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The development of the juvenile count in Georgia

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THE DEVELOPMENT OF THE JUVENILE COURT IN GEORGIA

A THESIS
SUBMITTED TO THE FACULTY OF ATLANTA UNIVERSITY
SCHOOL OF SOCIAL WORK IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF MASTER
OF SOCIAL WORK

BY

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CHAPTER I

INTRODUCTION

In 1890, the public was much outraged over verdicts returned against children in the United States, and began a vigorous campaign for the establishment of juvenile courts. However, it was not until 1899 that laws were passed in Illinois and Colorado under which the first real juvenile courts in the United States were established in Chicago and Denver. The juvenile court movement spread rapidly and, according to the United States Children's Bureau, by 1938 all states, except Maine and Wyoming, had made legislative provisions either for separate juvenile courts or for specialized jurisdiction and procedure in children's cases in existing courts. The first legislation focusing attention on the treatment of delinquents made its appearance in Georgia in 1908.

Purpose. The purpose of this study is to present the legislative progress of Georgia in its dealings with children; to analyze the related machinery, legal and social, and endeavor to determine what services the Juvenile Courts of Georgia have rendered; to show the gradual change in public opinion as to the responsibility of the child for his unlawful acts and the slowly gained amelioration of the laws.

Scope. In recent years there has been a deep and growing public interest in the provisions for the legal and social protection of children. Georgia has lagged behind other states in the development of a state-wide program. However, since the first court was established in Georgia, there has been much study and revision of laws relating to problems of children before courts.
For a clearer understanding of the underlying principles prior to the passage of the juvenile court laws, this study will present the legislative progress of Georgia in its dealings with children from the foundation of the colony in 1732 to the year of 1940. It includes a study of the early treatment of juvenile delinquents, a resume of the history of the Juvenile Court Law of 1915 and a study of the Juvenile Court developments and parallel services in Georgia since 1915.

Method. The body of the material used in the report was gathered from the Colonial and Revolutionary Records of Georgia, the Laws of Georgia from 1908-1940, the official reports of the Department of Public Welfare and publications of the United States Children's Bureau. Valuable current material was obtained through interviews with public officials and through correspondence with the Attorney General of Georgia, the National Probation Association and the Federal Bureau of Prisons. From this information definite conclusions concerning the progress of Juvenile Courts in Georgia have been drawn.

Limitations. This study was seriously hampered in many regards. The writer feels that a more vivid picture could be presented if visits had been made in order to present the actual workings of the court in the several jurisdictions. The presentation of records to show the types of cases which come before the courts would have been helpful if such cases had been available. Because of these handicaps, this study has been limited to an analysis of the juvenile court legislation which has been passed, with emphasis on the trends and accomplishments of the progress in this State.
CHAPTER II

EARLY TREATMENT OF JUVENILES IN GEORGIA

The principles underlying the foundation of the juvenile court laws of Georgia should be understood in order to get a clearer picture of its developments. The first colonists from England brought their laws with them. The English law came from three sources -- the statute law, the decisions of courts and customs which the courts after a certain number of years treated as having the effect of law. In America, until the latter part of the nineteenth century, punishment was meted out in accordance with the nature of the offense, which in many instances was the death penalty, and in others, life imprisonment or very long terms of incarceration. It should be clear that in studying the early development of laws dealing with juvenile offenders it is necessary to trace the change of attitude regarding the treatment of offenders of all ages.

The Charter of 1732, granted by King George II of England, established the territory between the Savannah and Altamaha rivers into the Province of Georgia. All executive and legislative powers were, for twenty-one years, given exclusively to the Trustees or Common Council. Before sailing from England, the Trustees erected a "court of judicature" with the same authority as those exercised in England. There were no lawyers among the settlers, therefore, its judges, three in number, and called "Bailiffs" were laymen, unlearned in law, and not qualified to preside over a court of small jurisdiction, much less one whose authority was practically unlimited. The decisions and laws made by these men did not prove adequate and resulted in very serious problems.

1 James Ross McCain, Georgia as a Proprietary Province (Boston, 1917), pp. 58-60.
Under the laws of this court, children over ten years of age who committed crimes of rape, blasphemy, witchcraft, murder, false witness, treason, idolatory and stealing were equally liable with adults. If an offender was found guilty of blasphemy or treason he was stripped of his clothing and severely whipped on the way to jail. The penalty for murder was death by hanging. Lying was a penal offense long before there was any thought of punishment for perjury, therefore, children as well as adults received forty lashes on the bare back. In 1734, a complaint was made against one Thomas Young for abusing his apprentice, Oakes, a boy ten years of age. Oakes was sent to the "loghouse" because he ran away from home for want of a better coat to wear on Sunday.

In 1739, a case was brought to court which involved adults and children who led most scandalous lives in houses of ill-repute. After the jury intentionally overlooked the case and would not declare such an act illegal, Rev. George Whitfield condemned the heinousness of such crimes. He predicted that the Colony would never be blessed unless the civil power would give all assistance in abolishing the accursed evils existing. As the result of such vigorous campaign, he was granted five-hundred acres of land on which to erect the Bethesda Home for children who were left orphans in the Colony.

2 "Loghouse" refers to the jail during the Colonial Period.
4 Ibid., pp. 495-496.
5 Ibid., p. 658.
From 1776 to 1900 there was a gradual development in the Court system of Georgia. During these one-hundred twenty-four years no legislative policy was inaugurated in Georgia designed towards the rehabilitation of the character of children charged with crime. Such cases were not viewed as social problems to be dealt with as such. Children convicted of crime were regarded as a menace to society, to be punished that they, as well as others, by their example, might be deterred from committing similar offenses in the future.

By 1900, some of the counties in Georgia were becoming cognizant of the problems created by those delinquents who formed a part of the general prison population. Before any state legislation was passed for the care of delinquents, Fulton and Richmond counties maintained small institutions for this purpose. According to the 1904 Census, there were ninety-nine male juvenile delinquents in institutions. Of this number, fifty-nine were in the Fulton County Industrial Farm and House of Correction. Forty of these children were to remain in the institution for an indeterminate period of time while the remaining fifty-nine were sentenced from one to ten years or more. They were sent to these institutions for such charges as vagrancy, robbery, assault, larceny, and many were sent for reasons that could not be classified.

3 Ibid., p. 252, Table 2.
4 Ibid., pp. 260-262, Table 4.
5 Ibid., pp. 256-259, Table 3.
Atlanta was evidently in an inconoclastic frame of mind in 1904 when provision was made by the city ordinance that the recorder should hold separate sessions for juvenile delinquents, and appoint a probation officer. This action indicated the beginning of growing sentiment that youthful offenders should be treated differently from adults.

Three years later, this sentiment crystallized into more tangible results. With the help of the Central Juvenile Protectory, which had been working in nine southern states for the establishment of juvenile courts, interested groups were able to prevent the placing of many young boys and girls into contact with hardened criminals. Something was also done for those already in reformatories. At a meeting of the directors of the Central Juvenile Protectory, which was held in Atlanta on March 21, 1907, it was decided to change the name of the reformatory to the "Juvenile State."

The "Juvenile State" was inaugurated at the Fulton County Industrial Farm and House of Correction. Here these young persons would be their own rulers. This "state" as any other state had a governor, a legislature, and a judicial system which exercised full powers. Laws were made and enforced by the inmates themselves. The penalties imposed upon any offender sentenced were upheld by the "state." All the citizens of the "state" were paid for their labor in a coin designed especially for them. Food or any of the necessities could not be purchased without the coin. Altogether the "state" was so organized to teach the problems of everyday life just as they must be met when the boys and girls go out to make their own livings.

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2 Conference of Charities and Correction, 1907, Report from States on New Legislative Developments, (Indianapolis, 1907), pp. 532-533.
An earlier plan in some states provided for a procedure apart from adults. Except for the establishment of the State Training School for Boys in Milledgeville in 1905, Georgia passed no laws in this regard until September 4, 1908. In August of that year the legislature passed an act which provided for the establishment of a children's court as a branch of the Superior court. This court could be established in any county of the state by the concurrent recommendation of two successive grand juries at different terms of court. Georgia found that it prevented fewer legal difficulties to give to some court already established this special jurisdiction. However, the movement could not spread very rapidly because members of grand juries changed at different terms of court which resulted in changing attitudes. Some believed that such a court was unnecessary.

The children's court had jurisdiction within the county of its creation with all authority and powers vested in the superior court judges to enforce the provisions for the care, custody and discipline of children brought before the court. For facility, children who might come under the jurisdiction of this act were divided into two classes, the delinquent child and the wayward child.

1. The "delinquent child" defined in this act means any boy or girl under sixteen years of age who violates any city ordinance, or commits any offense against any public law of this State, not punishable by death or by imprisonment for life.

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2. Ibid., p. 1108, sec. 2.  
3. Ibid., p. 1108, sec. 3.  
4. Ibid., p. 1109, sec. 7.
2. The "wayward child" is defined by the act as any boy or girl under sixteen years of age who habitually associates with vicious or immoral persons, or who is an inmate of or frequents houses of assignation, or who is growing up in circumstances exposing him or her to lead an immoral, vicious, or criminal life.

The court had jurisdiction to provide for these children as nearly as possible the care which they received from their parents. As far as practicable they shall not be treated as criminals, but as children in need of aid, encouragement and guidance. While this act has greatly softened the procedure, it is nevertheless difficult to get wholly away from the idea that it involves a charge against the child; and while it has likewise softened the character of the judgement it still remains a judgement against the child.

The law further stated that the judge of any superior court may preside over the children’s court. When the judge is absent from the city or the business of the superior court shall, in his opinion need his attention in preference to the children’s court, the judge of any city court of the county may preside in the children’s court. The fact that little or no thought was given to the selection of judges offered a loophole for the infliction of many injustices. In the outset, the superior court judges, already overburdened with duties of another court, have limited time and interest to handle the many problems which are presented in children’s cases.

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1 Ibid.
2 Ibid., p. 1107, sec. 1.
3 Ibid., p. 1108, sec. 4.
One day he may sit as probate judge and the next week sit at a murder trial. What kind of probation can a judge exercise over a child who reports back to him in a case which his predecessor on the bench has heard and about which the judge then sitting knows absolutely nothing? How much greater does the confusion become when the case is heard by one judge and the child reports at intervals to two or three entirely different judges. Although existing as an offshoot of another court, the peculiarly basic work of the courts dealing with children's cases does not allow it to be regarded fairly as any addendum to another court. It should require of the judge more thoughtfulness, a wider education in the human sciences, more shrewd discernment, more close reasoning in the relation of theory, fact and proposed treatment to outcome than is demanded in any other court.

The presiding officer shall hear and determine complaints, information, applications and shall have complete, and exclusive jurisdiction to deal with every aspect of the care concerning the child, whether it involves the parent, the child or other persons. The judge of the superior court may make regulations. Among them are the following:

1. For the visitation and inspection of the institutions and places where children are placed.

2. For the employment, education, discipline and punishment of children dealt with.

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2 Georgia Laws, 1908, p. 1111, sec. 12.
3. For the appointment of a "deputy solicitor-general," at the discretion of the judge if he feels it will secure the best results.

4. For the appointment of a penalty not exceeding one hundred dollars if any of the regulations of the law are broken.

Probation officers were appointed by superior court judges and provision for their compensation was made. Unquestionably, the most important part of the juvenile court organization is the probation system. This act gives the judge an opportunity to appoint an incompetent person if he so wished. However, this provision is significant for two reasons, first, it marks the beginning of paid probation officers in the children's courts in Georgia, and second, women, who had been residents of a county for four years, were eligible for appointment to this office. Women are particularly useful in the courts work, especially with the cases of girls committed for sex delinquency. A female probation officer in cases like these relieves the judge of embarrassing investigations. In the third regulation previously indicated it is stated that the judge has the right to appoint a "deputy solicitor-general" but the act does not prescribe the duties of this office nor is there a limit placed upon the power of the judge in affixing the amount of his salary.

In general procedure prescribed for the juvenile courts in this country the line of demarcation can easily be drawn between those states whose legislation consistently regards the youthful offender as a delinquent and those whose legislation regards him as a criminal but treats him somewhat differently from the adult criminal. The latter attitude was evidenced in Georgia.

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1 Ibid.
Proceedings were usually commenced by information or sworn complaint of a policeman or probation officer in a petition from a citizen stating that he had investigated and believed the child to be wayward or delinquent. A summons was issued by the ordinary, recorder, or judge of the superior court, requiring the child to appear before the children's court.

The hearings, under the Act of 1908, were to be as nearly private as practicable. Children petitioned against, or any person interested in them, had the right to demand a trial by jury. It was usually granted as in other cases, unless waived, or the judge of his own volition would call a jury to try such cases. This was done in a large measure, on the theory that to deprive an adult of his liberty without a jury trial would be regarded as a violation of the "due process" clause in the United States Constitution. While this provision is not interpreted as guaranteeing a jury trial to a child, provisions are made in Georgia for such a trial when demanded. There is, however, another reason for such a provision. The parent is entitled to his child's earnings; so in the disposition which the court makes of a child the property rights of an adult may be affected.

Under the old regime (prior to 1908) the child offender was subjected to the rule which applied to adults. If unable to give a bond he must go to jail to await his trial. This branded the child as a criminal and placed him under the influence of hardened offenders. In Georgia the county must, upon the request of the judge, provide a proper detention room or house separate from the jail.

1 Georgia Laws, 1908, p. 1108, sec. 3
2 Ibid., p. 1109, sec. 6.
3 Ibid., p. 1109, sec. 7.
In the disposition of the child after the hearing, Georgia authorizes the court to release him on probation for such length of time as the court thought fit, or commit him to an institution having for its object the care of delinquent children. Although, Georgia adopted the more modern as well as the more humane method of handling delinquent children the law offered a loophole for a return to the old system of treatment. If the child was over ten years of age and the children's court thought it best, the child was transferred to the adult criminal court to be tried according to the law of that court.

While this act embodies some of the best features of the most advanced juvenile court legislation, it is completely out of harmony with the principles that we have come to believe are sound. The important thing accomplished by the Law of 1908 was that the child who broke the law was not to be regarded as a criminal. It provided that all persons under sixteen years of age would be considered wards of the state and should be subject to the care, guardianship and control of the court — thus giving evidence of a concrete expression of the state's obligation to the child.

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1 Ibid., p. 1110, sec. 9.
2 Ibid., p. 1110 sec. 10.
CHAPTER III

THE JUVENILE COURT LAW OF 1915

The pioneer stage in the development of the Juvenile Court in Georgia was one of great struggle. Since portions of the laws of 1908 were copied from those states where progress in juvenile courts was evident, it was found that some of these provisions did not fit the peculiar conditions in Georgia. As a result the Children's Court suffered from political pressure, constitutional attacks and even public indifference. However, the culmination of these attacks did not appear until the case of Law versus McCord was brought before the Supreme Court in March, 1915. The scope and jurisdiction of the children's court as a branch of the Superior Court were attacked as unconstitutional.

In this case, Mr. and Mrs. R. E. Law brought their petition for a writ of habeas corpus, wherein they sought to have their children, Marion and Thomas, released from the Home of the Friendless, an institution in Atlanta. They had been committed by the judge of the Superior Court of Chatham County under the provision of the Act of 1918.

This act was attacked on the grounds that it violated the constitutional provisions requiring uniformity of the jurisdiction, powers, proceedings and practice in courts of the same grade or level. It provided for the establishment of a children's court but did not contain provisions in regard to its powers, proceedings or practice and makes provisions only in regard to the presiding officers. It is evident that the jurisdiction, powers, proceedings and practice in superior courts with branches called children's

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courts were not uniform with superior courts in other counties where such branches did not exist. This radical difference in the superior courts of various counties is made to depend upon the recommendation of two grand juries. The Superior Court ruled the Act of 1908 unconstitutional upon these grounds.

A new era in the treatment of juvenile offenders in Georgia was inaugurated when the legislature passed an act on August 16, 1915 creating juvenile courts in counties having a population of 60,000 or more. According to the Census of 1910, Chatham and Fulton Counties were the only two counties which had a population large enough to come under the jurisdiction of this act. Georgia adopted, geographically, the county as the unit of area to serve because of the great financial benefit derived in having this jurisdiction coincide with the taxing and governing units. According to the Juvenile Court Standards, under the county unit a more unified probation service, detention home, and clinic for children can be developed as part of the county plan to serve both rural and urban children.

In order to extend the benefits of the juvenile court, an amendment was passed by the legislature in 1916. It authorized the judge of the superior court, upon the concurrent recommendation of two successive grand juries.

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3. See Appendix.
juries, to designate an existing court of record to act and be known as the
juvenile court in counties having a population between 35,000 and 60,000.
As a result three more counties, Bibb, Floyd and Richmond, could come within
the jurisdiction of this act.

An attack was made upon this amendment in the case of Wages versus

Morgan. It was held that in a county having a population of less than
60,000 that commitment of a child to the Georgia Training School by a
county ordinary acting as juvenile court judge was invalid because a court
thus created was in violation of that part of the Constitution of Georgia
which provides that,

The jurisdiction, powers, proceedings and prac-
tice of all courts and officers invested with
the judicial powers, except city courts, of the
same grade or class, so far as regulated by law,
judgement and decrees by such courts, severally
shall be uniform. This uniformity must be es-
tablished by the General Assembly.

This ruling of the Supreme Court, which found the courts of ordinary
serving as juvenile court unconstitutional, does not affect that part of the
Law of 1916 which permitted special juvenile courts to be established in
counties having a population between 35,000 and 60,000 upon the concurrent
recommendation of two grand juries.

The act of 1915 is applicable to all children less than sixteen years
of age who commit any act or offense for which they could be prosecuted by
criminal action or proceeding, except those involving capital offenses; who

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1 U. S. Bureau of Census, 1910, op. cit., pp. 342, 347 (Bibb County
had a population of 56,616, Floyd County 56,736 and Richmond County 58,886).
2 Georgia Laws, 1916, p. 56, sec. 900, sub. sec. (1)
3 Constitution of Georgia, 1877, sec. 9, Article 6, Paragraph 1.
came within the provision of any law for the education, care and protection of children; or whose custody is the subject of controversy of any suit. This provision should be more inclusive in order that the court may not be prevented, by the lack of technical jurisdiction, from assuming the care of any child. The law does not define dependency but, includes the child who is destitute, in specifying the classes of children who may be brought to the court.

Many experts, in the field of juvenile control, have stated that the judge who hears juvenile cases have more to do with the success or failure of the work than any other single element. It is desirable that he be a lawyer, with a lawyer's realization of the rights of the individual. He should be in deep sympathy with the principles underlying juvenile-court laws, and should have the ability to put himself in the child's place. Most important of all, his personality should be such as to win the confidence of the child.

In Georgia, the judge of the juvenile court is appointed by the superior court for a term of six years. Any attorney who has practiced law for three or more years, has an interest in children and a knowledge of the problems of social service can be eligible to hold office as judge. In counties having a population less than 60,000, the superior court judge may...

1 Georgia Laws, 1915, p. 36, sec. 900, sub. sec. (b)
3 Georgia Laws, 1915, p. 45, sec. 900, sub. sec. (b)
appoint a qualified person of high moral character and who has a special knowledge for work with delinquent and neglected children. The term of a judge so appointed shall be for three years with a salary fixed by the appointing judge which has been approved by the county commissioner.

The work of the judge of the juvenile court, conjointly with other law-making officers, proceeds very largely in accord with personal tendencies and moods. His duties are to arrange for the detention of juvenile offenders in a suitable place separate from that of adults. In order to do this effectively, he may arrange with societies or associations to maintain a suitable place for these offenders. If this cannot be accomplished, the county commissioners are required to establish a detention home. The home is to be conducted in connection with the juvenile court in caring for those children who for any reason may be detained or incarcerated.

Further, the judge is to appoint the superintendent, matron and other employees of the detention home - the superintendent being designated as an officer of the court. Under this act, it is the duty of the school board, when requested by the juvenile court judge, to furnish teachers and school supplies for the proper education of children detained.

All appointments of probation officers, paid out of the funds of the county, are determined by a public competitive examination. Three examiners, appointed by the court, conduct the examination and recommend to the court for appointment to positions the names of the three highest ranking applicants.

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1 Ibid., p. 60, sec. 900, sub. sec. (00)
2 Georgia Laws, 1915, p. 41, sec. 900, sub. sec. (r)
3 Ibid., p. 41, sec. 900, sub. sec. (r)
from which appointment shall be made. However, probation officers may be removed from office by the judge of the juvenile court if he gives his reasons in writing. This section of the act was amended in 1916 giving the judge of the juvenile court, with the concurrence of the judge of the superior court, authority to appoint one or more probation officers. These officers, male or female or both, are to be paid a salary fixed by the court and approved by the county commissioners.

According to the Juvenile-Court Standards, probation is a judicial guardianship, an intimate, personal relation which deals with all the factors of a child’s life. This work is so important that it has been found necessary to have special officers give their whole time to it. The advisability of having women probation officers to handle girl’s cases particularly is clearly recognized. Often the treatment is left to the judgement of probation officers with the feeling that in the court room there is so little opportunity for learning all the facts necessary for satisfactory adjustment.

A probation officer, under the provision of this act, must be assigned to each child brought before the court. It is the duty of such an officer to represent the child both before and after trial, investigate the case fully for its guidance in caring for the child. They shall have all the powers of peace officers anywhere in the State. During the probationary period of any

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1 Ibid., p. 44, sec. 900, sub. sec. (w)
2 Ibid., p. 44, sec. 900, sub. sec. (y)
3 Georgia Laws, 1916, p. 60, sub. sec. (00)
4 See Appendix.
child, or while the child is committed to an institution or to the care of any association, probation officers can make visits at any time.

In the majority of the juvenile courts in Georgia, the probation officer performs a double function. He is an investigator and a case supervisor. In the first capacity he assists in the diagnosis and disposition of the child. His part is to make a social investigation of every case assigned to him by the court.

Proceedings, under this act, are begun by having any responsible person who has knowledge of a child's delinquency, report this information in a petition to the juvenile court. This petition must contain the name and address of both parent and child if obtainable. Moreover, if the child is an orphan and does not live with his parents, similar credentials of the person having guardianship, custody or control and supervision of the child must be presented. Along with the information the petitioner must submit the names and addresses of any adults who have influences or encouraged any form of delinquency in the child. Such a procedure is of infinite value to the juvenile court in making a comprehensive investigation of all individuals involved in the case.

Upon filing the name, a summons is issued requiring all persons named in the petition to appear at the time and place stated in the summons. If, upon the hearing, the court is satisfied that the person proceeded against

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1 Georgia Laws, 1915, p. 44, sec. 900, sub. sec. (2)
2 This differs from the Act of 1908 in that there are provisions for more identifying material before the child is brought into court.
3 Georgia Laws, 1915, p. 37, sec. 900, sub. sec. (a)
4 Ibid., p. 37, sec. 900, sub. sec. (d)
is responsible for or has caused, encouraged or contributed to the neglect, dependency or delinquency of the child, a probation officer can at once take the child into his custody and he becomes a ward of the state and is subject to the discipline and protection of the court.

The court may authorize the child to be placed in a suitable family home subject to the visitation and control of the probation officer. It may authorize the child to be boarded out in some suitable family home in such a manner as may be provided for by law, or arranged for by voluntary contributions within or without the county, incorporated or otherwise. In some instances it may be necessary to place children in the State Training Schools for Boys and Girls in order to obtain the desired results. All girls who are committed are to be taken to and from the institution by a woman, except when the judge orders otherwise.

The more scientifically juvenile delinquency is studied, the more evident it becomes that in a large proportion of the so-called delinquents there is an accompaniment of a serious health problem or of law of mentality. The right to compel a child before the court to submit to a medical examination is generally accepted. Truancy is one of the first signs of delinquency. Adenoid growth leads indirectly to truancy. The child with neglected adenoid growth goes to school and, because he cannot breathe properly, gets out of

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1 Ibid., p. 39, sec. 900, sub. sec. (1)
2 Georgia Laws, 1915, p. 59, sec. 900, sub. sec. (1)
3 Ibid., p. 45, sec. 900, sub. sec. (bb)
harmony with the teacher. He soon tires of the discipline of school life and leaves school to loiter on the streets where he is all too likely to indulge in other forms of lawlessness. As a result, the child is brought before the court and unless the juvenile court is able to discover their conditions he goes back into the community and once again mingle with older lawbreakers. Such physical findings may have significant relationship to causation, prognosis and treatment of the child's delinquent tendencies. Provisions are made in Georgia whereby all children, who appear before the juvenile courts, must submit to a health examination. If found to be in need of medical care, treatment can be obtained at hospitals at the expense of the county.

In keeping with modern trends and developments, the act provided for an Advisory Board to be composed of not less than six nor more than ten citizens of which one half are men and the other half women. These members are appointed by the juvenile court judge to serve without compensation. The duties of such a board are as follows: to study court methods and problems in order to assist the judge in improving them; to prevent confinement of children in jails; to hold educational meetings and to act as a "Case Committee."

While the law does not specifically require the appointment of a Negro Advisory Committee, the judge and the Advisory Board would do well to enlist a group of Negro leaders to serve on the Board or as a special committee to assist the court with the delinquents of their group.

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2 Ibid., p. 48, sec. 900, sub. sec. (ll).
It is fairly obvious that Negroes would be more familiar with problems peculiar to them as members of an underprivileged group than the white groups.

The distinctive note struck by this legislation is in the treatment of the child who has done some positive wrong and is evidencing criminal tendencies, which if not checked, will lead him into the clutches of the law. Although the juvenile court concerns itself with social justice rather than strict justice, it is still a court of law, intimately bound up with the judicial machinery of the state, and it decides legal questions of social import.

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During the first five years, from 1915 to 1920, in which the act went into force, there were only eight juvenile court judges appointed in the state. In the earlier stages of development, there were many counties confronted with new problems of juvenile control. The real significance and principles of the law were hardly grasped. Not only were there many counties which had not taken advantage of the provisions of the law, but in those counties where organization was present, the old view that the delinquent child is a criminal to be proceeded against as an offender against the state, and upon whom the state must inflict punishment, still prevailed.

Although the law of 1915 became the basic law for the treatment of juvenile offenders, it has since been amended five times to meet changing needs in Georgia. These changes were greatly influenced by the State Department of Public Welfare which was established in March, 1920, in accordance with the law of 1919. This law authorized the Department "to visit, inspect, and examine over a year, or oftener, county jails, the state, county, municipal and private institutions and organizations which are of an eleemosynary, charitable, correctional or reformatory character, or which are for the care, custody or training of the orphaned, defective, dependent, delinquent, or criminal classes." Through its inspecting and supervising powers the Department is concerned with the development of adequate standards of care.

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1 Georgia Laws, 1919, p. 221, sec. 2158, sub. sec. 82.
Believing that the checking of delinquency in children and the protection of neglected and dependent children the most urgent service needed, the Department of Public Welfare immediately centered its efforts upon the organization of juvenile courts in the counties. A campaign of education was begun through personal conferences and the publishing of a handbook for juvenile court judges, advisory boards, probation officers and civic organizations. It contains the explanation of the law, the modern conception of juvenile court methods, and the state laws for the protection of children. A complete set of juvenile court forms, adapted to conditions of Georgia, have been published and furnished to the courts at moderate cost.

"Juvenile delinquency is not a problem of the courts only but, in its causes, its consequences, and in its treatment, is also a problem of the community. It is largely the community which provides for its youth, their attitude, their philosophy of life, their contacts and their incentives. The adequate fulfilment of this responsibility will result in the prevention of a considerable amount of juvenile delinquency and in the subsequent reduction of the number of children who come before the courts." The Department felt that this could be accomplished by urging the juvenile court judges in twelve counties to appoint advisory boards consisting of interested local men and women. They were to assist in arousing public interest in the work of the court.

As the result of the Department's campaign, the number of juvenile judges in the State increased from 8 to 109. Of these, only three were

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paid special judges, the remainder being judges of another court of record.

During the first year of the existence of the Department of Public Welfare, it cooperated with other interested groups in promoting improvements in the Juvenile Court law. The changes proposed by this committee were: (1) a constitutional amendment to make the Juvenile court a constitutional court, thus giving it concurrent jurisdiction in felony cases and enabling it to try such cases affecting children either with or without indictment by the grand jury; (2) several changes in the present law, including payment of designated judges, civil service examinations for paid probation officers, trial of adults contributing to the delinquency or neglect of children. Unfortunately, no legislation was enacted at this time granting these powers to the court.

Two years later, in 1922, the Georgia Code Commission was created with instructions "to study the existing laws of Georgia which in any way affect life, to study conditions of child welfare in the State, and to draft for presentation to the succeeding legislature such laws or amendments to the existing laws as will better safeguard the welfare of children in this State." To make an extensive study, four committees were organized, one to study delinquency and juvenile courts. The Commission decided not to advocate or sponsor new legislation at the 1923 session of the State Legis-

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1 Fulton, Chatham and Bibbs counties.
2 Ibid., p. 19.
4 Georgia Laws, 1923, sec. 1, sub. sec. 300.
lature, but to report the progress of its studies and to submit data concerning the enforcement or lack of enforcement of existing laws and the adequacy of appropriations.

One of the significant tendencies of the juvenile-court movement is the extension of juvenile court organization to rural counties. In the first years of organization, juvenile courts were mainly established in the larger cities. Although their extension to rural counties is, in most cases, on paper only, the importance of this extension is slowly being recognized. At the request of, and in cooperation with the State Welfare Department and the Code Commission, the Children's Bureau undertook a field study of child dependency, neglect and delinquency in thirty counties. These counties represented a cross section of the smaller counties in the State.

This study revealed that although six of the counties surveyed had a population of over 35,500 only one county (Bibb) had created a special juvenile court. In twelve counties the ordinary, in eight counties the judge of the city court, and in one county the judge of the municipal court had been designated juvenile court judges. As five ordinaries had

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2 Ben Hill, Bibb, Brooks, Clark, Colquitt, Cook, Coweta, Crisp, Dougherty, Elbert, Floyd, Glynn, Grady, Habersham, Hall, Heard, Houston, Laurens, Lowndes, Muscogee, Polk, Randolph, Richmond, Stephens, Sumter, Thomas, Troup, Ware, Wayne, and Whitfield.
refused to serve, the juvenile courts in these counties had never functioned; and in one county in which a city court judge had been designated it was reported that the court was inactive.

In one county children were formally arraigned before the recorder's court or other courts before coming to the attention of the juvenile court, and all cases of violations of city ordinances for children were dealt with by the recorder's court.

In the course of the survey it was found that over one-fourth of the children's cases dealt with by the courts had come before courts other than juvenile. Numerous instances were discovered in which children's cases received inadequate attention because the courts were not equipped to handle them and that the problem of dependency and neglect was almost entirely overlooked by the courts in counties in which no juvenile court was functioning or in which the juvenile courts had not the proper equipment for investigation or supervision. In one county in which no juvenile court was functioning the statement was made that the only cases of children under sixteen years of age brought to court were those in which it was decided that the child must be sent to the reformatory.

According to the 1927 report of the Department of Public Welfare the five counties, Chatham, Fulton, Bibb, Richmond and Floyd, with special juvenile courts committed 341 children to institutions as follows: sixty-two were sent to State institutions for delinquent boys and girls; thirty-two were sent to State institutions for mental defectives; 405 to county institutions for dependent, neglected and delinquent children; 341 to private

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1 U. S. Children's Bureau, op. cit., pp. 11-12.
institutions for dependent and neglected children. These institutions are comparatively small and the training is inadequate. The Reed report gives a typical example of the conditions of institutions in its recommendation concerning the Fulton County Industrial Farm:

The institution is falling short of what such an institution should be. Its purpose is the rehabilitation of boys who have got crosswise of society. They should as far as possible be trained to occupations through which they can earn an honest living in the environment to which they must return. The only training they receive is in agriculture. We recommend the establishment of other forms of vocational training better adapted to the needs of these boys.

There was no immediate legislation passed as the result of this study. However, there was an awakening to the necessity for improving court methods. In many of the counties, the absence of any provision for properly detaining children in the smaller counties was one of particular horrors. The sharing of cells with adults in the county jails, in a large measure, was due to the same kind of public self-satisfaction that tolerates a place of detention that is part of the county jail and that offends against every principle for which juvenile court workers are striving.

The Superior Court of Georgia in 1917 held that the juvenile court did not have exclusive jurisdiction in cases where the offender is subject

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2 Georgia Department of Public Welfare, Humanizing Georgia County Jails: A handbook of standards and information, (Atlanta) (n.d.)
to confinement in the penitentiary despite the fact that the offender is less than 16 years of age. This was the decision given in connection with the case of Joe Hicks who was charged with burglary.

The State Department of Public Welfare was again concentrating its efforts on raising the standards in the rural counties. In the 1930 annual report of the Department of Public Welfare, the status of the rural courts was given as follows:

<table>
<thead>
<tr>
<th>Status of Rural Courts</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Courts reporting cases</td>
<td>19</td>
</tr>
<tr>
<td>Courts known to be active but not reporting</td>
<td>9</td>
</tr>
<tr>
<td>Courts reporting no cases</td>
<td>34</td>
</tr>
<tr>
<td>Total courts known to be active</td>
<td>62</td>
</tr>
<tr>
<td>Courts making no report</td>
<td>61</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>123</strong></td>
</tr>
</tbody>
</table>

Eight of the 19 courts reporting cases have full-time paid welfare workers acting as probation officers. These eight courts reported 424 children under care. Four of the nine courts making no report but known to be active are also equipped with full-time probation officers. In a few additional counties this service is rendered consistently by socially-minded volunteer relief societies or civic groups. It seems possible from this tabulation that courts equipped with probation officers are actively assisting in investigation of delinquent and dependent children, while courts without probation service are scarcely touching the problem.

To further extend the services in the rural counties and attract more qualified judges to serve in the juvenile courts an amendment was

1 Hicks v. State, 146 Georgia Appeals 706, 92 S. E. 216, April 11, 1917.
passed in 1929 which applied to all counties having a population between 39,820 and 39,850. It authorized the judge of the superior court to designate an existing court of record as the juvenile court of the county and fix a reasonable salary for the judge. This salary was not to exceed $300 per year in addition to his other compensation. However, this amendment included only one county, Floyd, which had a population of 39,841.

Realizing that the work of the large juvenile courts was greater in proportion to the amount of salary the judges were receiving, the legislature passed another amendment providing that in counties having a population of not less than 90,000 or more than 125,000 inhabitants, the salary of the juvenile court judge shall be fixed by the county commissioners. Later in 1933 similar provisions were made as to juvenile court judges in counties having a population of not less than 75,000 and not more than 100,000 inhabitants.

In spite of the many studies made and legislation passed from time to time, children are still being detained in jails. During the past ten years, from 1925 through 1934, there has been an average of 798 children under sixteen in the county jails. The statistics, however, reveal that the increase and decrease in commitments vary interchangeably during the years.

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1 Georgia Laws of 1929, pp. 277-279, sec. 3.
2 Georgia Laws, 1933, pp. 188-190.
Children Reported as Being Confined in the County Jails during 1925-31

<table>
<thead>
<tr>
<th>Year</th>
<th>White</th>
<th>Negro</th>
<th>Total</th>
<th>change from yr. to yr. on percentage basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1925</td>
<td>360</td>
<td>574</td>
<td>907</td>
<td></td>
</tr>
<tr>
<td>1926</td>
<td>362</td>
<td>469</td>
<td>831</td>
<td>8.3%</td>
</tr>
<tr>
<td>1927</td>
<td>348</td>
<td>589</td>
<td>937</td>
<td>12.6%</td>
</tr>
<tr>
<td>1928</td>
<td>306</td>
<td>416</td>
<td>722</td>
<td>30.4%</td>
</tr>
<tr>
<td>1929</td>
<td>491</td>
<td>427</td>
<td>918</td>
<td>40.7%</td>
</tr>
<tr>
<td>1930</td>
<td>362</td>
<td>445</td>
<td>807</td>
<td>13.7%</td>
</tr>
<tr>
<td>1931</td>
<td>473</td>
<td>631</td>
<td>1104</td>
<td>36.7%</td>
</tr>
<tr>
<td>1932</td>
<td>339</td>
<td>464</td>
<td>803</td>
<td>27.2%</td>
</tr>
<tr>
<td>1933</td>
<td>202</td>
<td>212</td>
<td>414</td>
<td>47.2%</td>
</tr>
<tr>
<td>1934</td>
<td>243</td>
<td>361</td>
<td>604</td>
<td>45.8%</td>
</tr>
</tbody>
</table>


In 1935, the Georgia Legislature passed the following provisions as an amendment to the Juvenile Court Law of 1935 giving:

1. Juvenile Courts authority to handle all children's cases, including offenses punishable by death or life imprisonment.

2. Juvenile Court authority to continue jurisdiction over children in the discretion of the court until they attain the age of 21, if jurisdiction is acquired prior to the age of 16 years.

3. Eliminating conflicting and obsolete provisions.

4. Making possible the extension of the Juvenile Court to every county in Georgia in any one of the following ways according as the local situation may require.

strengthened or new ones established. The activities of these departments have generally included case work for children in danger of becoming delinquent and children coming to the attention of the court, as a part of an organized child welfare program. In many of the rural counties there is a fine working relationship between the juvenile court and county department of child welfare. These juvenile courts, many of which are entirely without social work staff, are welcoming the services of children's workers. They ask for assistance in making adequate investigations, in planning constructive work with families before they are broken, and in caring for children in their own communities without commitment to correctional schools.

Summarizing this branch of the subject, it is clear that the juvenile court is an agency of social control, developed by the growing sense of responsibility for underprivileged children, and must have the power to adopt a form of procedure capable of dealing with the causes of juvenile dependency and delinquency as well as with the remedies therefor.

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1 Statement by Miss Marjorie Bacon, Child Welfare Department, Georgia Department of Public Welfare, personal interview, March 13, 1941.
CHAPTER V
CONCLUSIONS

It would have been strange, indeed, if an institution as complex as the juvenile court had not encountered attacks and criticisms during its existence in Georgia. It may be just as well at this point to ask what in brief has the Juvenile Court movement demonstrated in Georgia?

The first law (1908), to give special recognition to children in the courts of Georgia, was passed at a time when the juvenile court in the United States was still in its experimental stage. The dynamic idea of the court was that it would cure rather than punish — a task regarded as not difficult twenty-five years ago, but one for which, as records show, the knowledge of human conflict and traditional methods of treatment were quite inadequate. However, through the years the Juvenile Courts of Georgia have been able to uncover hideous social wrongs that, but for them, might have gone on untouched, and have furnished an opportunity for the study of the individual delinquent.

The basic law of 1915, in its pioneer stage, proved to be merely a framework without any of the supplementary agencies to compel its enforcement and consequently suffered with difficulties. The first of the difficulties springs from the fact that the juvenile court judge, except in a few instances, comes to his duties with no training or experience in the great majority of the problems that come before him. His understanding of the conduct problems of children and experience in their treatment when he begins his term in the juvenile court is that of the average layman and no more. The second difficulty is that the juvenile court is a court. A court, we have learned, however changed in procedure and objectives, remains a court.
Parents, teachers, and many social workers hesitate to turn to it for help until the conduct problems of children seem to be "serious."

The measures which the court applies are not a cure all. The remedy, also, is to be found in the school-room, in well enforced legislation and an enlightened public opinion that will seek to prevent the exploitation of children. Whereas Georgia has done much in its efforts and provisions to control and reduce juvenile delinquency there are no provisions made for the Juvenile Court to have jurisdiction over cases involving desertion, non-support, illegitimacy and over adults contributing to the delinquency and dependency of children. The court has, however, been able to solve the legal problems involved in what was a revolutionary change in viewpoint about crime and delinquency, and has brought the public to accept the ideal of prevention and cure.

The Law of 1915 was amended five times to 1935. These changes were greatly influenced by the State Department of Public Welfare activities. As a result of the State Department's campaign in the field of juvenile protection the number of juvenile court judges in the State increased. In 1920 after the law had been on the statute books for five years there were only eight juvenile court judges. In 1923 the number increased to 109. To date there are sixteen special juvenile court judges and 133 designated court judges. The increase in the number of social workers employed and the shift in attitudes of the general public has made for greater interest in the problem of juveniles.

To better safeguard the welfare of the child the juvenile court legislation of Georgia requires careful reconsideration as a whole in order that necessary coordination may be incorporated. This would help those counties where the juvenile court law has not been enforced, make adjustments in harmony with the best experience of the day.
APPENDIX

JUVENILE-COURT STANDARDS

1. 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:

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Report of the Committee Appointed by the United States 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, Washington, D.C., May 18, 1923.
(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.

(e) Adoption cases.

(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) Non-support 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 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 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 move-
emmt 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) Provisions 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
ares: 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 his 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 examinations should be thorough, and all the community facilities for diagnosis and treatment should be utilized. Physical examinations 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 provisions should be made for children awaiting hearing, and they should be protected from publicity and given necessary supervision.

3. One of 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 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 Referes

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 cannot 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 on 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 treat-
ment.

4. The records of supervision should show the constructive case work
planned, attempted, and accomplished, and should give a chronological history
of the supervisor 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 tabula-
tion 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.
BIBLIOGRAPHY

Books


Reed, Thomas H. The Governments of Atlanta and Fulton County, Georgia. The Atlanta Chamber of Commerce, 1938. (litho offset)


Public Documents


Articles
