1958

Book Review. Guides for Juvenile Court Judges by the Advisory Council of Judges of the National Probation and Parole Association

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not older ones; while there are others who are very skillful in dealing with older children but who are not very adequate parents for young children. There seemed to be no relationship between the parents' acceptance of the adoptive child and the discrepancy between the education of the natural parents and the education of the adoptive parents. Also no indications were found that physical resemblance between the adoptive parent and child has any particular effect on the reactions of the parent to the child.

Although it apparently was not the purpose of this study to obtain data in the area of independent versus agency placement of children, some information in this area was obtained. It was found that it is almost impossible to compare the children placed by these different methods because the well baby who comes from a "good" family background seemed to be the child that most likely was placed independently; whereas, the child who was ill at birth, or was injured during the birth process or whose family background was questionable tended to be referred to a child-placing agency.

There seemed to be some general conclusions which could be drawn from this research project. The data obtained would tend to indicate that there is no basis for the conclusion that the results of infant testing have predictive value. (This, of course, is a conclusion which has been reached by most reputable psychologists and social workers in recent years and, at least in this part of the country, the results of infant testing are considered to indicate only how well the child is developing at the time of testing.) Another general conclusion seemed to be that greater emphasis should be placed on the evaluation of adoptive parents than on a prolonged study of the child. There was some indication that it would be very desirable to respect the wishes of adoptive parents in terms of their expectations concerning the kind of child they desire. It also seemed to be apparent that the parents' satisfaction in terms of the adoption is usually not connected with the child himself but is an attribute of the parents.

While many readers may not be greatly interested in the part of this book which describes in great detail the group of children and families studied and the measures used for obtaining data, certainly all persons interested in the field of adoption should find this book informative. While it is recognized that there are limitations to this study, at the same time little research has been done in the field of adoption and this is a piece of research which can contribute to an understanding of desirable adoption practices.

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Since 1945 the Practicing Law Institute has published a series of "how-to-do-it" books for the lawyer in the field. While not much for the "why," they are very good on the "how." In 1954, through a grant from the Mary Reynolds Babcock Foundation, the Advisory Council of Judges of the National Probation and Parole Association, in cooperation with the National Council of Juvenile Court Judges, commissioned the writing of a "how" manual for juvenile court judges. According to the foreword, the manual was written and
passed on by a series of committees from both groups of judges. They were assisted by the staff of the Probation and Parole Association. Apparently most of the committee members were judges of large juvenile or domestic relations courts.

Certainly such a “how” book was needed by our juvenile courts. While a few big cities have competent juvenile courts schooled in the ways of psychology, sociology and probation work, and staffed with professional and highly trained probation officers, most country juvenile courts know little or nothing of psychology or sociology and many, not being lawyers, know little of court procedure. For such procedure, courts have the local statute book, but it has little life. Theory books are available, but most are technical, dull and unread. The inexperienced and untrained court requires a readable, practical and authoritative “how-to-do-it” manual. This was the goal of the committees and, as stated in the foreword: “This book is unique in that it presents a guide or manual for juvenile court judges which is the product not of the thinking or experience of any one man, but that of literally scores of men from the front line trenches in the never-ending battle against delinquency—the judges of America’s courts for children, all of whom have had to learn the hard way.”

A team of horses needs a good harness and a competent driver if it is to carry the load to the appointed destination. The manual has a fine harness, but lacks a competent driver. Or perhaps the problem was too many competent drivers. The manual reads as if the committees never quite made up their minds whether the book was intended as a practical advisor to novice courts, as an explanation of how top courts, with professional staffs, operate, or as an explanation to the lay reader of how the juvenile court should act. This is best illustrated by comparing the chapters on intake and detention, which both assume competently staffed courts with adequate facilities, with those on disposition and probation which attempt to aid the county court. The load would have been lighter had the committees written two manuals—one based on the assumption that the court was untrained and had limited resources, and the other as a statement from the old “pro’s” of what is good practice for the courts that have the proper machinery.

This slim volume (142 pp.) is organized into ten chapters covering, in logical progression: history and philosophy, jurisdiction, administration, court staff, police and children, intake, detention and shelter care, the social study, court hearings, disposition and treatment, probation, records, community resources and the judge. There is a good short bibliography of the longer, more theoretical works and also some important pamphlets at the end.

The attempt to cover everything in the one volume results in some unnecessary chapters. Those on jurisdiction and court staff cover all the possible types and organizational structures of juvenile courts in the United States with occasional sentences on how the legislature ought to organize them. Since the local judge must examine his own juvenile code to find his jurisdiction and organization, why do more than tell him to look?

Despite the above faults, the manual succeeds remarkably in giving a well organized summary of basic theory and solid, useful advice to the new or untrained judge. Although ignoring an explanation of the psychological and sociological causitive factors in delinquency, the manual stresses the need for finding the “real” factors and then individualizing the delinquent to make the treatment fit, not the “crime,” but the child before the court. The suggested basic concepts set out in chapter one are written with the lay reader in mind and avoid the danger of the negative reaction to a more psychologically oriented presentation. Yet these concepts will enable the court to start on an adequate approach.
Specific advice is impossible and dangerous in the realm of human behavior, and the manual avoids such specificity. Yet practical and helpful advice is given. In almost every chapter there is a check list on how to proceed. From a guide for using detention and shelter care, to the criteria for police referral of cases to the court, to a list of necessary records, the committees succeeded in providing a well-built harness. The chapter on the social history report, with a detailed discussion of what is to be included and why, and the chapter on court hearings, with a sub-section on procedure and the why and how of explaining the judgment to the child and his parents, are more than adequate.

Probably the best chapters are those dealing with disposition, probation and the use of community resources. The manual lists five basic mandates to the disposition of delinquency cases. First, the committee reiterates the need to individualize the child. Then they caution, under the heading “have an awareness of how the child views himself” that, in the child’s eyes, he is a failure. Therefore, “getting tough,” frequently will only emphasize his belligerency to cover his fright and desperation. The committee also points out that the past is only important for the future. “Each disposition should be determined not primarily by the record of past failure, but the prospect for future success.” Fourth, they warn the judge of the common error of “tie(ing) your own hands with clichés like ‘probation is for first offenders only,’ or ‘only one chance on probation.’” Concluding, the committee points out that there are basically four dispositions that may be made other than dismissal: a) probation, b) commitment to an agency or institution, c) “shock” disposition aimed at creating an immediate impact on the child, and d) restitution.

Probation, being the most popular disposition, is given a separate chapter. It is discussed below. A common error of unskilled courts, suggests the committee, is to treat the industrial school, or its equivalent, as a terminal facility for the “worst” offenders. “The choice [of institution] is made because they need a kind of care that would not be possible if they were left at home or placed in a foster home.” Commitment “. . . should imply that the judge is convinced that the youngster does not possess the resources to cope with the demands of community living, or that his aggressive impulses are so out of control that he constitutes a real and constant threat to the safety of the community.”

The committee argues that “shock” treatment may be used, but only under limited conditions. “A warning or lecture . . . will not change an individual character structure or alter a personality.” For the “shock” treatment to be effective, the child must already accept the basic obligations and responsibilities of society. However, when you have a normal child, removal of privileges, such as a driver’s license will, on occasion, have “the advantages of a direct cause and effect relationship when the car was a factor in the delinquency, and it requires the boy to earn the restoration of the privilege.”

Restitution mollifies the community and the complaining witness. It emphasizes accountability, but it “should always be a part of but not in lieu of treatment.”

The chapter on probation is one of the best. By dividing the chapter into four sections: conditions of probation, violations, length of probation and discharge from probation, the committee is able to answer most questions. One point frequently missed is that the conditions of probation should not be rigid, since many conditions may become unnecessarily restrictive as the child develops. For instance, how often should the delinquent meet his probation officer? The committee suggests the order read: “You are placed on probation and are to report to your probation officer at such times as he says.” But the court should always set the over-all conditions and periodically check the action of the officer.

Violations pose a special problem. The committee offers no pat answers, but suggests
careful evaluation. Above all, do not bind your hand prior to the violation as to what result will follow.

When do you discharge? The committee sets a minimum goal. "The minimum of progress is evident in conformity, in willingness to accept (without appreciation of the reasons for such acceptance) the rules of behavior as they operate at home, in the school, or in the community." When the court discharges a child, he should give credit to him for his progress and inform him, either personally or by a friendly letter, of the discharge.

The chapter on community resources will be of special interest to the country judge. Admitting that most courts do not have staff psychologists or psychiatrists or even a specialized social agency, the committee invites examination of several types of resources available to all communities. If nothing more, the court has the local county welfare department, local doctors, schools, and the county farm and home demonstration agents. All of these individuals or groups are concerned with child welfare and family living and have professional training.

The use of civic and religious organizations is limited, says the committee. Civic leaders are not professionals and "The fact that these are men of good character and good will with a sincere desire to help children does not, however, make them any better qualified to provide casework treatment for emotionally and socially maladjusted people than to provide medical treatment for physically sick people." They do help in providing group activities, so long as they make sure that the delinquent child is made a part of the group.

One point frequently missed by authors and judges alike is the role that may be played by the judge in inducing the community and state legislature to provide the professional staff and community resources necessary for effective court actions. This role is mentioned throughout the manual, and discussed in detail in the last chapter. The committee feels that the judge has the opportunity for effective public relations and if his court lacks the necessary facilities, the judge may blame only himself.

Every Kansas juvenile court judge, especially those from the smaller counties who have no legal or sociological training or those who are new to the game, should at least read this manual. Of course, a thoughtful judge will want to read several of the sociological and psychological "why" books that are listed in the bibliography, but the manual will be a beginning on the "why" and will allow the judge to feel secure as he processes his first juvenile case. By conscientiously choosing the more applicable sections of this new harness, the untrained court may become a competent driver.

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