes of cases in which a child is in need of the protection of the State, whether the legal action is in the name of the child or of an adult who fails in his obligations toward the child; (2) that the court should have a scientific understanding of each child; (3) that treatment should be adapted to individual needs; and (4) that there should be a presumption in favor of keeping the child in his own home and his own community, except when adequate investigation shows this not to be in the best interest of the child.

In drafting laws based on these recommendations consideration must, of course, be given to provisions of State constitutions, existing court systems, and related laws which it may be necessary to modify if the standards are to be fully realized.

GRACE ABBOTT.

COMMITTEE REPORT
ON
JUVENILE-COURT STANDARDS.

I. THE COURT.

A. COURT GIVEN JURISDICTION.

1. There should be available to every community a court equipped to deal with children's cases.

2. The laws of each State and local conditions determine whether the juvenile court should be an independent court or a branch of a court, and in what court system it should be placed. In order that the court may serve rural as well as urban population, it is usually desirable that the county should be the unit of jurisdiction.

3. The juvenile court should be a court of superior jurisdiction and a court of record. The disposition of a child in the juvenile court, or any evidence given in a juvenile court proceeding, should not be lawful evidence against the child in any civil, criminal, or other cause or proceeding in any other court.

B. NATURE OF PROCEEDING.

In children's cases the proceeding should be chancery or equity, and not criminal, in nature. The juvenile court should, however, be vested with criminal jurisdiction in adult cases such as contributing to delinquency and dependency of children.

C. EXTENT OF JURISDICTION.

1. The juvenile court should be vested with exclusive jurisdiction over the following classes of cases:

(a) Children alleged to have violated laws or ordinances of the State or of any subdivision thereof, or children whose conduct or associations are alleged to have rendered them in need of the care and protection of the State. The juvenile court should not have the power to waive jurisdiction and certify cases for trial in another court.

(b) Children whose custody is to be determined by reason of their being in need of protection and supervision, homeless, abandoned, destitute, without proper parental care or guardianship, neglected or cruelly treated, or in surroundings dangerous to morals, health, or general welfare.

(c) Adoption cases.

(d) Children in need of protection or custodial care by reason of mental defect or disorder.

(e) Violations of school-attendance laws beyond the provisions for control by school administration.

(f) Contributing to delinquency or dependency. A finding of delinquency or dependency of the child should not be necessary to adjudication. Action should not be limited to parents or guardians in cases of delinquency.

(g) Nonsupport or desertion of minor children.

(h) The determination of paternity and the support of children born out of wedlock.

2. The age limit under which the court may obtain jurisdiction in children's cases should be not lower than 18 years. Marriage of the child should not terminate jurisdiction. Jurisdiction once obtained should continue until 21 years of age unless the case is sooner dismissed or passes out of the jurisdiction of the court.

D. THE JUDGE.

1. The judge should be chosen because of his special qualifications for juvenile-court work. He should have legal training, acquaintance with social problems, and understanding of child psychology.

2. The tenure of office should be sufficiently long to warrant special preparatory studies and the development of special interest in juvenile work, preferably not less than six years.

3. The judge should be able to devote such time to juvenile work as is necessary to keep detention at a minimum, to hear each case carefully and thoroughly, and to give general direction to the work of the court.

II. PROCESS BEFORE HEARING.

A. RELATION BETWEEN THE COURT AND THE POLICE DEPARTMENT.

1. The jurisdiction of the court should begin as soon as petition is filed or as soon as a child is taken into custody or placed in charge of an officer of the court. Whenever a child is taken into custody the parents or the person with whom the child resides should be notified at once by the police officer or other person holding such custody. The responsibility for such notice should rest with the court.

2. A child taken into custody should immediately be placed in the care of an officer of the juvenile court, and only if necessary taken to a place of detention for juveniles.

3. The police and peace officers should be required to work in close cooperation with the juvenile court in the handling of juvenile cases, and should be given a clear understanding of the difference between the procedure in children's cases and that in cases of adult offenders.

4. The police should not attempt to handle unofficially cases of juvenile delinquency after the child has been taken into custody. Police authorities should not be empowered to place children on unofficial probation without referring them to the court.

5. The police should not be authorized nor should they have the power to hold children in a station house. When the child is taken to a place of detention for juveniles, the authority of the police should cease except for giving information as to the cause of the child's arrest and filing a formal petition or complaint.

6. From the moment a child is taken into custody he should be sheltered to the greatest possible extent from public observation and from conditions that tend to mark him as an offender. Transportation in a police van, escort by a police officer in uniform, and any visible physical restraint are objectionable and should be avoided. Transportation of girls to a place of detention or elsewhere should be by women officers.

7. With rare exceptions no collateral, bail, or appearance bond should be required in children's cases.

B. RECEPTION OF COMPLAINTS AND ADJUSTMENT OF CASES.

1. The judge, or a probation officer designated by him, should examine all complaints and after adequate investigation determine whether a petition should be filed or other formal action should be taken. It should be the duty of the court to bring about adjustment of all cases without such formal action whenever feasible.

2. Supervision should be exercised in cases handled informally when it is desirable thus to safeguard the child or keep in touch with developments.

3. The judge should exercise general supervision over all the work of the court, even though he is not able to give individual attention to all cases.

III. DETENTION.

A. DETENTION POLICY.

1. The number of children detained and the length of detention should be kept at a minimum, and so far as possible those who must be detained should be provided for in private boarding homes. Detention should be limited to children for whom it is absolutely necessary, such as:

- (a) Children whose home conditions make immediate removal necessary.
- (b) Children who are beyond the control of their parents or guardians, runaways, and those whose parents can not be relied upon to produce them in court.
- (c) Children who have committed offenses so serious that their release pending the disposition of their cases would endanger public safety.
- (d) Children who must be held as witnesses.

(e) Children whose detention is necessary for purposes of observation and study and treatment by qualified experts.

2. Children should not be detained in jails or police stations.

3. No child should be detained without an order from the court for a longer time than is necessary to obtain such court order, unless the parents consent to detention or unless the parents can not be reached at once and need for detention is indicated, and in these cases decision as to detention should rest with the judge or some one designated by him, usually the chief probation officer.

4. Constant effort is required to keep the period of detention in each case as short as possible. This may be accomplished through frequent hearings, prompt investigation, sufficient court staff to expedite the movement of cases, and adequate facilities for institutional care.

B. METHODS OF DETENTION.

1. For temporary detention either a public detention home or boarding homes under the supervision of the court should be provided, available to the entire area over which the court has jurisdiction.

2. The essential features of a detention home are the following:

(a) The juvenile court, if not actually operating the detention home, should control its policies and the admission and release of children.

(b) Provision should be made within the home for segregation of sexes and types of children, and for adequate isolation facilities and medical care.

(c) Adequate facilities should be provided for the study of the child's physical and mental health, but except in rare instances, the detention home should not be used primarily for this purpose.

(d) There should be specialized school work for the children detained, and recreational facilities should be provided. The daily program of activities should be full and varied in order that constructive interests may supplant morbid tendencies and undesirable companionships. Opportunity should be given for the exercise of the child's religious duties.

(e) Effective supervision should be maintained at all times.

(f) The detention home should not be used as a disciplinary institution.

IV. STUDY OF THE CASE.

1. Social investigation should be made in every case, and should be set in motion at the moment of the court's earliest knowledge of the case.

2. The minimum essentials of adequate study of a case of delinquency are: Study of the child himself, including a physical and a mental examination and study of his behavior, developmental history, school career, and religious background; study of his environment, including his family and home conditions; an estimate of the essential causal factors responsible for his behavior; and in the light of this estimate, recommendations for treatment.

3. Psychiatric and psychological study of the child should be made at least in all cases in which the social investigation raises a question of special need for study and should be made before decision concerning treatment, but only by a clinic or examiner properly qualified for such work.

4. The clinic for study of the child should be a separate branch of the court or a separate organization fully available. The personnel required includes a physician trained in psychiatry, a psychologist, and one or more social investigators.

5. The physical examination should be thorough, and all the community facilities for diagnosis and treatment should be utilized. Physical examinations of girls should be by women.

6. For rural communities facilities for study of the child may be provided through the development of centers in urban communities or through traveling clinics under the auspices of State boards or commissions or institutions.

V. HEARING.

A. CHILDREN'S CASES.

1. The hearing should be held as soon as proper notice to parents or custodians can be given, and within 48 hours.

2. There should be no publicity in a juvenile-court case. The hearing should be private, with no one present other than those directly concerned in the case. Witnesses should not be permitted in the court room except when testifying. Adequate provision should be made for children awaiting hearing, and they should be protected from publicity and given necessary supervision.

3. One or both parents or the legal guardian of the child should be required to be present.

4. The hearing should be conducted with as little formality as possible, and the formal adherence to the practice and rules of procedure that characterizes the criminal court should be avoided.

5. The purpose of the juvenile court is to prevent the child's being tried and treated as a criminal; therefore, all means should be taken to prevent the child and his parents from forming the conception that the child is being tried for a crime. In the ascertainment of facts the court should always bear in mind the rules of evidence. This

does not imply, however, that in the application of these rules the court must conduct a formal hearing.

6. In all cases there should be a written report of the proceeding, not official in the sense that affidavits and petitions are official but unofficial and private, to be used by the court for the purpose of record and interpretation.

7. In every case the court should explain to the child and parents the nature of the proceeding and the disposition made of the case.

8. Under no circumstances should jury trials be permitted in children's cases. They are inconsistent with both the law and the theory upon which children's codes are founded.

9. Children should not be present at the hearing of neglect or dependency cases except for the time required for identification, when identification is necessary.

B. CASES INVOLVING ADULTS.

In cases involving adults, such as cases in which adults are charged with contributing to the delinquency or dependency of children, the usual court procedure in criminal cases is necessary, as the defendant is entitled to all the safeguards that the law and Constitution throw around him. In the trial of these cases children who are involved should be protected to the extent that they should not appear in the court room except for the purpose of testifying, and while in the court room should be accompanied by a probation officer.

C. USE OF REFEREE.

1. It is desirable that girls' cases should be heard by a properly qualified woman referee.

2. Where the area of jurisdiction is so large that the judge can not attend promptly to cases in all sections, the court should utilize properly qualified referees.

3. In all cases heard by referees the judge should pass on findings and recommendations and review all dispositions. The judge should have general oversight of policies and each part of the district should be given a fair proportion of his time.

VI. DISPOSITION OF CASES.

1. Sufficient resources of various types should be available for the supervision of children in their own homes, and for the care in family homes or in institutions of those who can not remain with their own families, so that in disposing of each case the court may fit the treatment to the needs of the child.

2. Institutional care should be utilized only when careful study that includes a knowledge of the needs and possibilities of the individual clearly indicates the necessity for it, or when repeated attempts to adjust the child to home life in the community have failed.

3. Fines should never be imposed in children's cases. Restitution or reparation should be required only in cases where they seem to have disciplinary value or to instill respect for property rights.

4. A complete copy of the social investigation and reports of physical and mental examinations, and a summary of the work done by the court on the case, should accompany the order of commitment to an agency or institution. These records should be unofficial and private.

5. Children placed under the care of private agencies or institutions should remain under the jurisdiction of the court, and there should be close cooperation between the court and the agency or institution. The court should have the power to require reports concerning the progress of the child and to visit agencies and institutions to which children are committed. All private agencies and institutions receiving children from the court should be subject to State supervision.

6. Administrative work such as placing dependent or neglected children in family homes should not be undertaken by the court itself, unless suitable agencies are not or can not be made available for this type of service.

7. The court should be authorized to order the parents of children committed to the care of agencies or institutions to contribute to the support of the children.

8. When its jurisdiction does not include offenses by adults against children, it should be the responsibility of the juvenile court to see that proceedings are initiated in other courts whenever such action is advisable. There should be close cooperation in these cases between the juvenile court, the prosecuting authorities, and the criminal court, and the juvenile court should use all possible means of protecting child witnesses in other courts.

VII. PROBATION AND SUPERVISION.

1. The probation staff should be appointed by the judge from an eligible list secured by competitive examination, subject to approval by a supervising board or commission.

2. The minimum qualifications of probation officers should be as follows:

- (a) Education: Preferably graduation from college or its equivalent, or from a school of social work.
- (b) Experience: At least one year in case work under supervision.
- (c) Good personality and character; tact, resourcefulness, and sympathy.

3. The compensation of probation officers should be such that the best types of trained service can be secured. The salaries should be comparable with those paid to workers in other fields of social service. Increases should be based on records of service and efficiency.

4. Not more than 50 cases should be under the supervision of one probation officer at any one time. Officers handling girls' cases should be assigned a smaller number.

5. If volunteer service is used, the persons performing such service, or the executive of the organization of volunteers, should be directly responsible to the court.

6. Girls' cases should always be assigned to women officers; cases of boys under 12 years may be assigned to women officers, but all cases of boys 12 years of age and over should be assigned to men.

7. The district system is frequently an economical method of assignment, but fitness of particular officers for special kinds of work must also be taken into account.

8. A definite plan for constructive work, even though it be tentative, should be made and recorded in each case and should be checked up at least monthly in conference with the chief probation officer or other supervisor.

9. A general minimum probation period of from six months to one year is desirable, but exceptions should be allowed on recommendation of the supervisor or chief probation officer. The length of probation in each case should be determined by study of the case, needs disclosed, and progress made.

10. Reporting by a child to a probation officer at regular intervals should be required only if it seems clearly to be for the good of the probationer, and should never be made a substitute for more constructive methods of case work. When rightly safeguarded, reporting gives opportunity for acquaintance with the child, and free conversation regarding his interests and surroundings, and is a means of training in habits of regularity and punctuality.

11. Regular reporting should usually be limited to delinquent boys over 12 years of age, and they should report at a suitable place away from court and approved by the judge or chief probation officer. Mingling of boys reporting should be avoided through using different days in the week and fixing a certain time for each child to report.

12. Except in rare cases, home visits at least once every two weeks are essential to effective supervision, knowledge of the assets and liabilities of the family, and correction of unfavorable conditions.

13. In probation work due consideration should be given to language, racial psychology, and religion.

14. Reconstructive work with the family should be undertaken whenever necessary, either by the probation officer himself or in cooperation with other social agencies. Whenever other agencies can meet particular needs their services should be enlisted. In cases in which two or more agencies are concerned with the same family frequent conferences are necessary for good team work.

15. Special detailed school reports for each child on probation are advisable. The educational authorities should be requested to cooperate through weekly reports, frequent conferences, and other means; but care should be taken to preserve harmony, faith, and good will between the teacher and pupil, the probationer and probation officer.

16. The probation officer should assist and guide children of working age in the choice of a vocation.

17. Whether or not an employer should be informed with reference to the child's delinquency depends on the type of employer. Tact and judgment should be used in protecting the interests of both the employer and the child.

18. Planning for the "spare time" or recreation of probationers is a very important part of a probation officer's functions.

19. In rural communities it is often practicable and desirable to combine probation work with other types of social service. The form of combination and the division of work will vary according to local conditions and needs. The probation officer, however, should not hold other office in relation to the court, nor an office identified with the prosecution of cases, such as clerk of the court, police officer, or sheriff. Reporting of probationers is usually not practicable, and it may be necessary to use volunteer aid to a larger extent than in urban communities. Volunteer workers should be carefully selected and should be under the supervision of a paid officer. Emphasis should be placed on the strict accountability to the court of all officers, paid and unpaid, doing probation work. The officers should be provided with adequate means of transportation.

20. Supervision of the work of probation officers should be exercised by a State commission or board, either specially created or definitely charged with this duty, or by a State supervisory officer. The supervision should be advisory both to the probation officers and the courts as to all features of the service, but with power to require the keeping of prescribed records and to compel periodical reports to the supervisory board or officer.

VIII. RECORDS.

1. Every juvenile court should have a record system which provides for—

(a) The filing of the necessary legal records.

(b) The filing of social records covering the investigation of the case, the study of the child, and the work done by the officers of the court and the probation staff. These social records should be deemed privileged and confidential records of the court, and should be at all times safeguarded from indiscriminate public inspection.

2. The filing system should be such as to permit ready identification of cases.

3. The records of the social investigation and the study of the child should include all the facts necessary to a constructive plan of treatment.

4. The records of supervision should show the constructive case work planned, attempted, and accomplished, and should give a chronological history of the supervisory work.

5. The court should compile annually statistical information which will show the problems dealt with and the results.

6. In order that it may be possible to compile information covering a period of years and to compare the work of one court with that of others it is essential that uniform terminology and methods of statistical tabulation and presentation of fundamental items be agreed upon. By this means only can significant social data concerning the prevention and treatment of juvenile delinquency and neglect be obtained.

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