

# THE JUVENILE COURT IN MISSOURI: 1957-59— A SURVEY OF CURRENT DEVELOPMENTS AND FUTURE REQUIREMENTS

Noah Weinstein† and Lee N. Robins††

## INTRODUCTION

Senate Bill Number 15, enacted into law by the 69th Missouri General Assembly,<sup>1</sup> had for its stated purpose "to facilitate the care, protection and discipline of children who come within the jurisdiction of the juvenile court."<sup>2</sup> Referring to this legislation, prior to its enactment, an article in the *Washington University Law Quarterly*<sup>3</sup> stated that if adopted it would replace the forty-six year old juvenile court act and would write into our statute law the changes in juvenile court procedure brought about by judicial construction over the years; also, that it would recognize the substantial progress accomplished in the specialized field of handling neglected and delinquent children in modern times. And, as was further stated, the new law would for the first time in Missouri's history eliminate a dichotomous legal system which distinguished or discriminated between Missouri's children in class one and two counties and those in class three and four counties.

It should be noted that the discussion of Senate Bill Number 15 in the above mentioned article was written prior to its passage and certain changes were written into the law as subsequently enacted:

---

† Circuit Judge, St. Louis County, Missouri.

†† Research Assistant Professor, Department of Psychiatry and Neurology, Washington University Medical School and Lecturer in Sociology, Department of Sociology and Anthropology, Washington University. The survey, which is substantially drawn upon herein, was directed by Dr. Robins who wrote the results. Lester Glick, M.S.A., was the field investigator. The conclusions are those of the first named author.

1. Effective August 29, 1957; Mo. Rev. Stat. Ann. §§ 211.011-511 (Vernon Supp. 1959). Unless otherwise indicated, textual references and footnote citations to specific sections will hereinafter refer to sections of Vernon's Missouri Revised Statutes Annotated, 1959 Supplement.

2. § 211.011. "The purpose of the Juvenile Act is not to convict of criminal offenses but is to safeguard and reform erring children and to protect and provide for neglected children. Indubitably, a juvenile proceeding is not a criminal case . . ." In re C—, 314 S.W.2d 756, 760 (Mo. Ct. App. 1958).

3. Weinstein, The Juvenile Court Concept in Missouri: Its Historical Development—The Need for New Legislation, 1957 Wash. U.L.Q. 17, cited in In re V—, 306 S.W.2d 461 (Mo. 1957); State v. Taylor, 323 S.W.2d 534 (Mo. Ct. App. 1959); Minor Children of F.B. v. Caruthers, 323 S.W.2d 397 (Mo. Ct. App. 1959); In re C—, 314 S.W.2d 756 (Mo. Ct. App. 1958).

1. The juvenile court's jurisdiction was restricted to children under seventeen years of age instead of eighteen as originally proposed.<sup>4</sup>

2. The judge was given additional discretionary power to transfer traffic law violators to the adult courts for trial under the appropriate general law.<sup>5</sup>

3. Reference to the adoption code was eliminated in the section dealing with matching religious faith in placing or committing a child to the custody of an individual, private agency or institution.<sup>6</sup> The matching of religious faith does apply to the placement of children under the provisions of Chapter 211.

4. Changes also occurred in the statutory prescription for juvenile officers' salaries. The ceiling of \$8,000 per annum for Chief Juvenile Officer in the first class counties was reduced to \$6,900, and in other counties the maximum was reduced from \$6,000 to \$5,000. The provision permitting the court to establish the salaries of deputy juvenile officers was eliminated and fixed maximums were set out in the law.<sup>7</sup>

5. The beneficent provision contained in the original draft of the law which would have provided state assistance to the extent of one-half of the salaries of juvenile officers and of not more than ten deputies was eliminated from the law although, as noted above, the state legislature established maximum ceilings on the salaries of juvenile officers and their deputies.

6. The legislature also deemed it wise to provide that a juvenile should have the opportunity to be represented by counsel at a hearing before he is committed to a state training school.

Two years under the new law have given a fairly substantial body of experience which should enable us to determine whether or not the fine words of the statute have produced action of the same high order by those persons entrusted with its execution. Since the proper purpose of a sound juvenile court law is to make a combined legal-social-medical approach to the enormous problem of delinquency control, a review of the effectiveness of the new law requires a consideration not only of its legal interpretation as contained in appellate court decisions but also of the actual practices and procedures developed by the juvenile courts thereunder.

The constitutionality of the 1957 Juvenile Code was ruled upon by the St. Louis Court of Appeals in *Minor Children of F. B. v. Caruthers*.<sup>8</sup> This was an original proceeding in habeas corpus brought by the mother of three minor children to obtain their custody from a

---

4. § 211.021 (2).

5. § 211.071.

6. § 211.221.

7. §§ 211.381, 211.391.

8. 323 S.W.2d 397 (Mo. Ct. App. 1959).

county director of welfare in whose custody they had been placed by the juvenile court upon a finding that they were neglected under the provisions of Section 211.031. Sub-paragraph 1-(b) vests the juvenile court with jurisdiction over a child who is alleged to be in need of care and treatment because "the child is otherwise without proper care, custody or support." The petitioner contended that Section 211.031 is violative of the due process clause of the Fourteenth Amendment of the Constitution of the United States and of Article I, Section 10 of the Constitution of Missouri, in that the statute is so vague, indefinite and uncertain that no ascertainable standard of conduct regarding the care of children is fixed by it. Judge Wolfe concluded that this language "is indeed broad, but it cannot be said that it is more extensive than the jurisdiction that vested in equity for many years."<sup>9</sup> The opinion considered the "juvenile court" not as a new tribunal, but as a division of the circuit court which exercises broad chancery powers as originally described in Article V, Section 10 of the Missouri Constitution of 1820. The decision found the broad provision of the statute acceptable for the reason that it deals with children in need of care which they may not in fact be receiving, and this condition may arise in so many ways that it would be impossible to state them with great exactitude. The words used were held to have acquired an accepted legal meaning and therefore were not "vague and indefinite."<sup>10</sup>

Another aspect of the new Juvenile Code was considered by the Springfield Court of Appeals in *State v. Taylor*.<sup>11</sup> This case involved a hearing to determine whether a child was neglected under the provisions of the Code. The proceedings in the juvenile court were instituted by an information filed by a prosecuting attorney. The appellate court held the judgment of the juvenile court making the child a ward of the court and committing her to the custody of the county director of welfare to be void for the reason that Section 211.031 requires that the petition be filed by the "juvenile officer." The filing by the prosecuting attorney rather than by the juvenile officer rendered the proceeding a nullity.

Perhaps a matter of vital concern in the proper administration of the Juvenile Code was pointed up in this court's opinion on the motion for rehearing when it indicated that its opinion did *not* hold that the same person may not hold the position of prosecuting attorney and juvenile officer. As will appear later, it has become not uncommon for juvenile courts to appoint prosecuting attorneys, sheriffs and deputy sheriffs as juvenile officers in the courts' efforts to comply with the

---

9. Id. at 400.

10. Id. at 401.

11. 323 S.W.2d 534 (Mo. Ct. App. 1959).

provisions of Section 211.351. There is no doubt that one of the most salutary achievements of the 1957 Juvenile Code was the provision requiring the appointment of juvenile officers to serve in all juvenile courts. However, the appointment of prosecuting attorneys, sheriffs and deputy sheriffs to act in a dual capacity appears to be a violent subversion of the purposes the act attempted to accomplish.

It should be noted that neither the reference by this appellate court to the possibility of a dual appointment nor two prior opinions of the Attorney General of the State of Missouri to Circuit Judges<sup>12</sup> even remotely implied that the qualifications for the office of prosecuting attorney, sheriff or deputy sheriff per se satisfied the requirements for qualification as juvenile officer.<sup>13</sup> It is submitted that a fair evaluation of the qualifications outlined for a juvenile officer under 211.361-1-(2) would disqualify most prosecuting attorneys, sheriffs and deputy sheriffs, however well qualified they may be to discharge their duties as prosecuting attorneys, sheriffs or deputy sheriffs.

The effort to create a "loophole" in the statutory qualification requirements for juvenile officers is directed at the last clause in Section 211.361-1-(2), which reads: ". . . or who, in lieu of such academic training, has had four years or more experience in social work with juveniles in probation or allied services." The attempt to interpret "or allied services" as modifying "social work with juveniles in probation" would open the door to everyone except perhaps a recluse bachelor. But it appears far more reasonable to assume that "or allied services" was intended by the legislature to refer to "probation," the intent being to make available to the juvenile court persons experienced in "social work" orientated towards juveniles, either in probation services or services allied with probation. Such proper construction of 211.361-1-(2) would, in most instances, eliminate the prosecuting attorney, sheriff or deputy sheriff, and vest this vital function in social workers experienced or trained with juveniles.

There is serious doubt, too, about the position in which a person may be placed when he attempts simultaneously to occupy the office of juvenile officer and prosecuting attorney or sheriff or deputy sheriff. It is accepted under the common law that one public officer may not hold two incompatible offices at the same time.<sup>14</sup> It appears possible that under many circumstances this joint office holder may be committed to one course of conduct as a prosecuting attorney, sheriff or deputy sheriff, which would be entirely inconsistent with his obliga-

---

12. Ops. Att'y Gen. Oct. 29, 1957 & Feb. 3, 1958.

13. § 211.361-1-(1)-(2).

14. State ex rel. Gragg v. Barrett, 352 Mo. 1076, 180 S.W.2d 730 (1944).

tions as a juvenile officer attempting to discharge his duties under the Juvenile Code.

The legislative effort to eliminate all distinctions between urban and rural sections in the treatment of juveniles in Missouri's courts is particularly emphasized by the provisions of Section 211.351 which required the juvenile courts to appoint juvenile officers in all circuits of the state, with an option to adjoining circuits, comprised of third and fourth class counties, to make a joint appointment. An opinion of the Attorney General of the State of Missouri to Circuit Judges<sup>15</sup> concluded that it was mandatory for the judge of each judicial circuit comprised of third and fourth class counties to appoint a juvenile officer for his circuit or enter into an agreement for a joint appointment with one or more adjoining circuits. The correctness of this opinion was borne out by the decision in the *Taylor* case which determined that a juvenile officer is the only official authorized under the law to institute proceedings in the juvenile court under Section 211.081.

In this connection it is interesting to note that in practice some effort has apparently been made to avoid the legislative purpose of establishing uniformity in administration within the juvenile court in a single multiple-county circuit by the appointment of a different juvenile officer for each county within a circuit. That this violates the intent of the legislature becomes evident upon an examination of the provisions of Section 211.351, as finally enacted, and the language contained in Senate Bill Number 15, as originally introduced (Section 211.340 of Senate Bill Number 15). Initially, provision was made for the appointment of a juvenile officer in each county subject to an option which permitted the appointee to serve two or more counties. But as finally enacted (Section 211.351), this provision was eliminated and the language changed to require the appointee to serve the "judicial circuit" or "two or more adjoining circuits." Thus it is obvious that the legislature made the change to eliminate the possibility of appointments on a single-county basis in multiple-county circuits.<sup>16</sup>

One other section (211.271) of the Juvenile Code of 1957 has been referred to in an appellate decision. This section provides that no adjudication by the Juvenile Court shall be deemed a "conviction." The supreme court, in *State v. Tolias*,<sup>17</sup> considered a claim of error by a defendant in a criminal case based on the refusal of the trial court to permit defendant to show that a state's witness had been "convicted" in a juvenile proceeding of "stealing" and that at the time of

---

15. Op. Att'y Gen. Oct. 29, 1957.

16. Op. Att'y Gen. Jan. 13, 1959. The opinion was to the Prosecuting Attorney of Henry County.

17. 326 S.W.2d 329 (Mo. 1959).

the trial, at which he testified, the witness was confined in the juvenile institution in Boonville. In considering the effect of Section 211.271 the court stated: "Under our statutes the disposition of a case in juvenile court is not deemed a conviction of a crime by the child charged and is not admissible to affect his credibility as a witness."

Because of the many changes and additions brought about by the provisions of the 1957 Juvenile Code in the procedures and practices of the juvenile courts of Missouri, the only valid method by which its full impact can be determined is through a factual study and analysis of the uses the various courts are in fact making of the new law. Because there are forty-one juvenile courts in Missouri,<sup>18</sup> presided over by forty-one<sup>19</sup> different judges (forty circuit judges and the judge of the Cape Girardeau Court of Common Pleas), it is not unreasonable to assume that there may be varying interpretations of the applicability of the new law. Although the statute is state-wide in its effect and should be interpreted and enforced uniformly throughout the state, the only existing method of securing such uniformity is through decisions of the appellate courts. But appellate court decisions result only when justiciable controversies are presented to the courts. The few decisions handed down by the appellate courts during the two years the law has been in effect will, as to the specific matters covered by those appellate rulings, result in uniformity throughout the state. But these matters constitute only a minute portion of the entire body of the new law.

The importance of the juvenile court in its bearing upon the social or anti-social behavior of children cannot be overestimated. It represents the authority of the state in protecting the state's interest in a very important segment of society. It is the major state-wide authority dealing with the youth of our state. That the action of the juvenile courts of Missouri should be of a non-discriminatory nature would seem to be fundamental, but with the multi-facet system of enforcement and primary interpretation the possibility of discrimination is a real and existing danger.

The opportunity to make a survey of the practices and procedures of the juvenile courts in Missouri was presented upon occasion of the planning of the Sub-Committee on Juvenile Problems of the Missouri Committee for the 1960 White House Conference on Children and Youth. This subcommittee, with the cooperation of the Missouri Council of Juvenile Court Judges, the Missouri Bar Association, the Missouri Council on Children and Youth, and The Social Science Insti-

---

18. This was the condition prior to the revision of judicial circuits in the 1959 legislative session.

19. Actually forty-eight when the six-month rotating system in effect in St. Louis County is considered.

tute of Washington University, undertook the task of such a survey in the summer of 1959.

The methods used were personal interviews with twenty-eight of the forty-one judges of the juvenile courts, personal interviews with twenty-five juvenile officers, twenty-five law enforcement officers and twenty-four representatives of the child welfare services of the State Division of Welfare, written questionnaires returned by nine judges not personally interviewed, and examination of one hundred twenty case records from twenty-four juvenile courts.

The survey considered only the function of the juvenile court in its relation to children involved in anti-social behavior. Its purpose was to describe the practices in use and the scope of operation under the new law, and to obtain the personal evaluation of those involved in the juvenile courts' operation of requirements for future operations.

The results of this work have a two-fold value. First, by establishing a lack of uniformity in interpreting and implementing the new juvenile code, they could well be used as a guide post by all the courts in an effort to establish a more integrated system of handling juveniles under the law. Second, by the results' demonstration of existing inadequacies, efforts to correct them can be specifically and intelligently directed.

#### THE SURVEY

##### *Dimensions of the Problem of Juvenile Delinquency.*

Official statistics are available for the number of cases handled by the juvenile courts of Missouri through the reports regularly submitted to the State Department of Public Welfare. But for a number of reasons, such statistics are unsatisfactory estimates of the volume of anti-social behavior among the youth of Missouri and even of the volume of cases handled by the juvenile courts.

Referrals to juvenile courts are not a satisfactory estimate of the amount of anti-social behavior among children because referral to court is only one alternative among several available to the community in handling the anti-social behavior of its children. In some communities, informal social pressures brought to bear by neighbors, teachers and ministers are potent in curbing delinquent acts, and few ever become a matter for official action. In other communities, the police may work on an informal level with the child and his family and refer very few children to juvenile court. Children referred to the juvenile court in such communities would be serious offenders or those whose anti-social behavior repeatedly recurs despite informal pressures. Where the informal pressures are less, a higher proportion of the children who show anti-social behavior may be referred to juvenile courts.

But even if one is interested only in the number of children who

actually appear in juvenile court, rather than in the number who might potentially benefit from juvenile court services, the official statistics are not very satisfactory. The State Department of Public Welfare requests statistics for both the formal and informal handling of juveniles by the juvenile courts. But records of informal contacts are rarely kept very systematically.

Estimates by the juvenile officer of the number of formal and informal cases handled by him are consistently higher than the number of cases reported to the State Department of Public Welfare. In only six circuits was the number of cases reported even 75% of that estimated by the juvenile officer, and of these six circuits, five were urban ones. In six rural circuits, the reported number of cases was not even 10% of the estimated figure.

If delinquency rates are computed on the basis of the estimated child population aged 10 to 16<sup>20</sup> in each circuit in which a juvenile officer was interviewed, results based on reports sent to the State Department of Public Welfare show a startlingly higher rate of delinquency in urban than in rural areas. The average urban rate is 50.5 per 1000 children, while the average for the rural circuits is only 9.3 per 1000, a fivefold difference. If for the same circuits the estimates given in the interviews are used, both rates are higher, but the differences between urban and rural rates decrease markedly. On the basis of estimates given in the interview, the average urban rate is 68.9 per 1000 children, and the rural rate is 37.4 per 1000. This suggests that some of the extreme differences that have been reported in delinquency rates in rural as compared with urban areas may largely reflect a difference in the accuracy with which records are kept.

If one accepts the estimates of the juvenile officer, the total yearly referrals to the juvenile courts of Missouri, as projected, would be 17,643 cases.<sup>21</sup>

The delinquency rates which we have computed to estimate the extent of referrals to juvenile courts in Missouri were based on child populations aged 10 to 16. These limits were selected because most referrals to juvenile court occur within these ages. The juvenile

---

20. Estimates of the population of children aged 10 to 16 were furnished by the State Department of Welfare. These figures are projections for 1958, based on the 1950 census.

21. The statistical report of juvenile court cases for 1958, recently issued by the Division of Welfare of the State of Missouri, estimates the 10 to 17 age population for the State of Missouri at 510,828. The report indicates that juvenile delinquency referrals rose 23.1% from 9,953 cases in 1957 to an all-time high of 12,248 in 1958, or an eleven-year consecutive increase. The number of referrals reported in rural counties nearly doubled, which the report states may be caused by the 1957 Juvenile Code and particularly the new code's requirement for the appointment of juvenile officers.

courts of Missouri have jurisdiction over all children who commit an offense before reaching the age of 17. Rates of referral to juvenile court, however, increase markedly among older as compared with younger children. In the official records examined, children under 14 constituted less than one-fifth of the total official cases and less than one-third of the total unofficial cases. Consequently, if we were to compute the rates of referral for children 14 through 16, the rates would be considerably higher than 69 per 1000 in the urban circuits and 37 per 1000 in the rural circuits.

The juvenile courts of Missouri are thus confronted with a heavy workload. In the next year they will handle approximately 18,000 children, many of whom will commit serious offenses such as burglary and car theft. Most of these children will be 14 years of age or older and will be referred through a law enforcement officer. Who handles the children referred to juvenile court and what is done with them? These are the questions which the survey attempts to answer.

### *Juvenile Court Staff and Facilities.*

1. The Judge. In Missouri juvenile offenses are handled by the juvenile court, which is a division of the circuit court in every instance except one, where it is a division of the Court of Common Pleas at Cape Girardeau. The juvenile court is presided over by the circuit judge acting as judge of the juvenile court. Circuit court judges are elected by popular vote for a six-year term. To be eligible for election, circuit court judges must be eligible to practice law in Missouri, must be Missouri residents for at least three years, and must be at least 30 years of age.

In circuits made up of third and fourth class counties which we will refer to as "rural circuits," there is a single circuit court judge who presides over the juvenile court simultaneously with his other functions. In circuits composed of first and second class counties (the urban circuits), there is more than one circuit court judge, but only one judge handles the juvenile court at any one time. In 6 out of the 7 multiple-judge circuits, the role of juvenile court judge is permanent; in one circuit it is a rotating office. In three of the multiple-judge circuits, the juvenile court judge acts in this capacity on a full-time basis. In the other four circuits, he is a part-time juvenile judge, performing other circuit court functions simultaneously.

2. The Juvenile Officer. The 1957 Juvenile Code directed that the juvenile court appoint a juvenile officer to serve under the direction of the juvenile court judge in each circuit. Maximum salaries for the juvenile officer were set at \$5,000,<sup>22</sup> except in first class counties,

---

22. §§ 211.381, 211.391.

where the maximum salary was set at \$6,900. Maximum salaries for deputy juvenile officers were set at \$4,400, except in first class counties, where they were set at \$6,000 for the chief deputy and \$5,000 for the deputy. The Juvenile Code provides that two circuits may appoint a joint juvenile officer. The code does not mention the possibility of appointing a part-time juvenile officer.

The educational qualifications for a juvenile officer<sup>23</sup> established by the code are that he have a four-year college education with a major in sociology or related subjects, or in lieu of this college education, four years or more experience in social work with juveniles in probation or allied services.

Of the 25 juvenile officers interviewed, 15 were employed full-time, 10 only part-time. Of the fifteen full-time juvenile officers, two served two juvenile courts each. One of these was a joint appointment with another circuit; the other was a juvenile officer who served both the Court of Common Pleas and the juvenile court in the surrounding circuit. All urban circuits have a full-time juvenile officer, but of the 18 rural circuits, only 6 have a full-time officer with no responsibilities outside that circuit, 2 share a full-time juvenile officer with another circuit, and 10 have a part-time juvenile officer.

In addition to a full-time juvenile officer, all urban circuits also have full-time deputy juvenile officers, ranging in number from 2 to 26, and full-time secretarial help. In six rural circuits, there are no deputies at all, and in half of these, the juvenile officer is only part-time. Only three rural circuits have both a full-time juvenile officer and a full-time deputy juvenile officer, and in one of these the full-time juvenile officer is shared by two juvenile courts. In urban circuits, there was always a clearly designated chief juvenile officer. However, in multiple-county rural circuits, a juvenile officer has sometimes been appointed for each county, and it is not clear whether one has any administrative authority over the others.

In urban juvenile courts, 4 out of 7 (57%) juvenile officers meet the educational qualifications of a college degree in social science (3) or experience as a probation officer (1). The three remaining urban juvenile officers have all attended college, but one has a degree in law rather than social science, and the other two have not completed college. In rural circuits, 23% meet the educational requirements, and an additional two had been truant officers, which may fulfill the experience requirements. A high proportion of the rural juvenile officers have degrees in law (49%). More of the rural juvenile officers have completed college than have the urban juvenile officers (80% *vs.* 57%).

---

23. § 211.361.

While most of the urban circuits have had juvenile officers for some time, many of the rural circuits have appointed juvenile officers only since the enactment of the new Juvenile Code. The chief sources of juvenile court personnel in the rural circuits have been prosecuting attorneys (38%) and sheriffs (24%). A few have been selected from ministers (7%) and 10% were hired directly on graduation from college. Urban juvenile officers have had quite different prior occupations. Three of the urban juvenile officers were previously probation and parole officers, one was a social worker. Only one was previously a lawyer and one a minister.

Since many of the rural juvenile officers are part-time, it is of interest to know what their concurrent jobs are. About half of the part-time juvenile officers are simultaneously prosecuting attorneys, one-fifth are practicing lawyers, one-fifth are truant officers, one is a police chief, and one is a minister.

The selection of deputy juvenile officers reveals similar differences between urban and rural courts as does the selection of juvenile officers. The major previous occupation of urban deputy juvenile officers is social work (42%), while in rural circuits, 55% of the deputy juvenile officers were previously law enforcement officers, and 23% were prosecuting attorneys. About half of the part-time deputy juvenile officers are currently serving as sheriffs, half as prosecuting attorneys.

Since many of the juvenile officers are found not to have met the educational or experience qualifications specified by the Juvenile Code, it is interesting to note the extent to which opportunities are provided for them to get on-the-job training that might compensate for any educational deficiency. Available to some of the juvenile officers in Missouri are special courses, professional meetings, visits to other juvenile courts and staff training. However, 40% of the juvenile officers said that they had not participated in any on-the-job training. And those who *had* participated were largely the juvenile officers who already met the educational or experience requirements. Of those who had received on-the-job training, 60% met the educational requirements specified in the code. Of those who had not received on-the-job training, only 20% met the educational requirements. Consequently, on-the-job training tends to increase the disparity in the training of juvenile officers, rather than to compensate for the differences.

More urban than rural juvenile officers received on-the-job training. Among rural juvenile officers, only 50% had received such training, while 86% of the urban officers had. A higher proportion of urban juvenile officers had received all kinds of on-the-job training except opportunities to visit other courts.

The salaries of part-time juvenile officers were calculated by com-

puting how much they would have been paid if they had worked full-time at the same rate. In the first class counties, where the maximum salary stipulated in the code is \$6,900, a majority of the chief juvenile officers are paid more than the stipulated rate. This occurs because they hold more than one position in the juvenile court. They were previously described as "full-time" juvenile officers because they have no occupation outside the juvenile court, but within the court they serve as well in some administrative role such as assistant to the judge or head of the detention home. In the twenty-two second, third, and fourth class counties, where the stipulated limit is \$5,000, about one-third of the circuits pay their juvenile officers more than this. In two of the second class circuits, this occurs in the same way as in the first class circuits—the chief juvenile officer simultaneously holds an administrative post in the juvenile court. In the third and fourth class circuits, higher salaries are paid in that the chief juvenile officer is only part-time, and therefore appears on the books at less than the maximum salary, but does not give as much time to the job as would be required if he were paid proportionately at the stipulated limit.

The *median* salary now received in circuits made up of second, third, and fourth class counties is just at the maximum specified by the code, and in circuits made up of first class counties, the median is well above the limit set by the code for juvenile officers.

That the current legal limits are felt to be too low by the juvenile officers is reflected in their answer to the question, "What would you consider a competitive starting salary for a juvenile officer?" In circuits where the stipulated limit is now \$5,000, the median desirable starting salary was thought to be \$6,000.

Case loads carried by juvenile officers vary greatly from circuit to circuit. Case loads were computed by adding together the number of new cases which the juvenile officer sees a month and the number he carries in a supervisory capacity. The range in case loads is from 0 to 167, with a median of approximately 70 cases. Interestingly enough, the largest load is carried by a part-time juvenile officer without a deputy to assist him. With such a range in the number of cases, the amount of attention available for each case must vary greatly. The average case load in Missouri is considerably higher than the standard set by the National Probation and Parole Association, which is fifty units, counting new cases as five units and supervisory cases as one unit.

Since one of the important functions of the juvenile officer is supervision, he needs an office to which the child placed on supervision can report. While most of the juvenile officers had some sort of office at their disposal, 20% had either to use the office of the judge or the prosecuting attorney, the jury room, or a private office which had been

rented in connection with the job the juvenile officer held concurrently. In urban circuits, all juvenile officers had some sort of personal office provided.

### *Juvenile Court Procedures.*

1. Taking Juveniles into Custody. In general, in Missouri, it is the responsibility of the law enforcement officer to apprehend children who have committed an offense. Circuits vary, however, in whether or not this responsibility is shared with the juvenile officer and in whether the apprehension of children is delegated to a particular division or individual within the police department or sheriff's office. In only one circuit does the juvenile officer have the major responsibility for apprehension. Juvenile officers, however, do on occasion take children into custody in about half the circuits. Even where the law enforcement officer is the only one who initiates apprehension, juvenile officers accept referrals from schools, parents, and others.

Within the seven urban circuits there is either a special juvenile division or a specially designated officer within the police department who handles the majority of juvenile cases. There is no special juvenile division in any of the rural circuits, although occasionally one law enforcement officer does make juvenile cases his special province.

In the records of official cases collected from each circuit, a law enforcement officer had apprehended the child in 83% of the cases, in 8% the juvenile officer had apprehended the child, and in 7% he had accepted a direct referral of the child. In 2%, the juvenile officer had assisted the law enforcement officer in taking the child into custody. These results indicate that even in those circuits where the juvenile officer is considered to have apprehension as one of his potential functions, he rarely exercises this function.

When the law enforcement officer apprehends a child, he questions him about the offense, notifies the child's family, and notifies the juvenile officer. This usually ends his contact with the child. In less than half the circuits does he prepare a written report of the offense. In less than half the circuits does he appear at the juvenile court hearing, unless the case should be contested. In only two circuits does he have any contact with the child after disposition of the case.

2. Referral to Juvenile Court. Not all cases where custody is taken by law enforcement officers are referred to juvenile court. In only three circuits did the sheriff say that every child he took into custody was referred to juvenile court. Estimates by other law enforcement officers of the proportion they dismiss without referral varied from none to 90%, but on an average, the estimated dismissals ran about 17%. There are no differences found in the rate of dismissals between urban and rural courts. In some circuits, the juvenile court and the

law enforcement officers have discussed the problem together and formulated a policy concerning the types of cases to be referred and those to be released by law enforcement officers. A child who is dismissed without referral is almost always released on the same day he is apprehended. However, release seems to be more rapid in rural than in urban areas. In about half the cases released by sheriffs, the release is within an hour of the time the child is apprehended. In urban circuits, the child is often held for most of the day.

When a decision is made to refer a case to juvenile court, the code says the court should be notified "immediately."<sup>24</sup> In most rural circuits, the law enforcement officer notifies the juvenile officer or judge within an hour of the time he apprehends the child, and in no rural circuit is the interval longer than a day. In less than a third of the urban circuits are children turned over to the juvenile court within an hour, and in some instances several days may elapse.

The more immediate attention that rural children receive from the law enforcement officer may reflect the fact that the juvenile offender is much rarer in rural areas and is treated as a special emergency, while in urban circuits, he must take his place in the busy schedule of the special police division.

3. Detention. At the discretion of the court, a juvenile offender may be returned to his own home or placed in detention to insure his being available for a hearing or to prevent his committing further offenses before disposition which would endanger himself or others.<sup>25</sup> The variation in the proportion of children detained in one circuit as compared with another is very striking. In three circuits, less than 2% of the children who are referred to juvenile court are detained overnight. In another circuit, approximately half of all children referred are detained. In general, the urban circuits detain a considerably higher proportion of the children referred to them than do the rural juvenile courts.

The striking difference in the proportion detained in urban as compared with rural circuits can probably be explained to a large extent by the availability of special detention facilities for children. Only five circuits regularly have access to detention homes.<sup>26</sup> Four of these are urban circuits and one is a rural circuit which uses the detention home in a neighboring urban circuit. The four urban circuits which have detention homes have the highest proportion of children detained in Missouri, and the one rural circuit which has access to a detention home has one of the highest proportions of children detained in rural Missouri.

---

24. § 211.061-1.

25. § 211.141.

26. § 211.151.

Another factor which may explain the differences in the use of detention by urban as compared with rural circuits is that the rural juvenile officer may feel that he knows the families in the rural area and can count on them to bring the child to court as requested.

Where there is no separate detention home, the usual pattern is to use part of the county jail.<sup>27</sup> In some cases a considerable amount of separation from the remainder of the jail is achieved by placing juveniles on a separate floor, but in most cases segregation from adult prisoners is less complete. Of 26 detention facilities examined, 7 had no real spatial segregation from adult prisoners and in 17 there was no noise segregation. Many were found to be dirty, to have no linens provided, to be in poor repair, to have poor ventilation, and at least 5 provided no mattresses. Except in the special detention homes, there are no recreation or school programs provided. The monotony is broken only by visits from the juvenile officer, sometimes daily, sometimes every three or four days.

Although the juvenile courts return most of the children to their homes to await action by the court rather than placing them in detention, when the number of child days per year spent in detention are totaled, the sum is impressive. In the seven urban circuits, approximately 21,000 child days were spent in detention last year. In the eighteen rural circuits, a total of about 725 child days were spent in detention in the same period. Since the child population in the rural circuits not included in the sample is approximately equal to that in the sample circuits, it is estimated that the total number of child days spent in detention in rural Missouri is about 1,450, making a grand total of 22,450 child days per year in detention.

It was found that one important factor in whether a child is detained or not is the detention facilities available to the juvenile court. Other important factors may be sought in characteristics that distinguish children who have been detained from those who have not. For this purpose the records of five consecutive cases obtained from each circuit were examined. These cases were all children who had received a formal hearing. Of this group, 46% had been detained after apprehension. The median estimate by juvenile officers of the percent of cases detained was only 8%. The high rate of detention among children whose records were read suggests that children who receive formal court hearings are more frequently detained than children who come to the court's attention but are dismissed without formal court action, probably in part to insure their being present for the court hearing and in part because they have committed more serious offenses. Age did not appear to be an important factor: no higher a proportion of fifteen and sixteen-year-olds were detained than of

---

27. § 211.151 (4).

thirteen and fourteen-year-olds. However, there were striking differences in the kinds of offenses committed by juveniles who were detained and the kinds of offenses committed by those who were not. Children who committed burglaries, sex offenses or car theft were often detained. Children apprehended for running away, truancy or drinking were seldom detained. It appears that offenses which are considered more serious are more likely to result in detention.

4. Levels of Official Action. When a child commits an offense, he may or may not come to the attention of the official bodies in whose care lies the preservation of law and order. If his offense does come to their attention, he enters a hierarchical system of official action. Like petroleum entering a fractionating tower, he may be released from the system at a variety of points, or he may stay in the system until the highest point is reached. The levels of this "fractionating tower" of legal action begin with the apprehending officer, who may dismiss the child, thus releasing him from the system. If he is not released by the apprehending officer, he moves on to the next step, referral to juvenile court. The juvenile officer may then dismiss him without further action. If not, he is referred to the juvenile court judge. The judge may then dismiss him. If the judge is uncertain about doing this, he may hold an informal hearing to obtain more facts. After the informal hearing, the child may then be dismissed. If he remains in the "tower," a formal petition is filed and he receives a formal hearing. This hearing may again result in his dismissal or in his becoming a ward of the court, in which case the judge decides on an appropriate disposition for him. Those who reach the final level, that of the formal hearing, are frequently the only ones included when "juvenile delinquents" are discussed. In certain courts, some of these steps may be omitted.

The juvenile courts of Missouri differ enormously in the proportion of children referred to them which they handle at various levels of official action. Estimates of what percentage of cases law enforcement officers dispose of without referral to the juvenile court varied from none to 85%. At the other end of the "tower," estimates of the per cent of juvenile offenders who receive formal hearings varied from five to 95%. These large differences in estimates suggest that practices are not at all uniform from one circuit to another.

If the estimates made by the judges are averaged, we find that the levels at which juveniles are most frequently disposed of are dismissal by the juvenile officer and formal hearings. Fewer are dismissed by the judge with or without an informal hearing. However, only about one-third of the children referred to a juvenile court are estimated to receive a formal hearing. The estimate of 19% dismissed by law enforcement officers is considerably lower than estimates that have

been published elsewhere. For instance, in recent hearings on juvenile delinquency before the House of Representatives Sub-Committee, Mrs. Oettinger, Chief of the Children's Bureau, estimated that police refer only one-fourth of the children they apprehend to the juvenile court. It is difficult to say whether policies of law enforcement officers are different in Missouri than in the remainder of the country, or whether the difference between these two estimates merely indicates how poor available statistics are on the informal handling of juveniles. Estimates given by the judges in Missouri are remarkably similar to those given by the law enforcement officers themselves, who estimated that they dismissed 17% of the juveniles they apprehended without referral to the juvenile court.

Although judges varied greatly in the percentage of cases in which they held formal hearings, an attempt was made to determine whether they tended to use similar or different criteria to decide which children should have a formal hearing. Both judges and juvenile officers were asked what factors they considered in making a decision as to whether to file a formal petition. The only factors mentioned by more than half were the nature of the offense which brought the child to juvenile court and his previous offense history. Age was mentioned infrequently, which would suggest that the higher incidence of adjudicated juvenile delinquency among 14 to 16-year-olds than among 10 to 13-year-olds results either from their more frequent referral to juvenile court, the greater seriousness of the offense they commit, or the fact that they are more likely to appear for a second or third offense than younger children. Judges apparently do not often avoid filing petitions for younger children simply on the basis of their youth.

A comparison was made between the cases collected in each circuit which had received a formal hearing and those which had been handled informally to discover whether there were differences in the nature of the offense committed and in the ages of children who received formal or informal handling. The other factors mentioned by the judges and juvenile officers could not be investigated because insufficient information was available about the informal cases. All cases of car theft and destruction of property by auto accident received formal hearings. A high proportion of sex offenses, bad checks and drinking cases received a formal hearing. Speeding was more frequently handled informally than by formal hearing. Fewer very young children, aged 13 and under, received formal hearings but a high proportion of 16-year-olds occurred in both groups of children, indicating that the older children get into more total difficulties than the younger ones, rather than being more likely to have their offenses treated officially.

5. The Formal Hearing. A. Preparation. "The juvenile officer

shall, under direction of the juvenile court, make such investigations and furnish the court with such information and assistance as the judge may require."<sup>28</sup> The Juvenile Code thus directs the juvenile officer to obtain information about the case before the child appears at a formal hearing. To learn what information was ordinarily obtained by the juvenile officer before the hearing, judges were asked, "What information do you normally have at the time of formal hearing?" Almost all the judges said that they had available an offense history and a description of the family situation. School reports were frequently available and in about two-thirds of the circuits a social history was normally obtained. In less than one-quarter of the circuits is there ordinarily available information about the child's psychological status, his physical health, or his intellectual capacities. Actual tabulation was as follows:

Information Available to Judge at Time of  
Formal Hearing (N-37)

Offense History	92%
Family Situation	89
School Report	78
Social History	68
Social Agency Reports	35
Religious Affiliation	30
Psychological Evaluation	24
Physical Exam	19
I.Q.	16
Attitude of Family	14
Work Record	11

There appears to be little emphasis placed on information about the mental and physical status of the young offender, although the juvenile code specifically suggests that the court may have any child examined by a physician, psychiatrist, or psychologist. However, only 6 out of 37 circuits are routinely able to obtain diagnostic workups for the children appearing, while an additional 13 circuits obtain occasional diagnostic workups.

Judges who were interviewed personally were asked to what sources they might go for information about juvenile court cases. Four out of five mentioned the Child Welfare Services as a resource. Schools and mental hospitals were mentioned by about one-third. Not more than one in six mentioned other social agencies, psychiatric clinics, and doctors. When the child welfare workers were asked what resources were available in their communities to provide information

---

28. § 211.401.

about juvenile offenders, they mentioned considerably more resources than the judge, reflecting their greater familiarity with the local social agencies. Since the judges rely heavily on the child welfare workers as a resource, the child welfare worker has an opportunity to gather information from the many resources in the community on behalf of the court or to direct the juvenile officer to these resources.

The amount of time which the juvenile officer will have to obtain information about the child varies greatly from circuit to circuit. Judges were asked what the usual interval was between the time the child was taken into custody and the time when he appears for a formal hearing. In some circuits the judge thought the usual interval was as little as 1 to 3 days after apprehension, in others as much as three to four weeks after apprehension. The great majority of the judges (86%) thought that the usual interval was 10 days or less. However, data from the records read in each circuit suggest that the usual interval is longer than that estimated by the judges. The average length of time between apprehension and hearing was estimated by taking the median interval for the five cases read in each circuit.

Average Time Lapse between Apprehension  
and Formal Hearing

	As Reported by Judge (N-37)	Median of 5 Records (N-21)
1 to 3 days	35%	10%
4 to 6 days	19	14
7 to 10 days	32	19
11 to 14 days	3	5
2 to 3 weeks	8	19
3 to 4 weeks	3	23
More than 1 month	0	10
	<hr style="width: 20%; margin: auto;"/> 100%	<hr style="width: 20%; margin: auto;"/> 100%

In only 43% of the circuits was the median interval reported in the records ten days or less. The average estimate of the judges was about six days; but the average estimate obtained from the records was about two weeks. From both judges' estimates and medians obtained from the records read, urban courts were found to have a longer interval between apprehension and hearing than rural courts. Rural juvenile officers, therefore, tend to have less time in which to prepare investigations of cases than do urban juvenile officers.

B. Scheduling Hearings. In the three courts in which the judge is a full-time juvenile court judge, there is no problem of how juvenile cases shall be fitted into the regular circuit court docket. In the re-

maining courts, however, where the judge handles adult as well as juvenile cases, special arrangements may be made for hearing juvenile court cases or they may be fitted into the regular adult docket. Judges have used various methods of scheduling juvenile court hearings. About one-quarter of them have set aside special days in the week or the month on which they handle only juvenile court cases. The remainder are divided among those who fit the juvenile cases into their regular court docket, and those who see juvenile cases by appointment only. Because the judges are deeply impressed with the importance of the juvenile court cases they handle, almost all of them see cases by appointment if some emergency arises, even if they have made arrangements to see juvenile cases routinely at some other time. The usual pattern in urban courts, probably reflecting the greater volume of cases, is to set aside a special day of the week for juvenile cases.

C. The Hearing. In all the urban circuits and in about half the rural circuits, preparation for the formal hearing is normally the first time the judge learns any details about the juvenile offender, unless the child has been detained or the juvenile officer has asked for a conference about him.

In about two-thirds of the juvenile courts, the juvenile offender has his hearing in the judge's chambers. In urban courts, there is usually a special court room for juvenile cases, but only one rural circuit has such a special court room. Half of the judges who hold juvenile hearings in the regular court room hold them on the same days that they are holding adult hearings, so that it is difficult to have a complete separation of time and space between juvenile and adult cases. Most of the judges who see juveniles on regular "law days" do not see them in the regular court room but move into their chambers, a jury room or in one case the sheriff's office to separate them from adult cases.

According to the Juvenile Code, "The general public shall be excluded and only such persons admitted as have a direct interest in the case or in the work of the court."<sup>29</sup> This provision is intended to protect the child against public knowledge of his offense and handling. Persons considered to have a direct interest in the case or in the work of the court, however, may include a variety of personnel. In all cases, the judge, the juvenile officer, the child, and his parents are normally present. In addition, in about one-third of the circuits, the apprehending officer is also there. In about one-quarter, the complainant is present, or the prosecuting attorney, or the clerk of court. In a number of circuits, the bailiff or the child welfare worker may be present.

---

29. § 211.171-5.

Juvenile offenders are seldom represented by a lawyer at hearings. While in all but one circuit, lawyers representing juvenile offenders are sometimes present at the hearings, in half the circuits judges estimate that this occurs in less than 5% of the juvenile cases they hear. There are five rural circuits out of thirty in which a juvenile offender is usually represented by a lawyer.

6. Disposition. The purpose of the formal hearing is to decide what disposition shall be made of the child. He can be dismissed and have no further contact with the court. He may be placed under the supervision of the juvenile officer for a determinate or an indeterminate period. He may be removed from his own home and placed in a foster home, a private institution, a county or city-operated institution, a mental hospital, or one of the state training schools. Supervision by the juvenile officer is the only form of disposition used frequently in every circuit. The four urban communities which have available small public institutions all use them frequently. About one in twelve judges uses private institutions or foster homes frequently, and only 5% said that they use the state training schools frequently. The state hospitals are used frequently by only one judge.

Private institutions are rarely used for disposition. The state training schools are not a popular form of disposition with the judges, but on the other hand, few feel that they can avoid using them a good deal.

Dispositions Used for Juveniles

	Frequently (N-37)	Rarely (N-37)
Supervision .....	100%	0%
Small public institutions .....	11	0
Private institutions .....	8	43
Foster homes .....	8	27
State training schools .....	5	5
Mental hospitals .....	3	11

These findings suggest that supervision is the disposition favored heavily by the judges. When supervision alone is not an adequate disposition, and the judge feels the child must be removed from his home, he prefers to send him to a small public institution, rather than to a private institution, a foster home, or a state training school.

An examination of the dispositions actually used in the five cases examined from each circuit permits us to see how the preferences of the judges work out in practice. The preference for supervision as the disposition is illustrated by the fact that over half the cases were placed on supervision and an additional 10% were given suspended sentences to the state training school, which in a sense is equivalent to supervision. The child given a suspended order of disposition is placed under supervision with the understanding that if he does not

live up to the terms of his supervision he can be sent to the training school. The preferences of judges for small public institutions over the training schools can be seen in the fact that in circuits where the small public institutions are available, five children were sent to them as compared with only two sent to training schools. Of the two sent to training schools, one had already been to a smaller institution in connection with a previous offense. Private institutions do not serve as an alternative to the state training schools in rural circuits. No higher proportion was sent to private institutions in circuits where small public institutions were not available than where they were available, but more children were sent to the state training schools. Except for the fact that the small public institutions are used in place of the state training schools, no striking differences are found in the dispositions used in urban as compared with rural circuits.

The reasons for the reluctance of judges to use the state training schools may be sought in their spontaneous comments about them. While half the judges who commented on the training schools pointed to the tremendous improvements made in recent years, an equal number felt that children sent there would be exposed to other, more hardened juvenile offenders who might be a bad influence, and that the institutions are overcrowded and understaffed because of budget limitations. Two judges also objected to the loss of control over the child after he is sent to a state school because he is not returned to the juvenile officer for parole supervision. A wide variety of dispositions are available to the juvenile court judge. Some will have momentous impact on the life of the juvenile offender; others will change his life very little. Perhaps the most important decision the judge is called upon to make is whether or not the child shall be removed from his home. The records of cases from each circuit were examined to see what factors seemed to be important in determining whether the child would be left in his own home under supervision, or removed from his home. Five factors were considered: the nature of his offense, the number of previous offenses, previous dispositions, the family situation, and the family breadwinner's occupation.

The first factor considered was the nature of the offense that led to the child's appearance in juvenile court. The offense most likely to result in his removal from home was a sexual offense. Children who ran away from home or committed a major theft were also likely to be removed. The number of previous offenses committed by the child was considered next. Few first offenders were removed from their homes as a result of their court appearance, and none of those removed were sent to the state training school. More children were removed from their homes when they committed a third or fourth offense than when they committed a second offense.

When children have committed previous offenses, they must have experienced some type of previous disposition. When the previous disposition was dismissal, the child was more likely to be placed under supervision at the hearing for his second offense, rather than to be removed from home. When supervision had already been tried and failed, he was more likely to be removed from home. If he had already had institutional experience, he was very likely to be returned to an institution.

The possibility was considered that the removal of the child from the family was related to his family situation as well as to his own behavior. When the child lived in a family composed of his own two parents of good reputation, it was found he was very unlikely to be removed from home. When the parents were not of good reputation or when the home was broken, he was more likely to be removed. If he lived in a foster home, he was very likely to be removed, but in half the cases the move involved only change of foster homes.

The possibility next considered was that the economic situation of the family might be related to whether the child was removed from home. Where the family's breadwinner had a white-collar occupation, few children were removed from home. Where the family was dependent on social agencies or extremely impoverished, more of the children were removed.

The five factors considered above were all found to be related to whether or not the child was removed from his home at the time of formal hearing. But these five factors are also interrelated in many ways. Other studies have shown, for example, that families dependent on social agencies also have a high rate of broken homes as well as a high rate of delinquent children. Children from such homes are more likely to have committed more frequent and serious delinquent acts than children from well-to-do homes, and therefore have experienced more severe previous dispositions. Without controlling the interrelationships between these variables, we cannot say which of them truly explain why some children are removed from their homes and others are not. However, we can observe that children who are sent to institutions will differ from children placed on supervision with respect to their family situations, the offenses they have committed, and the number of previous appearances in juvenile court. We can therefore validate the opinions of the judges that if they refer a child to a state training school, they are exposing him to contact with seriously delinquent children from inadequate homes who have had many previous clashes with the law.

7. Supervision. Since the majority of cases handled formally by the juvenile courts are placed under the supervision of the juvenile

officer, it is of interest to know the kinds of plans made for these children by the juvenile officer.

In about half the circuits, a child placed under supervision remains under the jurisdiction of the court until supervision is terminated by court order. He then is discharged. But in other courts, there is either no provision for termination of supervision or no provision for discharge. In approximately one-third of the courts, there is no plan for termination; the child is technically under supervision until he reaches the age of 21, although in practice his contacts with the juvenile officer may dwindle to nothing long before he reaches this age. In the remaining courts (18%), supervision is terminated by the court. However, the child is not discharged but remains a ward of the court until his twenty-first birthday. Urban courts all terminate supervision by order, although one of them does not discharge the child.

In circuits where supervision is terminated by court order, the length of supervision usually varies from six months to two years, with the most usual interval being one year. In urban courts, the supervisory period is shorter, averaging one year or less.

The usual pattern of supervision is one of rather intense contact between the child and the juvenile officer immediately after the hearing, with a decrease in frequency of contacts after the first month or so. After this, the child usually reports anywhere between once a month and three times a year to the juvenile officer. In only four circuits is no provision made by the juvenile officer for routine visits.

8. Court Records. The records of the juvenile court are of two kinds. First, there is the record of the proceedings of the juvenile court<sup>30</sup> which is kept by the clerk of the circuit court acting as clerk of the juvenile court. This is essentially a log of petitions filed, listing only the name of the child, his age, the date of hearing and the disposition. These records concern only children who appear before the court for a formal hearing. Secondly, the Juvenile Code directs the juvenile officer to keep a written record of investigations carried out on behalf of the court.<sup>31</sup> These are known as social records. Such records may be kept for children referred to juvenile court for whom a petition is not filed as well as for those who appear in a formal hearing.

There are many pressures on the juvenile officer which make the keeping of complete social records difficult. In many circuits, the case load of the juvenile officer is heavy and the secretarial help inadequate. Since the keeping of records is one aspect of his job which provides no immediate satisfaction either to the juvenile officer or to the child with whom he works, this is the responsibility most likely to be

---

30. § 211.321.

31. § 211.401.

slighted under pressure of time. In addition, many of the juvenile officers work so closely with the judge that they do not feel a need to communicate with him by means of written records. Records in such a situation are not useful as part of the day-to-day business of the juvenile court, but only in completing the court's archives. It is not surprising, therefore, that the social records of the juvenile court in Missouri often are very sketchy.

To evaluate the level of record-keeping, the contents of written records in the five formal cases examined per circuit were analyzed. In four circuits, the only records were those of proceedings kept by the clerk of the circuit court. As a result, in these cases the only information available was the age, the offense, and the disposition of the child. In other circuits, where the juvenile officer did keep some sort of social record, the information available varied widely:

Content of Written Records, Based on  
5 Records per Circuit

	Total (N-120)	Urban (N-35)	Rural (N-85)
Age .....	95%	100%	93%
Nature of offense .....	93	100	91
Disposition .....	92	98	91
Place of offense .....	83	98	76
Source of referral .....	75	89	69
Date of offense .....	74	89	68
Family composition .....	71	98	60
Offense committed alone or with others	65	91	52
Home address .....	59	89	47
Family history .....	54	83	42
Previous problem behavior .....	54	69	48
School history .....	52	83	39
Estimate of I.Q. ....	50	83	36
Religious affiliation .....	49	74	39
Location pending disposition .....	47	74	35
Physical status .....	43	74	29
Rationale for disposition .....	37	63	26
Medical history .....	27	51	18
Ethnic background .....	6	14	2

More of the records contain a description of the particular offense in the instant case than an evaluation of personal and social history. Few records describe current mental or physical status. The records kept in urban circuits are obviously considerably more complete than those kept in rural circuits, but the kinds of information included most and least often are very similar in urban and rural records. The fact that many of the items listed are recorded very infrequently in records of rural circuits does not mean that the juvenile officer and the judge do not have this information available at the time of the

hearing. It simply means that much of the business of the juvenile court in rural areas is handled orally.

Lack of adequate records kept by the juvenile courts have practical consequences both in the care of juvenile offenders and in the development of better techniques for the handling of juvenile offenders. On the practical level, since juvenile offenders are often recidivists, judges and juvenile officers who were not part of the juvenile court personnel at the time of an earlier offense will not have available the background material about a young recidivist which exists only in the memory of the previous juvenile court staff. To develop better techniques for handling juvenile offenders, it is necessary to have baseline statistics with which to compare results when changes are introduced. The great discrepancies reported between figures turned in to the State Department of Public Welfare by juvenile officers and the figures they offered in interview as estimates of their average rate of new cases demonstrate that statistics on juvenile delinquency in Missouri at present are unreliable.

*Recent Changes in Juvenile Court Procedures.*

Perhaps the chief changes in juvenile court procedure as outlined in the 1957 Juvenile Code were: (1) The specification that juvenile court action with respect to a juvenile offender shall not constitute a conviction, that taking him into custody shall not constitute an arrest, and that he cannot be charged with a crime. (2) Each juvenile court was ordered to appoint a juvenile officer to investigate cases and to handle supervision. (3) The confidentiality of juvenile cases was ensured by prohibiting fingerprinting and photographing, by excluding the public from juvenile court hearings, by separating police and court records and keeping them confidential, and by destroying records when the child reaches the age of 21.

About half of the judges, juvenile officers, and law enforcement officers interviewed felt that somewhat more cases have been referred to the juvenile court since the enactment of the new law. They agreed that little change had occurred in the proportion of children placed on supervision or sent to correctional institutions, although where change was cited, it was in the direction of more cases placed on supervision. Juvenile officers and law enforcement officers tended to feel that a higher proportion of referrals now reach a formal hearing, while judges think the rate has stayed about the same.

Most striking is the high rate of all groups who feel there has been little or no change in the last few years, despite the passage of the new code. Such changes as are noted seem to result from the expansion of the juvenile court staff as a consequence of the new code. An expansion of the juvenile court staff could be expected to increase

referrals and the use of supervision as a disposition, since both the increased case loads and more supervision of cases after hearings require more personnel.

*Attitudes toward the New Juvenile Code.*

Although changes in juvenile court procedures since the enactment of the new code have not been very striking, most of the judges, juvenile officers, and law enforcement officers feel that the new code is very definitely an improvement over the pre-existing statutes. While a few judges have reservations about some of the provisions, only 3% of the judges and 16% of the law enforcement officers really disapprove of it.

An examination of the reasons offered for favoring and opposing the new code indicate that support for it is a support of the principles it expresses, while criticisms of it are most often criticisms of specific provisions where changes from pre-existing statutes have not been sufficiently drastic to put the principles the code expresses into action.

Reasons offered for favoring the new code center on the juvenile officer provisions which expand the court personnel, the giving of broad discretion to the judge, and the emphasis on prevention and rehabilitation rather than on punishment.

Criticisms of the code are largely that its provisions are not sufficiently implemented. This is particularly true with regard to complaints about the financial provisions. The salaries set for juvenile officers are considered too low, and the funds available to the court from the counties are also considered insufficient. There is some sentiment for tightening up the requirements for the juvenile officer by putting his position under civil service and making the educational requirements more strict. Improved on-the-job training is desired through improved supervision.

There are two specific provisions of the new Juvenile Code which have been the subject of some public controversy: the confidentiality provision and the provision that traffic offenses committed by juveniles should be handled in juvenile court. Judges were asked how they felt about these two provisions.

1. Confidentiality. The great majority of juvenile court judges support the protecting of the juvenile offender from public stigmatization through the confidentiality provision. However, two questions have been raised; first, about the efficacy of the provision, and second, about the advisability of applying it to *all* juvenile offenders. Some of the rural judges feel that the confidentiality provisions are not efficacious in rural areas. While they support confidentiality in principle, they feel that in rural communities knowledge of a child's involvement in an offense is immediately spread by word of mouth. Since the press

would like to print the names of offenders, the confidentiality provisions of the juvenile code might put the judges in the position of withholding names from the press without a belief that they have really achieved anonymity for the child.

The second question arises out of a feeling that the publication of names in some cases has a deterrent effect on other juveniles and in some cases may even be an efficient method of punishment for the juvenile offender. When offenses are serious or habitual, some judges feel that the child does not deserve the protection of confidentiality. From the point of view of these few judges, confidentiality becomes a kind of mollicoddling.

2. Traffic Violations. The Juvenile Code specifies that the juvenile court shall have "exclusive original jurisdiction in proceedings . . . for the suspension or revocation of a state or local license or authority of a child to operate a motor vehicle";<sup>32</sup> as well as in proceedings dealing with the violation of any state law or municipal ordinance by a child. All traffic offenses by children, therefore, fall within the purview of the juvenile court.

Judges are about evenly divided as to whether juvenile traffic offenders should be handled in juvenile court or referred to police or magistrate's court, but even those judges who feel that juvenile traffic offenses should be sent to the police court, seldom waive jurisdiction in favor of the police court. Most law enforcement officers (60%) would prefer to refer juvenile traffic cases to police court rather than to juvenile court.

Traffic cases that come to juvenile court are usually handled informally by the juvenile officer. A wide variety of dispositions have been used by various juvenile courts in handling traffic offenses. The most common method used is suspension of the driver's license, which has been used by all courts handling juvenile traffic offenders.

The wider variety of dispositions available to the juvenile court judge is the argument most frequently offered by judges who favor the handling of traffic offenses in juvenile court. The juvenile court judge is not restricted by established sentencing procedure which specifies the amount of fine or the circumstances under which the judge may suspend a license, as is the police court judge. A few judges also mentioned that confidentiality is preserved by handling the traffic offender in juvenile court.

Those judges who disapprove handling traffic offenses in juvenile court center their arguments on the added burden the numerous traffic cases create and their feeling that driving an automobile is a prerogative of adults, and therefore, traffic offenses should be handled uniformly for all licensed drivers. Some law enforcement officers

---

32. § 211.031 (3).

who feel traffic offenders should not be treated as juveniles say that police court would handle them more strictly than juvenile court, but few judges feel that police court is any stricter with traffic offenders than is the juvenile court.

*Directions for the Future.*

In order to learn the directions which members of Missouri juvenile court staffs believe should be taken in future developments, judges and juvenile officers were asked about current needs for improving the juvenile courts. Their reactions were also sought regarding three proposed changes: joint juvenile officers, joint detention facilities, and regional juvenile court judges.

To learn what needs are now felt by juvenile court staffs, judges and juvenile officers were asked first, what facilities for disposition they would like to see expanded or added, and second, what other current needs they felt to improve handling of juveniles.

About three-quarters of both judges and juvenile officers cited the need for small public residential units as their chief need in new disposition facilities. About one-third mentioned a need for outpatient psychiatric care, and one-fifth asked for special services for retarded juvenile offenders. Juvenile officers frequently expressed a need for more supervisory personnel.

The sentiment for smaller state-operated residential units was so striking that all judges were asked how they would feel about having such units opened. Whereas three-quarters spontaneously expressed the need for such facilities, 92% of the judges said, when questioned directly, that they would like to have them available. They offered many reasons for wanting them, principal ones being better classification, improved diagnostic services and smaller size. The intense interest in small state-operated residential units is obviously closely related to the feeling of the judges that children sent to the state training schools are exposed to contamination by more hardened inmates. Rural judges are aware of the use of the training schools as a last resort by urban judges who have available small city-operated units. As one urban judge said, "When everything has failed, we use Boonville." The diagnostic and psychological services necessary to allocate children to the proper small unit are considered useful to the juvenile court in planning after-institution care as well.

The suggestion most often made was that small residential units should be organized on a state-wide basis, i.e., that considerations of classification should determine to which unit the child is sent rather than his place of residence. But many judges would also like to see them organized on some sort of regional basis, so that children would be sent to units relatively near their homes.

Judges and juvenile officers stated their other current needs, aside

from disposition facilities, were for improved detention and diagnostic facilities. In the two years since the enactment of the new code, little use has been made of the provisions for a joint juvenile officer and joint detention facilities. Only two circuits now share a juvenile officer and only two share a detention home.

The two circuits which share a juvenile officer feel that this plan has worked well for them, but only 23% of those who have not tried it think that it would be a good arrangement. Objections to the plan are that the juvenile officer's work load would be too heavy and he would have to travel too far to cover the two circuits. The judges who favor the plan feel that they would then be able to have a full-time rather than a part-time juvenile officer and thus he might be better trained.

Concerning joint detention facilities, only 27% of the judges who do not now have them thought they might be a good idea, 7% were undecided, and 66% were not interested. The chief objections to the joint facilities were that present arrangements were adequate or that the circuits detained so few children that no special arrangements were necessary. A third objection was that the children would be too far from home. This was also a concern of those who favored joint detention facilities. They were interested only if the detention home would be close to them.

The final proposal that the judges were asked to consider was whether they would approve having full-time regional juvenile court judges in place of the present arrangement in which the circuit judge acts as juvenile judge on a part-time basis. The judges were almost equally divided on whether or not they believed this would be an improvement.

Judges' Attitude Toward Regional Juvenile Court Judge  
(N-37)

Favorable .....	46%
Unfavorable .....	51
No answer .....	3

Those who favored this change saw it as an opportunity to obtain judges who are specialists in juvenile problems and therefore more expert in handling juvenile offenders. A few also saw the change as a means of reducing the work load of the circuit judge. Those who did not favor this change thought the major disadvantage to be that the judge, in covering a larger area, would not know the community as well as the circuit judge now does. A second objection was that the greater geographic area covered by the regional judge would create administrative problems because of the time spent in travel and difficulties in contacting the juvenile officer.

*Problems of the Juvenile Court Judge.*

One primary objective of the juvenile court is to prevent the commission of future delinquent acts by the juvenile rather than merely to punish him for the act he has already committed. The personnel of the juvenile courts accept this objective, but there is little information available to them about kinds of handling which are likely to create desirable changes in the child and kinds which will damage him, or at least leave him no better off than before.

Many of the judges are keenly aware that the child is not an isolated unit, but is part of the social unit that is his family. They realize they may be able to do little for a child within a disturbed family, and yet they are reluctant to remove him for fear of creating even more serious problems. They frequently express the feeling that they have no means for getting at the problem of the juvenile offender early enough to achieve a preventive purpose, since by the time the child comes to them, the patterns of anti-social behavior may be firmly set.

Several of the judges feel that the problems of juvenile delinquency are really not closely enough related to their training as lawyers. They contrast their experience with adults, where statutes and legal precedents arbitrarily establish the penalties for a given violation. With adults, they say their chief problem is to establish that the person has, or has not, under the law committed the violation. They indicate that directives as to the proper sentence are readily available. With children, on the other hand, the disposition is the key problem; the question of guilt is rarely an issue. The interest of some of the judges in turning over the juvenile offender to an "expert" in the form of a regional juvenile court judge expresses this feeling that their experience with the law does not give them the specialized experience required for handling the juvenile offender.

But despite the feeling of inadequacy that many judges have in the face of the awesome problems of the juvenile offender, they are bringing to the juvenile court a tremendous interest and sense of responsibility. Many of the rural judges devote a very high proportion of their time to a rather small number of juvenile offenders because they feel so keenly that the juvenile problem is the one that really matters, that *this* is the most important part of their job.

## COMMENTS ON THE FINDINGS

The juvenile courts of Missouri for two years have been operating under the new Juvenile Code. The provisions of this new code are still in the process of being put into effect. Many of the rural circuits have only very recently added a juvenile officer. These circuits are still in a period of transition in which the judge and child welfare workers are learning how to make use of the new personnel, and the

juvenile officer is trying to make a satisfactory adjustment to a role that sometimes simultaneously calls upon him for law enforcing and rehabilitative functions.

The new Juvenile Code has the support of the large majority of juvenile court personnel. The chief changes it has brought so far are an increase in the juvenile court staffs, particularly in rural areas, and as a result the placing of a larger proportion of juveniles under supervision.

Not all the aims of the new code have been carried out. One intention was to introduce into the juvenile court staff officers with education in the social sciences or training in social work with juveniles, who would bring this special knowledge to bear on the problems of juvenile delinquency. In part because of the low salary levels set up in the code and in part because the financial burden of the juvenile court staff falls upon the county rather than upon the state, this kind of personnel has seldom been recruited for the juvenile court in rural areas. In this respect, the intentions of the framers of the new Juvenile Code have not been carried out.

It was also the intention of the code to institute careful record-keeping, which could produce accurate reporting of juvenile court statistics as well as complete files on individual cases. Record-keeping in many circuits is minimal. As a result, juvenile court statistics are extremely unreliable, particularly with respect to unofficial cases. Failure to institute successful record-keeping procedures probably stems largely from the lack of full-time personnel, which in turn arises from the lack of funds and the inadequate salaries established by the code. A large proportion of the rural circuits do not have a full-time juvenile officer. Since the established salary level for juvenile officers is low and many of the part-time officers are lawyers, the role of juvenile officer is probably not the more remunerative of the juvenile officer's two or more occupational roles, so that his major expenditure of effort quite naturally tends to lie elsewhere. Nor is the juvenile officer usually provided with adequate office space or secretarial help to allow accurate record-keeping. Another factor is that juvenile offenders in rural areas tend to be few. This provides a temptation to handle cases informally between the juvenile officer and the judge. The very volume of the load in urban circuits imposes some need for organization and written records.

The 1957 Code leaves a great deal of discretion with the judge in his handling of juvenile offenders. As a result, juvenile court procedures in Missouri are almost as varied as the number of juvenile court judges. Nowhere is this more conspicuous than in the range of methods for handling juvenile offenders. In some circuits, every or almost every juvenile offender receives a formal juvenile court

hearing. In other circuits, all juvenile offenses are handled by the community or by law enforcement officers, and none is referred to the juvenile court. Such variation means that the consequences of a delinquent act are very different for a child who commits it in one circuit rather than in another. For the same offense, one child is returned home by the police, another talked to informally by the juvenile officer, and another brought before the judge in a formal hearing and possibly institutionalized. When the offense is a traffic violation, the child may be handled in a juvenile court in one circuit and in a police court in another.

A striking difference exists between rural and urban juvenile courts. In urban courts the personnel tend to meet the special educational and training requirements set up in the code, detailed records are kept, on-the-job training is available, traffic cases are not referred to the police court, and hearings are conducted privately. Detention homes and small public institutions are frequently available. Offices and secretarial help are provided for juvenile officers. But while urban courts come closer than rural courts to fulfilling many of the needs expressed by rural judges for the improvement of juvenile courts, rural courts also have some singular advantages. Judges often have a long-time familiarity with the child and his family before the child appears as an offender. In addition, the judge acts more quickly in rural circuits, so that there is little delay between the child's committing the offense and feeling its consequences. This probably provides a better learning situation for the child than the longer interval between offenses and action in urban courts. Finally, the judge enters the case at an earlier stage and maintains an interest in it longer. He is usually notified that the child is in trouble at least at the point the petition is filed, and often at the time the child is referred to the juvenile court. The urban judge seldom knows about a case until it appears on his docket, since the filing of the petition in urban circuits has been almost completely delegated to the juvenile officer. Perhaps because of his familiarity with the child and his family or because there is less pressure of business in rural courts, the rural judge is more likely to maintain a personal supervisory role with the child after the hearing. His more extensive relationship with the child in rural circuits may to some extent compensate for the frequent lack of a full-time juvenile court staff.

The chief needs that the juvenile judges of Missouri feel are: (1) enough well trained juvenile officers, (2) adequate detention homes, (3) diagnostic services, and (4) small public residential units for juveniles. Except in four urban circuits, the only detention facilities available are more or less segregated cells in the local jail. There are no programs of study or recreation for children detained in these

cells. Judges want small residential units in order to have a place to send offenders whose homes are so damaging that it appears essential to remove the child. Since most juvenile offenders are older children, foster homes are not often a satisfactory solution. Yet judges fear they will do the child more harm than good by removing him from an inadequate home only to send him to an understaffed, overcrowded institution, where he will come into contact with more hardened and experienced delinquents than himself. Judges would like to see the development of an adequate classification center for children and the assignment of the child to the proper small institution on the basis of that classification.

Juvenile court personnel feel that a step forward was taken in enacting the 1957 Code, but the provisions of that code have not yet been fully implemented. Nor does the code provide solutions for the financing of a staff, for mitigating the gross disparity in the ways juveniles are handled in various circuits, for providing routine diagnostic services, for providing adequate detention homes, for providing adequate institutional post-hearing care, or for the development of research in effective methods of handling juvenile offenders. A first step has been taken, but the remaining needs are great.<sup>33</sup>

#### FUTURE NEEDS

It may appropriately be said that the juvenile court in Missouri is at the cross-roads. It can hardly be disputed that the 1957 Juvenile Code presents a fine basic plan for the development of effective services for the control of delinquency, but the record of two years' experience indicates that its effectiveness is being hampered by the failure to put into effect fundamental principles of the law. Procedures to circumvent not only the letter but the spirit of the law have sprung up in different areas, particularly in the matter of appointment of qualified juvenile officers. These attempts to frustrate the proper operation of a good code of juvenile laws and the inequities created by such efforts are well documented by the survey. It is submitted that appropriate action must be taken in the following areas if we are to succeed in the fundamental purpose of the law—the control and reduction of juvenile delinquency:

*First.* There should be established an office of "Coordinator" for the juvenile courts of Missouri. The job of such an official would be to secure uniform implementation of the Juvenile Code over the state and to establish the basis for cooperation between:

1. the juvenile courts of the state;
2. the juvenile courts and law enforcement officials;

---

<sup>33</sup>. Tables supporting the findings of the survey are available in mimeograph. Address requests to the authors.

3. the juvenile courts and the State Division of Welfare;
4. the juvenile courts and the school systems;
5. the juvenile courts and the State Mental Health Commission;
6. the juvenile courts and the Board of State Training Schools;
7. the juvenile courts and private agencies;
8. the juvenile officers throughout the state.

*Second.* A realistic, uniform and accurate system of reporting delinquency by courts and law enforcement agencies must be established on a state-wide basis.

*Third.* A "handbook" of procedures and practices for juvenile court personnel is needed as an item of utmost importance in securing more uniform treatment of children before the juvenile courts throughout Missouri and in utilizing to a greater extent the facilities available to the Courts.

*Fourth.* Practical training courses for juvenile court personnel and law enforcement officers specializing in juvenile work should be established on a permanent state-supported basis.

*Fifth.* State subsidies should be given to counties to support an effective program in the juvenile courts. The first item necessary would seem to be appropriations by the state for the salary to be paid a qualified juvenile officer in each rural circuit.

*Sixth.* A complete revision should be made of disposition facilities, directed towards strengthening the state training schools and state mental institutions. Of particular importance is the establishment of properly staffed diagnostic facilities for all children referred to the State Training School Board and the formation of regional schools of limited and selective occupancy with vocationally oriented therapeutic programs. Development of a program in the state mental institutions adequate for the treatment of severe cases of emotionally disturbed children is of equal importance.

## CONTRIBUTORS TO THIS ISSUE

ARTHUR S. MILLER—Professor of Law, Lamar School of Law, Emory University, Atlanta, Georgia. A.B. 1938, Willamette University; LL.B. 1949, Stanford University; Graduate Fellow 1949-50, Yale Law School. Editor, *Journal of Public Law*. Author of "Racial Discrimination and Private Education" (1957). Guggenheim Fellowship, 1957-58. Member, California and District of Columbia Bars.

NOAH WEINSTEIN—Circuit Judge, St. Louis County, State of Missouri. B.A. 1926, Harvard University; LL.B. 1929, Harvard Law School. Practiced Law, 1930-53; Circuit Judge, St. Louis County since 1953. Missouri Bar Committee on Juvenile Court Laws. Member, Missouri Bar.

LEE N. ROBINS—Research Assistant Professor, Department of Psychiatry and Neurology, Washington University Medical School, and Lecturer in Sociology, Department of Sociology and Anthropology, Washington University, St. Louis, Missouri. B.A. 1942; M.A. 1943; Ph.D. 1951, Radcliffe College.

# WASHINGTON UNIVERSITY LAW QUARTERLY

Member, National Conference of Law Reviews

---

---

Volume 1959

December, 1959

Number 4

---

---

Edited by the Undergraduates of Washington University School of Law, St. Louis.  
Published in February, April, June, and December at  
Washington University, St. Louis, Mo.

---

---

## EDITORIAL BOARD

DONALD L. GUNNELS

*Editor-in-Chief*

JAMES E. CHERVITZ  
M. PETER FISCHER  
JEROME I. KASKOWITZ  
ROBERT A. MILLS  
*Associate Editors*

J. PETER SCHMITZ  
GERALD TOCKMAN  
EDWARD L. WELCH  
*Associate Editors*

## FACULTY ADVISOR

HIRAM H. LESAR

BUSINESS STAFF: JACK R. CHARTER, BURTON H. SHOSTAK

## ADVISORY BOARD

CHARLES C. ALLEN III  
ROBERT L. ARONSON  
FRANK P. ASCHEMEYER  
EDWARD BEIMFOHR  
G. A. BUDER, JR.  
RICHARD S. BULL  
REXFORD H. CARUTHERS  
DAVE L. CORNFELD  
SAM ELSON  
ARTHUR J. FREUND  
JOSEPH J. GRAVELY

JOHN RAEBURN GREEN  
FORREST M. HEMKER  
GEORGE A. JENSEN  
LLOYD R. KOENIG  
ALAN C. KOHN  
HARRY W. KROEGER  
FRED L. KUHLMANN  
WARREN R. MAICHEL  
DAVID L. MILLAR  
ROSS E. MORRIS  
RALPH R. NEUHOFF  
NORMAN C. PARKER

CHRISTIAN B. PEPE  
ORVILLE RICHARDSON  
W. MUNRO ROBERTS  
STANLEY M. ROSENBLUM  
A. E. S. SCHMID  
EDWIN M. SCHAEFER, JR.  
GEORGE W. SIMPINS  
KARL P. SPENCER  
MAURICE L. STEWART  
JOHN R. STOCKHAM  
WAYNE E. WRIGHT

---

---

Subscription Price \$4.00; Per Current Copy \$1.25. A subscriber desiring to discontinue his subscription should send notice to that effect. In the absence of such notice, the subscription will be continued.