Montana's juvenile delinquency program as defined by statute

Estelle Virginia Foss

The University of Montana

Follow this and additional works at: https://scholarworks.umt.edu/etd

Let us know how access to this document benefits you.

Recommended Citation
Foss, Estelle Virginia, "Montana's juvenile delinquency program as defined by statute" (1948). Graduate Student Theses, Dissertations, & Professional Papers. 8602.
https://scholarworks.umt.edu/etd/8602

This Thesis is brought to you for free and open access by the Graduate School at ScholarWorks at University of Montana. It has been accepted for inclusion in Graduate Student Theses, Dissertations, & Professional Papers by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.
ABSTRACT

The abstract was written on August 1, 1949.

In partial fulfillment
of the requirements for the degree

Master of Arts


Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
APPROVED

Harold Jaschik
Chairman of Board of Examiners

W. P. Clark
Chairman of Committee on Graduate Studies
TABLE OF CONTENTS

I  JUVENILE DELINQUENCY AS VIEWED BY SOCIOLOGISTS AND SOCIAL WORKERS

Selected Bibliography

II  THE DEVELOPMENT AND PRESENT STATUS OF MONTANA'S JUVENILE DELINQUENCY LAWS

Selected Bibliography

III COMPARATIVE STUDY OF SOCIAL TREATMENT PROCEDURES BY THE PROBATION OFFICE AND THE CHILD WELFARE DIVISION OF THE DEPARTMENT OF PUBLIC WELFARE IN MONTANA

IV SOCIAL STUDY OUTLINES FOR PROBATION OFFICERS AS RECOMMENDED BY AUTHORITIES

Selected Bibliography

V RECOMMENDATIONS FOR IMPROVING THE CONTROL OF JUVENILE DELINQUENCY IN MONTANA

GENERAL BIBLIOGRAPHY
CHAPTER I

JUSTICE DELINQUENCY AS VIEWED

SOCIOLINGUISTIC AND SOCIAL POINTS

"The dynamic center of the whole problem of
delinquency and crime will ever be the individual
offender."

This study will review research which has been done by sociologists and social workers pertaining to the problem of juvenile
delinquency. The development and present status of juvenile delin-
quency laws in Montana will be observed with especial treatment of
legislative enactments in the state. Studies in criminal justice of
juvenile delinquency cases will illustrate the methods used in dealing
for the prevention and control of the problem. Cases dealing with the
Montana can better control the problem will be presented.

This chapter will show the juvenile delinquency problem as it is viewed by sociologists and social workers, through agency programs
and community organization programs.

"Delinquency as a word has a varied history.
In Latin, 'delictum' was a term used for 'delinquents' to leave,
leaving children were not applied to children. To
mean failure, neglect of duty, abandonment of an
agreement. Herein parents the social responsibility
for conduct of children could have felt an equality
to use such a term in speaking of them. In the tale
of Crime of the human being as a doing a thing, a
delinquent child is to say, he has committed the crime of an
people. Today we try better to delinquents, to us.

\[1\] William Harley, "The Indian and Delinquency", Eastern Literature, Jan. 1911, p. 22.
they are neglected or omitted; we do not apply the word to ourselves as delinquent for not paying.

"Modern social work has reserved the use of the word delinquent almost exclusively for children. It is material for thoughtful analysis, since we absorb into ourselves thought, emotional attitude, and philosophy of life. In turning children delinquent we have failed to educate properly, we have shifted the burden from adults to children."

The dictionary definition of delinquency states:

"a. Quality or state of being delinquent; failure, omission, or violation, of duty; transgression of law.

b. A fault, missed, or offense; a misdeemeanor, misdemeanor.

c. A tendency to commit such offenses (is distinguished from crime, delinquency usually implies a psychological rather than a judicial attitude toward the offender."

A delinquent is defined as:

"one delinquent; a transgressor against duty or law, esp. in a degree not constituting crime."

Legislation concerning juvenile delinquency in the United States is derived from the English legal system. Jurisdiction of courts of equity or chancery is such as was extended to protect persons unable to care for themselves. For instance, children under seven years of age were viewed as incapable of committing a crime."

---


4. Ibid., p. 124.

Massachusetts was the first state to enact juvenile court legislation. In 1869 a law was passed which required a representative from the State Department of Charities to be present at hearings when a child was tried for commitment to a reformatory. In 1870 Massachusetts also passed a law stating courts should hold separate sessions for children's trials. In 1873, it effected the first official probation system in the world.6

Illinois followed Massachusetts's leadership in 1899 when it allowed circuit and county courts with jurisdiction over dependent, neglected and deserted children. Illinois at that time also established a separate juvenile court for Cook County. Colorado in 1899 enacted a compulsory education law. This ultimately led to the establishment of a juvenile court in Denver in 1902. Wyoming, the last state to enact legislation establishing juvenile court procedure, did so in 1945. By this time all states and territories had legislation providing for either separate juvenile courts or for special jurisdiction and procedure in children's cases.7

Federal legislation for juvenile delinquency was promoted in 1922 when Congress stipulated that individuals under twenty-one violating federal laws could be transferred to state authority. The Federal Juvenile Delinquency Act, passed in 1932, provided a code of laws applicable to youths of seventeen years of age and under. This legislation

---

6 Ibid., p. 1.
7 Ibid., pp. 1, 2.
included all federal offenses except those which are punishable by life imprisonment or death. It includes some of the principles and procedures of state juvenile court laws. The proceedings may be for juvenile delinquency rather than the particular offense; they may be initiated by information rather than grand jury indictment. There is a provision made for hearings apart from adults in suitable places with cases to be heard promptly and privately without a jury. Detentions must be separate from adult offenders in a suitable place with care, education and training to be given by either private or public agencies.\(^8\)

Information showing the extent of juvenile delinquency in the United States is provided by several federal agencies. The organizations which collect and distribute statistics pertaining to the problem are: The Administrative Office of the United States Courts, the Department of Commerce (Bureau of the Census), the Department of Justice (Federal Bureau of Investigation and Bureau of Prisons), and the Federal Security Agency (Children's Bureau).\(^9\)

The Administrative Office of the United States Courts compiled statistics only from cases that appear in court records.\(^10\) The Department of Commerce (Bureau of the Census) furnished statistics on juvenile delinquents in various types of institutions.\(^11\) The

---


Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
Department of Justice (Federal Bureau of Investigation and Bureau of Prisons) deals with adult offenders, but offers separate data on arrested juveniles. The main source of statistics on a nation-wide basis is the Federal Security Agency (Children's Bureau). This organization tabulates statistics received from cooperating states. The states obtain information from cooperating public agencies, such as health, welfare and probation offices.

Approximately four hundred juvenile court jurisdictions, representing about 37 per cent of the present population in the United States, cooperate with the Children's Bureau in gathering statistics for the extent of the problem. About twenty-five states participate in this activity with only a small percentage of the courts within the states cooperating with the state agencies. Statistics are not obtained from private child-caring agencies, school departments, police courts, federal courts handling juvenile behavior problem not sitting in juvenile sessions. There is also a variance in age jurisdiction for juveniles within the states. Some state laws indicate a child is no longer delinquent at the age of sixteen, while others stipulate that persons under twenty-one cannot be treated as criminals.

In viewing the preceding facts, it would seem that information showing the extent of juvenile delinquency in the United States and in individual states is inadequate. There are approximately 3,000 court jurisdictions for juvenile courts in the United States. The Children's

---

12 Ibid., p. 5.
13 Ibid., p. 12.
14 Ibid., pp. 12, 15.
Burana estimates from figures received from 464 courts, serving 37 percent of the total population, that at least 250,000 children pass through the juvenile courts each year.\textsuperscript{15}

Since complete statistics regarding the total number of children passing under jurisdiction of juvenile courts are not available, there are no criteria for arriving at the number of dependent and neglected children these courts handle. In nearly 1,000 communities in the United States with a population of over 10,000 people, there are about 200 courts set up for juveniles only, and 145 detention homes. Data on persons arrested under eighteen years of age as compiled by police fingerprint records from 1941 to 1945 show that the male portion of the group increased 29.8 per cent during that time, and the female portion increased 34 per cent. In 1945 the fingerprint cards show the greatest number of delinquents were seventeen years of age. Reports from 65 courts in population areas of 100,000 or over in 1945 show an aggregate increase of 67 per cent over 1938 figures.\textsuperscript{16} This information was not given in proportionate rate to the population increase of the same areas.

Recorded delinquency case histories seem inadequate as is revealed by the fraction of the total number of unadjusted or cold-adjusted children represented in available statistics. There are no comparable data available which cover a substantial proportion of children presenting behavior problems.\textsuperscript{17}


\textsuperscript{17} Russell H. Kurtz, Editor, Social Work Year Book, N. E. girl's Russell Sage Foundation, 1947, pp. 61-62

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
With the marked rise in juvenile delinquency as a contributing factor, communities have demanded an increasing number of child guidance clinics. At the present time there are approximately 700 mental hygiene clinics in the country with 235 of these for children only. In 1930 there were four psychiatric clinics in the United States.16

According to Phelps the child's behavior is anti-social because elements in his environment tend to create conflict judicial to his best interests.18

18Ibid., p. 319.


"As a reflection of social disorganization, delinquency is associated with three general social problems, each of which may be used in the definition of delinquency.

1. Delinquency is a problem of poverty, in both its relative and its absolute aspects. This fact is clearly revealed in the isolation of delinquency areas and in the work of social agencies. In the reports of these agencies, a constant proportion of delinquency cases is found among the children of dependent families. From this angle, delinquency is a problem of poor-relief, broken homes, and other accompaniments of poverty. Its treatment, therefore, should not differ materially from approved methods of family rehabilitation. Since this aspect of delinquency makes it become the responsibility of many different social agencies, it presents a proof that an integrated community program of social work is sorely needed.

2. Delinquency is a problem of employment and recreation. Here delinquency is revealed as a typical urban problem. Studies of employment and recreation indicate the deleterious influences of idleness or of unwholesome work or play activities. The city offers few opportunities for normal behavior of children in either work or play, whereas its incentives to socially disapproved conduct are numerous. The persistent correlation between delinquency and community disorganization suggests one of the most immediately necessary reforms in a preventive program. For younger children more facilities for play are needed; for adolescents more facilities for vocational guidance and placement. Clearly, these needs may not require new
Juvenile delinquency differs from adult crime only in degree. The roots of more criminal behavior lie in maladjustments of children and adolescents. Delinquency occurs in both sexes. Crime prevention can be attained by creating a setting for family rearing.

Phelps states:

"The basic of the crime wave is actually a center of delinquency. Its upward movement begins in young ages and increases through the adolescent years, reaching its peak during the first ten or twelve years of maturity, and declines gradually from this peak until age 20, after which its decline is rapid."

Age and the degree of intensity of the act are the obvious criteria for differentiation between delinquency and crime. Age is indicated in the rate of incidence. Incidence of criminality is closely correlated with that of juvenile delinquency.\(^\text{20}\)

Legally the gravity of the person's offense against

community organization, but their fulfillment to dependent upon the extent and intensity of these community services for any in operation, proved they have adequate facilities to take care of such work.

Delinquency is a reflection of faulty or incompleted education during the primary and secondary school years. The conclusion is made by our records of school mortality and remediation, and in part by the mental status of children to be assessed by intelligence tests. Intelligence alone is no indication due to the relative or delinquency. It is true, however, that it is united with the two principal causes of basic poverty and abnormal social contacts. Vocational education and guidance appear again in this connection as prophylaxis against delinquency.\(^\text{21}\)

\(^{20}\)Ibid., p. 636.

\(^{21}\)Ibid., pp. 636, 37.

\(^{22}\)Ibid., pp. 636-37.
Legally, it is not illegal to be pregnant in the end. If an injury to one's self is involved, and one directly, neither social control is used for the crime action. The last legal action to the social pressure of the legal and criminal system is to lower society at a whole. Further cases have been determined without any, they have been filled in the form rather than directed toward correction.

There are many easily seeming cases, many times, for the most part, merely class deficiency as opposed to a quality. Treatment is accorded with the type and severity of the crime.25 If one picking a bouquet of flowers from a gazi's garden without consent is committing only a trivial guilt in the eyes of society. To be taken a bouquet from a flower stand in the city, has subject to立案 court action.

Most state law include the major deficiency of sense of wrong, wrongfulness, and immorality.26 Legal concepts that do not have the operations in social context. According to the other side, have accumulated definitions of crime, and according to circumstances, as such.

24Ibid., p. 1.
26Ibid., p. 121.
and disorganization. They do not think of crime as an isolated behavior pattern, but rather as a reflection of social disorganization. The legalistic retaliatory approach to problems of crime and delinquency has been supplanted by efforts to institute corrective measures. Anti-social behavior arises from the reaction of the individual to disorganizing influences in society. Since the delinquent performs an anti-social role to the group in which he lives, responsibility for the correction of his delinquency lies with the community. Disorganizational crises within the community have been responsible for the delinquency of the individual.

The average person of today does not apply scientific technique to human behavior problems. He takes for granted that science is necessary for mechanical advance. An engineer on the railroad realizes the necessity for every part of his engine to be correctly fitted and in good running order. He may be only slightly concerned, however, over the fact that his adolescent son, who continually spends leisure time reading poor literature and frequenting the neighborhood pool hall, does not join neighborhood or school group activities. The surgeon relies upon scientific training to perform an appendectomy, but he accepts crime, depression and war as necessary evils.

30 Ibid., p. 122.
Individual disorganization was originally interpreted in terms of the supernatural; the maladjusted person was possessed of evil spirits.

We use the most advanced scientific methods in dealing with physical technological problems; yet, we continue to employ archaic methods in dealing with social problems. Carr summarized these conclusions:

"Social problems...are still regarded as 'solvable' by social action based on common sense alone; the scientific technology, which is mainly responsible for the problems in the first place and presents a very different pattern of pattern-solving itself, goes largely unapplied."\(^1\)

Our social thinking has developed into what Carr calls "myth-mindedness". Humankind realizes that social problems have cause-and-effect relationships. However, when confronted by problems of complex or indistinct nature, society, according to this theory, abandons the scientific method for belief and tradition.\(^2\) In compliance with scientific method, social problems must be handled first by distinctive definition, and next by analyzing specific cause-and-effect relationship. This procedure leads to the formulation of methods of analysis and to the application of techniques and knowledge for the benefit of society.\(^3\)

It is impossible to understand adjustments of a delinquent without first considering the factors contributing to his delinquency.\(^4\) Delinquency, therefore, requires individual case study for treatment. The child was

---


\(^3\) *Ibid.*, pp. 4-6

inadequately adjusts to his environment may have an intellectual abnormality; a defect in his biological growth or emotional development, or a combination of these factors.

The group of children who cannot be expected to adjust to any 'normal' environment is, of course, composed of children who are handicapped. In general, the physical handicaps are not insuperable. Blind children, deaf children, children with limbs amputated often adjust surprisingly well and lead apparently happy lives. Yet, however, there is damage to the brain, to the organ of adaptation of behavior itself, the child is often totally incapable of adjusting to any environment available to the community. Three important classes of deficiency should be recognized here. One is defect of the intellectual faculties, which may be ascribed to injury, maldevelopment or dysfunction of the cerebral cortex. Another is disorder of impulse which is most clearly exemplified in some children suffering from the disease, lathyrism, or other cerebellar defects. There are further more some children, who despite normal intelligence and despite the absence of any signs of organic brain disease, are unable to adjust to any 'normal' environment. This group includes children who are psychotic, and children who, whether by reason of innate nature or the imposition of a forbidding situation, have developed psychopathic personalities.35

Through imitation and identification, the child acquires habit patterns.36 The family plays a basic role in the development of the individual's patterns of behavior, values, and ideas, because of its position as the immediate environment of the young child.37 The over-protected child often develops compensatory aggressiveness or fails to develop self-reliance. Aggressive cooperation may result in vandalism.


or other forms of deprivation, both inside and outside the family group. It is this child that desires to attract the attention of the public. The child who has failed to develop self-reliance is prone to follow others without discrimination as to their motives because of his desire for social acceptance.39

"It is clear that play is only relatively freer than other pursuits in which children engage. Their own emotional needs and standards which have been taken over by them from adults and their companions operate always to influence the form which play expression takes and, unless the activity is a solitary one, to discipline the participating players."40

The sociologists, psychologists and psychiatric social workers attempt to consider both the effect of environmental and hereditary factors upon the personality's development through clinical procedures.41 The child's personality is the product of his interaction with his environment. Familial influence should result in integrated personality patterns.42 Failure of family influence to help the individual develop socially acceptable values results in varying degrees of nonconformity in behavior. The disharmonious home can effect permanent personality scars on the child.43

The day by day experiences of the child are important in formulating his reactions, interpretations, and adjustments. The child gains

38William Ealy, op. cit., pp. 31-32.
41Ibid., pp. 31-39.
42Ealy and Bronner, op. cit., pp. 15-33.
his first recognition and response in group membership from the family. The family, thus, becomes the focal base for emotional release and direction. The child gains his dignity and develops his philosophy through evaluating his interactional patterns with the social forces both in and out of the home. If values in the home do not conform with outside spheres, conflict results. The home may interfere with well-harmonized relationships because of divorce, desertion, death or illness, or it may promote conflict through degeneracy, poverty, and overcrowding. It may be an immigrant or transplanted home with delinquent behavior resulting because societal values and controls do not coincide with the learned behavior of the primary group.

"There are many factors that tend to make a home an inadequate one. We place in this category homes that for any reasons whatsoever fail to prepare the otherwise normal members for successful participation in the world outside of the home or fail to maintain certain standards of behavior and of economic provision that are deemed by the larger society to be desirable. Within the scope of this definition of an inadequate home fall the economically impoverished home; the home broken by death, divorce, illness, and the like; the degenerate home, not infrequently the home of the immigrant or other transplanted peoples; and those homes wherein a gross lack of understanding of the nature of the personalities involved contributes to delinquent behavior. As in many classifications, these headings do not necessarily represent mutually exclusive groups."

The school occupies a strategic position in the prevention and control of juvenile delinquency. It is concerned primarily with the

---


46 Ibid., p. 160.
growth and development of the child and it attempts to plan an ade-
quate program that includes all children. \(^4^7\)

"The cardinal principles of education state that in the
school we are striving to inculcate in the child sound
health habits, to give him command of fundamental processes,
to prepare him for worthy home membership, to
encourage him to be a good citizen, to help him to choose and prepare
himself for a vocation, to train him to use his leisure time
wisely, and to build in him ethical character.... The curric-
ulum of the school should be based upon the nature and needs
of growing boys and girls. It should evolve around (a) their
personal development; (b) their personal-social development;
(c) their development toward social-civic efficiency; and (a)
their growth in civic-vocational efficiency." \(^4^8\)

In order to develop the individual's creative expression with
the learning procedures, the school must cultivate his participating
and leadership qualities. The school, in this way, may help the child
to realize more fully personal, group, and community relationships.\(^4^9\)

A major problem in school administration lies in the evaluation
and encouragement of individual differences that allow each child to
progress as rapidly as possible within the group.

"One of the major educational problems that has arisen as
a result of developments in genetic psychology the measure-
ments is that of providing materials of varying degree of
difficulty and letting the pupil develop unhampered by standard
impossible of his attainment." \(^5^0\)

---

\(^4^7\) Karl C. Garrison, Psychodynamics of Adolescence, New York: Prentice-

\(^4^8\) Ibid., p. 282.


\(^5^0\) K. C. Garrison, op. cit., loc. cit., p. 44.
Transcendently, a closely interacting, multi-faceted, and highly variegated environment is an asset. The child may feel a great lack of mental maturity or insufficient emotional stability. This is to the point that child a feeling of insecurity or reflection which may lead in increasing attachment to the social group.

8Transcendently, school as the part of one individual and team others in quite often the beginning of social class that leads to the juvenile court. Hence the school, by directing a part of its attention to problems related to transcendently can aid considerably in stopping crime at the very beginning. Transcendently and delinquency constitute a problem directly related to the process of normalization and reorientation. Investigations bear testimony to the effects of failure in school work, emotional disturbances, the aggravated by school situations, and the harmful effects of contact with established at a school level on the development of acts of misbehavior and ultimately delinquent behavior patterns. The school, therefore, in all of its facets of social action and privileges must fulfill all of the listed societal standards of achievement, to a greater significance the role of a more discerning or a traditional academic school program.

Teachers should often be able to detect symptomatic signs of through the identification of emotionally disturbed or mentally incompetent behavior. These cases are discovered by the school administrator, referred should be made to community social and group work agencies for prevention and correction. They are established to provide a professional program of treatment for disturbed students.71

71 Ibid., pp. 157-61.
Individual school districts are responsible for some training. The school is able to provide the community with a more mature, competent and physically healthful population through close cooperation with local welfare agencies, adult education programs, special counseling services, and continuously revised curricula that meet current needs.53

In a study of 17,951 inmates of prisons and reformatories in ten states, Hooton reports first and second degree murderers and convicts with illiteracy and poor educational attainments. Rapists have the least education, while robbers and those committing fraud have educational eminence.54

In our secularized society, recreation permeates all activities. It serves as a supplementary safeguard for school and community activities.55

"Play and recreation are apart of the soil in which personality grows. It is during leisure that one is free to be himself. In play one explores a close study of roles and relations, one achieves social adjustment and group effectiveness, or, under unsuitable conditions, one experiences defeat, rejection, and disorganization."56

Gangs contribute to delinquency that they have no supervised positive recreational facilities. Gangs committing delinquent acts can be rehabilitated into play groups, with leadership provided by schools and other community agencies. These facts are brought out by Felsen.57

---

53 Ibid., pp. 11-21.

54 John Lewis Gillin, op. cit., p. 144.


56 Ibid., pp. 190-191.
in an investigation of delinquent gangs

"Gangs are also connected with delinquency, because in juvenile court records several boys are usually arraigned for the same offense. A 'gang', however, is described by Thoreau as a play group, not as a delinquent group. It becomes delinquent when it is a by-product of social disorganization or becomes there are no opportunities for spontaneous play. Ganging, therefore, may be a major factor in delinquency, but it is no more crucial in the delinquency process than are newspapers. Obviously, the elimination of ganging is only remotely connected with the prevention of delinquency. Two methods have been employed, hitherto, in this work, consisting of attempts to repress the gang or to isolate the individual from the gang. It is suggested by Thoreau and others that a substitute for either of these procedures might well be an attempt to rehabilitate the gang as a whole through a combination of individual and group guidance." \(^\text{57}\)

Carr maintains a child has four basic needs which help to develop his behavior. These needs are physical needs such as food, clothing, and shelter; emotional needs such as status, affection, familial adjustments; psycho-sexual relationships, activity, growth and achievement; and social orientation such as values, ideals, insight into others, and codes of conduct. \(^\text{58}\)

Communities are beginning to realize responsibilities in recreational fields. \(^\text{59}\) Commercial recreation has developed as a major economic enterprise through a recognition of its effects upon the physical...
and spiritual satisfactions of all people. Amusement centers present a glamour to youth which becomes idealized in the absence of properly organized school and community recreational programs. In such circumstances, a child tends to perform socially unacceptable acts for purposes of sociability and in emotional release.60

Communities have come to realize not only the necessity of broadening educational and recreational programs for the prevention and control of delinquency, but have also evidenced a realization of the problem by promoting the establishment of mental health and child guidance clinics. These clinics function primarily for diagnostic purposes and operate in collaboration with the sources of referral. Intensive therapy is sometimes used to correct delinquent tendencies in behavior patterns of the child. Programs for the clinic provide medical, psychiatric, psychological and social services.61

It is the function of these clinics, after the determination of the nature of a difficulty, to interpret the analysis of the case and to suggest a treatment procedure to those who work in cooperation with the personality disorder.62

"The program of a child guidance clinic which is to provide medical, psychiatric, psychological and social services for delinquents, or for the prevention of delinquency, can be described as follows:

61. Ibid., pp. 2-4.
62. Ibid., p. 8.
"(1) In its functioning the client should accept for consideration those children presumed by the referring source—school, court, social worker, or parent—to be in need of assistance; (2) it should determine the nature of the difficulty and interpret the situation to those who will cooperate in the treatment program; (3) it should refer to the proper source of aid children who need services other than those provided by the clinic; (4) it should furnish psychiatric treatment of the emotional and related problems of the child and his parents; (5) it should provide consultation service to other community agencies; and (6) it should disseminate information concerning the early recognition of symptoms of personality difficulties which may lead to delinquent behavior."

Close coordination of community agencies and organizations is necessary to treat juvenile delinquency problems. Churches, health and welfare agencies, and recreational organizations, together with schools and the probation office, should assume attitudes of cooperative responsibility, and leadership to establish techniques that best affect the child's development in his social and physical environment. Therefore, integration of community agencies in vital not only in treatment but also in the control of juvenile delinquency problems.

---

"Ibid., p. 5.

SELECTED BIBLIOGRAPHY


   Report on Juvenile Court Administration.
   Report on Mental Health Clinic.
   Report on Role of Police.
   Report on Recreation for Youth.
   Report on School and Teacher Responsibilities.
   Report on Statistics.


CHAPTER II

THE DEVELOPMENT AND PRESENT STATUS OF

MONTANA'S JUVENILE DELINQUENCY LAWS

Juvenile delinquency legislation enacted in Montana was initiated early in the state's history. The following information will show the development and present status of the laws enacted by the Montana legislative assemblies to deal with the problem of juvenile delinquency.

Much of the early legislation had to do with court procedure, definition of delinquency, organization and remuneration of responsible juvenile agencies, and required reports to courts of competent jurisdiction by probation officers and superintendents.

The legislative assembly in 1911 first enacted a law to treat juvenile offenders apart from adults.¹ This law was incorporated into the revised codes of 1921 and 1935. The revised codes read:

"All trials of such children as are affected by this act shall be held in chambers or in a room provided for such purposes. The judge of such court shall designate a certain time for the trial of such cases, and is hereby empowered to exclude from the room at such trials and all persons that do not represent the interest of the child or those not necessary for the trial of the case. The probation officer shall be present at every trial in the interest of the child on trial. Agents of child-saving institutions and societies, and persons actively engaged in child-saving work shall be permitted to be present at the hearing of all children's cases."²

¹ Laws 1711, Ch. 122, Sec. 3.
² R. C. M. 1921, Ch. 126, Sec. 12232.
R. C. M. 1935, Ch. 126, Sec. 12232.
It is noted that in these revised codes, the judge is empowered but not required to exclude from the trial persons not representing the interest of the child. The 1943 session laws, however, state definitely that the general public must be excluded and the hearings for children must be held separately and apart from adults.3

"Hearing; Judgment. The court may conduct the hearing in an informal manner, and may adjourn the hearing from time to time. In the hearing of any juvenile case the general public shall be excluded and only such persons admitted as have a direct interest in the case. All cases involving children shall be heard separately and apart from the trial of cases against adults.4

The session laws of 1943 enlarge upon the procedure stating:

"No commitment to any institution under this act shall be deemed commitment to a penal institution. No adjudication upon the status of any child in the jurisdiction of the court shall operate to impose any of the civil disabilities ordinarily imposed by conviction, nor shall any child be charged with or convicted of a crime in any court except as provided in the preceding section of this act. The disposition of the child or any evidence given in the court shall not be admissible as evidence against the child in any other case or proceeding."5

The latest legislation in the session laws of 1947 states:

"Hearing; Judgment. The court may conduct the hearing in an informal manner and may adjourn the hearing from time to time. In the hearing of any juvenile case, as distinguished from a case involving a child charged with the commission of or attempt to commit any of the criminal offenses set out in Subdivision 2b of Section 2, Chapter 227, Laws of

---

3 Laws 1943, Ch. 227, Sec. 10.
4 Laws 1943, Ch. 227, Sec. 1C.
5 Ibid., Sec. 10.
1943, as amended by this act, the general public shall be excluded and only such persons admitted as have a direct interest in the case. All cases involving children shall be heard separately and apart from the trial of cases against adults."

This law continues:

"No commitment of any such delinquent child to any institution under this act shall be deemed commitment to a penal institution. No adjudication upon the status of any delinquent child in the jurisdiction of the court shall operate to impose any of the civil disabilities ordinarily imposed by conviction, nor shall any delinquent child be deemed a criminal by reason of such adjudication, nor shall such adjudication be deemed a conviction, nor shall any child be charged with or convicted of any crime in any court except as provided in the preceding section of this act. The disposition of the delinquent child or any evidence against the child in any other case or proceeding."\

Therefore, according to the present laws, the judges of the district courts must hold separate sessions for the juvenile court, in an informal manner with only those persons present who have a definite interest in the child being tried. No offenses handled by the juvenile court are to be exposed in any other court proceedings. Gillin states that the juvenile court has developed a philosophy of parental interest in and service for youth who have been found to be delinquent. The court should rely upon professional services rather than punishment.²

The child or interested persons may demand a trial by jury if it is so desired.⁷ The revised codes of 1935 make the following statements in the law pertaining to the jury trials:

---

⁶ Laws 1947, Ch. 276, Sec. 10.
⁷ Ibid., Sec. 10
⁹ R. C. W. 1935, Ch. 108, Sec. 12277.
"Jurisdiction—trial by jury—records—reports. The district courts of the several counties in this state shall have jurisdiction in all cases coming within the terms and provisions of this act. In trials under this act the child complained against, or any person interested in such child, shall have the right to demand a trial by jury, which shall be granted as in other cases, unless waived, or the judge of his own motion may call a jury to try such case."

The procedure for drawing juries in juvenile trials was revised in 1945. These session laws read to the effect that when a jury is requested, the judge, in his discretion, should draw from jury box number three. However, if the court desires, the case may be tried before the regular trial jury panel.

Trial by jury rarely occurs, as the jury panels usually meet but twice a year. Therefore, if a jury is requested when it is not in required session, the trial could be postponed for several months. Juvenile delinquency cases are usually held as soon as possible in accordance with the law.

Juvenile delinquency legislation in effect in 1935 has been amended by succeeding legislative assemblies. The following summary will present the law as it is at the present time.

Juvenile delinquents are defined by the revised codes of 1935 in the following manner:

"Definition of juvenile delinquents. For the purpose of this act, the words 'delinquent child' and the words 'juvenile delinquent person' shall respectively mean and include any child under eighteen years of age, who violates any law of this state.

\[1\text{Laws 1945, Ch. 41, Sec. 3A.}\]
state or any city ordinance of any city or town; or who is incorrigible; or who knowingly associates with a thief or with a vicious or immoral person; or who knowingly visits or lives in a house of prostitution, or in a house of ill-fame; or who is growing up in idleness or crime; or who knowingly patronizes or visits any place, house, apartment or building where any gambling device is, or services are, or shall be run or operated or used, or kept for such purposes, or where any gambling is done or conducted; or who patronizes or habitually visits any saloon or saloons, dram shop, or dram shops, or who purchases at any saloon or dram shop any wines, beverages or intoxicating liquors for itself; or who patronizes or visits any pool-room which is run in connection with a saloon or place where any kind of drink is sold; or who patronizes or visits any room where pools are sold at any time; or visits or patronizes any bucket shop or shops or wanders about or visits any railroad yard or tracks, or hooks or jumps on to any moving train or trains; or who enters any car or cars, engine or engines without any lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language; or who is guilty of immoral conduct in any public place or about any schoolhouse or school grounds; or who shall become addicted to the use of spirituous or intoxicating liquors as a beverage, and not for medicinal purposes prescribed by a physician, or who shall become addicted to the use of cigarettes.\textsuperscript{12}

Legislative enactment in 1943 revised the definition of a juvenile delinquent.

"The words 'delinquent child' include: "(a) A child who has violated any law of the state or any ordinance or regulation of a subdivision of the state.

"(b) A child who by reason of being wayward or habitually disobedient is uncontrollable by his parent, guardian or custodian.

"(c) A child who is habitually truant from school or home.

\textsuperscript{12} R. G. H. 1935, Ch. 106, Sec. 12275.
"(d) A child who habitually so departs himself as to injure or endanger the morals or health of himself or others."¹³

The session laws in 1947 define a delinquent child as follows:

"(1) The word 'Child' means a person less than eighteen years of age.

"(2) The words 'Delinquent Child' include:
(a) A child who has violated any ordinandy of any city.

(b) A child who has violated any law of the state, provided, however, a child over the age of sixteen (16) years who commits or attempts to commit murder, manslaughter, assault in the first degree, robbery, first or second degree burglary while having in his possession a deadly weapon or weapons with intent to assault, shall not be proceeded against as a juvenile delinquent but shall be prosecuted in the criminal courts in accordance with the provisions of the criminal laws of this state governing the offenses above listed.

(c) A child who by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian, or custodian.

(d) A child who is habitually truant from school or home.

(e) A child who habitually so departs himself as to injure or endanger the morals or the health of himself or others.

(f) A child who unlawfully, negligently, dangerously, or wilfully operates a motor vehicle on the highways of the state or on the roads and streets of any county or city so as to endanger life or property, and a child who operates a motor vehicle on such highways, roads or streets while intoxicated or under the influence of intoxicating liquor."¹⁴

The revised codes of 1935 provide that when the child is taken into custody or arrested, he is to be detained in a cell or room in

¹³ Laws 1943, Ch. 227, Sec. 2.
¹⁴ Laws 1947, Ch. 276, Sec. 2.
the city or county jail especially prepared for that purpose. The child should be separated from adult prisoners and from members of the opposite sex. This law also provides for suitable foster home placement by the probation officer during the time awaiting trial. This provision was first established in 1907. The law stated:

"That no child within the provisions of this act under fourteen years of age shall, under any circumstances, be incarcerated in any common jail or lock-up, and any officer or person violating this provision of this act shall be guilty of a misdemeanor, and, on conviction, fined in a sum not to exceed one hundred ($100) dollars."

The session laws of 1943 not only make provision for separate detention of children under eighteen but also provide for a separate detention home to be administered as an agency of the court in each district. The court can arrange for the boarding of such children temporarily in foster homes, if the homes are under the supervision of the court.

The session laws of 1947 state:

"Place of Detention. No child under eighteen (18) years of age shall be placed in or committed to any prison, jail or lockup, nor be detained nor transported in association with criminal, vicious, or dissolute persons, provided, that a child whose habits or conduct are deemed to be such as to constitute a menace to other persons may, with the consent of the judge or chief probation officer, be placed in a jail or other place of detention for adults, but in a room or ward separate from adults, provided further that, whenever a child

15 R. C. M. 1913, Ch. 126, Sec. 12230.
16 R. C. M. 1907, Ch. 126, Sec. 9427.
17 Laws 1943, Ch. 227, Sec. 25.
over sixteen (16) years of age is charged with the
commission of, or attempt to commit any of the
offenses set out in Subsection 2b of Section 2,
Chapter 227, Laws of 1943, as amended, or whenever
an adult under the age of twenty one (21) years is
charged with the commission of, or attempt to commit,
a felony or felonies, he shall be placed in a jail
or other place of detention for adults, but in a
room or ward separate from such adults who are over
the age of twenty-one (21) years.

Provision shall be made for the temporary
detention of children who are not charged with the
commission of, or attempt to commit, any of the
offenses set out in Subsection 2b of Section 2
Chapter 227, Laws of 1943, as amended, in a deten-
tion home to be conducted as an agency of the court,
or the court may arrange for the boarding of such
children temporarily in foster homes, subject to the
supervision of the court, or may arrange with an
incorporated institution or agency or the department
of public welfare for the temporary care of such
children within the jurisdiction of the court.13

The revised codes of 1935 make provisions for detention homes.
These homes are to be administered by the county for the temporary
confinement of delinquent, dependent or neglected minors. The superint-
tendent and matron for these homes are to be suitable and discreet
persons who are qualified to teach children.17

The session laws of 1941 change the name of the detention homes
to youth homes. The counties should provide all needful appropriations
for the maintenance of the homes. The superintendent and matron
should be suitable and discreet persons, who can teach children. Accord-
ing to this act all counties which have a population in excess of thirty
thousand should establish such homes.20

15 Laws 1947, Ch. 276, Sec. 25.
17 R. C. T. 1935, Ch. 106, Sec. 12297.
20 Laws 1941, Ch. 26, Sec. 1.
The revised codes of 1935 state that proceedings through petition require the court to fix a day for the trial. The petitioners should be allowed a reasonable length of time to procure witnesses. The court must issue a citation requiring all persons mentioned in the petition to appear at the trial at a specified time.\(^{21}\) The county attorney is prosecutor.\(^{22}\) Provisions of the Penal Code are applicable in appeals and new trials.\(^{23}\) The judge may suspend sentence on such terms as he may impose.\(^{24}\) In districts where there are several judges, one of the judges is designated to hear all juvenile proceedings in all counties of the district.\(^{25}\) All proceedings under the Juvenile Delinquency Act of 1935 are initiated with petitions which are duly sworn to and filed with the clerk of the district court.\(^{26}\) The 1943 law states that the court may make informal adjustments that are practicable without petitions, or it may authorize that petitions should be filed. If the court is in the opinion that an investigation should be made after the petition has been filed, and no action has been taken on it, the court may itself take the action.\(^{27}\) Under the present session laws of 1947, the juvenile court has jurisdiction in the following proceedings:

\(\text{a)}\) concerning any child who is delinquent;

\(\text{b)}\) concerning any person under twenty-one (21) years of age charged with having violated any law of the state, other than those laws relating to the commission of or attempt to commit the

\(^{21}\) R. C. M. 1935, Ch. 106, Sec. 12278, 12279.
\(^{22}\) Ibid., Sec. 12283.
\(^{23}\) Ibid., Sec. 12284.
\(^{24}\) Ibid., Sec. 12285.
\(^{25}\) Ibid., Sec. 12286.
\(^{26}\) Ibid., Sec. 12278.
\(^{27}\) Laws 1943, Ch. 226, Sec. 4.
criminal offenses mentioned in Subdivision 2a of Section 2 of Chapter 227, Laws of 1943, as amended by this act, or any person charged with having violated any ordinance of any city or town, prior to having become eighteen years of age;

"(c) concerning parents who willfully and knowingly fail to provide their children with proper food, clothing, medical attention, and opportunity to attend school."

In the revised codes of 1935 the judge or judges of each judicial district shall appoint the probation officer, who will hold his office during the pleasure of the court. The salary for the office, which should not exceed $1800 per year, is paid on a per diem basis for the time actually and necessarily employed in performing the duties of the office. The contingent fund of the county provides funds for payment. If the judicial district consists of several counties, the salary is apportioned among the counties according to the assessed evaluation of the county at the time. The probation officer is reimbursed for his actual and reasonable traveling expenses. If there is no probation officer appointed, the sheriff of the county or counties shall perform the duties of the office without additional compensation.

There is also a provision in this law that the judge or judges of the district court may appoint other discreet persons who have good moral character and are willing to serve without compensation.

Whenever a complaint is made or pending against a boy or girl under eighteen years of age for the commission of any offense not punishable by law with life imprisonment, or for which the penalty is death,

---

28 Laws 1947, Ch. 276, Sec. 3.
29 R. C. M. 1935, Ch. 106, Sec. 12283.
30 Ibid., Sec. 12288.
before any court or magistrate at once and before any other proceedings are had in the cause, to give notice in writing of the pendency of said cause to the probation officer of his county. Such probation officer shall immediately, or as soon thereafter as possible, proceed to inquire into and make a full examination and investigation of the facts and circumstances surrounding the commission of the alleged offense, the parentage and surroundings of said child, its exact age, habits, and school record, and everything that will throw light on its life and character, and may also inquire into the home condition, habits, and character of the parents or guardians, and shall make a full report thereof in writing to the judge of the district court having charge of such cases, before said case is tried.31

It is the duty of the probation officers to serve all warrants and to attend all hearings in the best interest of the child. The probation officers are vested with all powers of sheriffs and police officers in line of their duty.32 If the court withholds judgment against a child, the probation officer may or may not be appointed guardian, depending upon whether the court feels that the parents, guardians, or friends may be able to give satisfactory supervision. If the child is committed by the court to a state institution, that institution is responsible for the child's custody immediately after the child enters the institution.33

Under this law, when a child is sent to a state institution, the county sending the child must pay the institution thirty-five cents a day for his care. The court may order the parents or guardians to pay this to the county when it is known they are financially able to do so. The court may also order the child to pay for his care if he has the

31 Ibid., Sec. 12283.
32 Ibid., Sec. 12283.
33 Ibid., Sec. 12283.
money. However, if there are no other means, the county sending the child to the institution must pay for his care.\textsuperscript{34}

In this law the probation officer is required to keep complete records of all cases placed in his care by the court. He should also make records of any other duties of his office.\textsuperscript{35}

The session laws of 1937 raised the probation officer's salary to a maximum of $200 per month in counties having a population in excess of 40,000. The money is paid by the county or counties in the same manner described in 1935 laws.\textsuperscript{36} In 1939 this provision was changed to apply to counties having a population in excess of 30,000.\textsuperscript{37}

The session laws of 1937 stipulated that in counties having a population exceeding 40,000 judges could appoint one additional person to serve as a deputy probation officer. This officer receives a maximum of $150 per month to be paid from the same funds which provide the salary of the probation officer. This deputy probation officer should receive reimbursement for traveling and other expenses.\textsuperscript{38} This was amended in 1939 for counties which had a population of more than 30,000.\textsuperscript{39}

The session laws in 1943 state:

"Probation Officers; Appointments; Removal; Salaries. In every judicial district of the State of Montana the judge thereof having jurisdiction of juvenile matters shall appoint one discreet person of good moral character, who shall be known as the chief probation officer of such district and who shall hold his office until removed by the court."

\textsuperscript{34} Ibid., Sec. 12288.  
\textsuperscript{35} Ibid., Sec. 12290.  
\textsuperscript{36} Laws 1937, Ch. 117, Sec. 12288.  
\textsuperscript{37} Laws 1939, Ch. 101, Sec. 12288.  
\textsuperscript{38} Laws 1937, Ch. 117, Sec. 12288.  
\textsuperscript{39} Laws 1939, Ch. 101, Sec. 12288.
Such officer shall receive for his services such sum as shall be specified by the court upon appointment, provided that the judge of the district court may employ him on a yearly salary not to exceed two thousand four hundred dollars ($2,400), or on a pendem basis for the time actually and necessarily employed in performing the duties of the office. The salary of such officer shall be apportioned among and paid by each of the said counties in which said officer shall be appointed to act, in proportion to the assessed valuation of such counties for the year then current, except that where such official is appointed for one county, his salary shall be paid by that county. In the absence of such appointment of chief probation officer, it shall be the duty of the sheriff of the county to perform all the duties of the chief probation officer in this act enumerated without additional compensation, as directed by the court.

"The judge having jurisdiction of juvenile matters may also appoint such additional persons to serve as deputy probation officers and stenographers as the judge deems necessary; their salaries to be fixed by the judge at the time of appointment, provided that such salaries shall not exceed eighteen hundred dollars ($1,800) per year."

The 1943 session laws continue:

"Duties and powers of the probation department. The chief probation officer, under the direction of the judge, shall have charge of the work of the probation department. The probation department shall make such investigations as the court may direct, keep a written record of such investigations and submit the same to the judge or deal with the same as the judge may direct. The department shall furnish to any person placed on probation a written statement of the conditions of probation, shall keep informed concerning the conduct and condition of each person under its supervision, and shall report thereon to the judge as he may direct. Each probation officer shall use all suitable methods to aid persons on probation and bring about improvement in their conduct and condition. The probation department shall keep full records of its work, shall keep accurate and complete accounts of money collected

---

40 Laws 1943, Ch. 227, Sec. 21

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
from persons under its supervision, shall give
receipts therefor and shall make reports thereupon
as the judge may direct. Probation officers, for
the purpose of this act, shall have the powers of
police officers.

"All information obtained in discharge of official
duty by any officer or other employee of the court
shall be privileged and shall not be disclosed to
anyone other than the judge and others entitled
under this act to receive such information, unless
and until otherwise ordered by the judge."41

In 1943 the law places the probation officers under bond in the
sum of $1,000.42

The revised codes of 1935 provide for juvenile improvement
committees, which can be appointed by the judges of each county. The
law states the committee should consist of seven reputable citizens of
both sexes. The committee is subject to the call of the judge. The
group of citizens should act in a supervisory capacity for detention
homes and be available for conferences on all matters pertaining to the
juvenile department of the court.43 The session laws in 1943 placed
the committee in a supervisory capacity for the selection of foster
homes.44

In the 1935 law parents or guardians who are responsible for
improper or negligent training are guilty of misdemeanors.45 The
session laws for 1943 state:

"Penalty for improper and negligent training
of children. Any parent or parents, legal guardian,
or other person who shall encourage, willfully cause
or contribute to, or through negligence in the care,

41 Ibid., Sec. 22.
42 Ibid., Sec. 23.
43 K. S. A. 1935, Ch. 106, Sec. 12287.
44 Laws 1942, Ch. 227, Sec. 27.
45 K. S. A. 1935, Ch. 106, Sec. 12293.
custody, guidance, education, maintenance, or direction of any child under eighteen years of age, cause or permit such child to violate any law of this state, or the ordinance or ordinances of any city of this state, or to be or become incorrigible, or to knowingly associate with thieves, vicious or immoral persons; or to grow up in idleness or crime, or to knowingly enter a house of prostitution; or to knowingly visit or patronize any place, house, or apartment building where any gambling device is or gambling devices are or shall be operated or run, or where any gambling is done or conducted, or to patronize or visit any saloon or saloons, or dram shop or dram shops, where intoxicating liquors are sold, or to patronize or visit any public poolroom or poolrooms, or bucket-shop, or to wander about the streets of any town or city in the nighttime, without being on lawful business or occupation, or to habitually wander about or visit any railroad yards or tracks, or to jump or hook on to any moving train or to enter any car or engines, without lawful authority; to habitually use any vile, obscene, vulgar, profane, or indecent language, or to be guilty of immoral conduct in any public place, or about any schoolhouse or grounds, or keep or permit it in or about any saloon or place where spirituous liquors or intoxicating liquors are sold, or in any gambling house or place where gambling is practiced, or in a house of ill fame or prostitution; or to become addicted to the use of spirituous and intoxicating liquors not for medicinal purposes prescribed by a physician; shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be fined in a sum not less than ten dollars ($10) and not to exceed one thousand dollars ($1,000), or imprisonment in the county jail for a period not exceeding nine (9) months, or by both fine and imprisonment."46

The revised codes of 1935 state that a bond is allowable in the sentence, although under failure to comply with the provisions of the bond, it may be forfeited.47 In 1943 the session laws again make provision for a bond to be permitted on the sentence. If any person

46 Laws 1943, Ch. 227, Sec. 16.
47 R. C. M. 1929, Ch. 106, Sec. 12294, 12295.
fails to comply with the terms and conditions of the bond, it can be forfeited. The court can issue a citation to issue safety on the bond. Therefore, if there is reason why judgment should not be entered for penalty of the bond and the execution issue for the amount against the sureties, the court can enter judgment in behalf of the state of Montana against the sureties. Any moneys collected upon such an execution are given to the county treasurer in which the bond is issued. This money should apply for the care of the child.\textsuperscript{43}

The session laws in 1947 create a commission of seven members for the purpose of studying and making recommendations relative to the problem of juvenile delinquents and juvenile delinquency in Montana. This law states that the commission shall be composed of two district court judges, one peace officer, one probation officer, one member of the house of representatives, one member of the senate and one clergyman. It is interesting to note that no social work, education, or recreation representatives were appointed to this commission. The group is to report recommendations to the governor of the state not later than November 15, 1948. Copies of the recommendation shall be sent to all legislative members of the state assembly.\textsuperscript{49} This commission has been appointed, and at the present time, is formulating its report.

The preceding pages reveal assembly enactments pertaining to the present status of juvenile delinquency legislation in Montana. Before conclusions can be drawn from these laws, provisions for child welfare

\textsuperscript{43} Laws 1943, Ch. 227, Sec. 1, 3, 13.
\textsuperscript{49} Laws 1947, Ch. 77, Sec. 1, 2, 3.
services should be taken into consideration. The Department of Public Welfare is legally in close relationship with the delinquency problem through programs for dependent, neglected and delinquent children.

Legislation in 1947 concerning the Department of Public Welfare states that dependent children include those children under eighteen years of age who have been deprived of parental support or care because of death, continued absence from the home, or physical or mental incapacity of the parent.50

Montana indicated interest in children in its Poor Laws when it held its first territorial legislative assembly in 1864-65. At that time children who were dependent on the county were to be placed in "respectable" homes in the county rather than in the "poorhouse. They were placed under supervision of the county commissioners.51 In 1876 the territorial legislature enacted a law stating that children under fifteen years of age, who needed county assistance, should be kept in school for some time during the year, even though they could still take apprenticeship.52

At the present time child welfare services include protection and care of homeless, dependent and neglected children, and children in danger of becoming delinquent. The child welfare services are organized, administered and supervised by the State Department of Public Welfare. Duties of the Child Welfare Division include supervision of importation

50 Laws 1947, Ch. 82, Sec. 71 - 501.
52 Ibid., p. 9, as taken from 'Montana Territorial Laws', Sec. 9, p. 51 - 57.
and exportation of children. This division is responsible for inspecting, licensing and supervising public and private foster homes. It has the power to enforce all laws pertaining to children and may take initiative in all matters involving the interest of illegitimate, dependent, neglected and delinquent children. Parental control is to be recognized at all times. When so ordered by the court, child welfare services include foster home placement for special juvenile delinquent cases.53

Institutional care for delinquents does not come under the jurisdiction of the Department of Public Welfare. Each state institution maintains jurisdiction over the children within the institution. However, there is a close relationship between Montana's institutions and the Child Welfare Division of the Department of Public Welfare as child welfare services make many placements to the state institutions.

There are fourteen institutions in Montana caring for the various age groups that have been institutionalized. Five schools in Montana provide care for committed delinquents. It is not the purpose here to describe the functions and administration of these institutions but to view the overall problem of juvenile delinquency in Montana. Therefore, only the functions of the largest institutions will be summarized.

The State Industrial School for Boys was established in 1873 in Miles City. Boys who are committed must be between the ages of ten and twenty-one.

Laws 1917, Ch. 92, Sec. 71 - 716 to 71 - 714.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
the State of Montana and who have been regularly committed to said school by a duly authorized court. Such youths shall be presented to the presiding officer of said school by an accompanying officer, employee of said school, parent or guardian, who shall likewise exhibit a certificate of commitment from the court ordering same."

Boys are entered only through procedure of the juvenile courts. The expense of their care is the responsibility of the county from which they have been sent. The school provides education through the grades and three years of high school. The law provides for the employment of a full-time physical education director and nurse. Church services are maintained for both Protestants and Catholics. A boy remains in the institution until the age of twenty-one, unless he is legally discharged by order of the Executive Board after reaching the age of eighteen. He may be released on probation if he has a good record in the school.

The State Vocational School for Girls was established in Helena in 1893. Girls between the ages of eight and eighteen may be committed by the juvenile court. The county from which they are pays thirty-five cents a day for their care. Ward Indians are accepted in this school. Their care is paid for by the federal government. Education is provided through the grades and high school with emphasis placed on home industry, such as cooking and sewing. Girls remain until twenty-one years of age unless discharged legally by the Executive Board after reaching eighteen. They may be put on probation at any time, after having been in the institution one year. Catholic and Protestant

54 Laws 1943, Ch. 42, Sec. 12494.
church services are conducted.\textsuperscript{56}

The Montana Training School was established in Boulder in 1919. It accepts children over six years of age. No release is given except by order of the superintendent, district court or by recommendation of the Department of Public Welfare. If a private organization or an individual wishes to commit a child, clearance must be made through child welfare services. If possible, the parents must pay fifty cents a day for the child's expenses; but if they are unable to meet the expense, the county provides funds. The school within the institution emphasizes practical vocations. It is not accredited in Montana formal teaching standards. A closely supervised play program is conducted. Catholic and Protestant religious services are conducted.\textsuperscript{57}

The Montana Children's Home and Hospital and the Shodair Crippled Children's Hospital integrated their administration in 1938. This is a private institution. The purpose of the administration is to provide child welfare services to homeless, dependent, neglected and orphaned children, including the placing of children in foster homes and for adoption. It provides hospitalization for sick, crippled and physically handicapped children, accepting them from infancy to twenty-one years of age. Decisions as to placement in adoptive homes or with relatives are made by the home, except in cases when the Child Welfare Division of the Department of Public Welfare makes or recommends a placement.\textsuperscript{58}

The Home of the Good Shepherd or St. Mary's of the Mount, another private institution, was established in Helena in 1839 through the auspices of

\textsuperscript{56} Ibid.
\textsuperscript{57} Ibid.
\textsuperscript{58} Ibid.
of the Sisters of the Good Shepherd. This home is for the care of girls who present behavior problems. It does not accept unmarried mothers or girls in need of hospitalization. It accepts girls between the ages of thirteen and twenty-one. Girls attending high school are preferred, but in emergencies this institution will accept girls from the seventh and eighth grades. Applications are accepted from anyone, but those submitted through organizations are given preference. Releases are made by the Mother Superior. Girls may be kept until twenty-one years of age, but can be released sooner. The applications from the Child Welfare Division of the Department of Public Welfare are given preference. The institution houses approximately eighty-five girls.59

In addition to these institutions just mentioned, Montana has several other treatment homes. The Florence Crittenton Home in Helena, which was established in 1883, provides services for any unwed mother and her child. A problem girl or a young child in need of a boarding home is not accepted here, although there is no definite minimum or maximum age regulation. Application for admittance may be made by anyone, but must have clearance through the Child Welfare Division of the Department of Public Welfare. The home accommodates twenty-five girls. Girls who are illegitimately pregnant the second time are not denied admittance, nor are married women who are illegitimately pregnant. If a girl decides to release her child, she is usually not permitted to see it following the birth. The child is then placed in a foster home, if possible, soon after the mother has been released from the hospital.

59 Ibid.
If the mother is undecided as to whether she desires to keep the child, the child is permitted to stay in the institution with her until she makes her decision. Unless the girl or her parents are able to pay for her subsistence, the county pays thirty dollars per month for the mother, five dollars for medical care and thirty-five dollars for hospitalization. The charge for a baby remaining with its mother in the institution is $22.50 per month. 

The State Orphan's Home was established at Twin Bridges in 1893. It accepts children from three months to thirteen years of age. This institution provides schooling from kindergarten through the eighth grade. It conducts a nondenominational Sunday School. The State Orphan's Home receives ten dollars per month from the county for every child committed by that county. If the parents are unknown or are known and do not make payments, the child may be placed for adoption. All releases are conducted through the recommendations of the Child Welfare Division of the Department of Public Welfare.

In addition to these schools, Montana provides a School for the Deaf and the Blind in Great Falls, the Montana State Hospital at Warm Springs, and the Montana State Tuberculosis Sanitarium at Galen. There are several other private schools providing for children from broken homes or for children who are dependent or neglected. These private institutions are primarily denominational schools that work in cooperation with the Child Welfare Division of the Department of Public Welfare.

---

60 Ibid.
61 Ibid.
62 Ibid.
It has been the purpose of this chapter to present Montana's program dealing with the problem of juvenile delinquency. In summary, it should be stated that the problem has been before the state legislature frequently. Juvenile delinquency as defined by law regards the act committed. When a child performs a delinquent act, he is brought before the court. The hearings were not required to be separate from criminal trials until 1943. This law also makes provision for the separate detention of juveniles. Administrative costs are under county jurisdiction. The probation officer is authorized to serve the court in dealing with juvenile delinquents. There is no required training for a person employed in this office. This position and the length of employment is controlled by the pleasure of the court. Judges of the district court have jurisdiction over juvenile court procedure.

Child welfare services are also authorized by legislative enactment to render services for juvenile delinquency. State correctional institutions are available for services, but are administered independently. Legislative assemblies have provided no centralized agency to treat Montana's juvenile delinquency problems. Judges and probation officers are not required to have professional social service training. However, in the last legislative assembly, an increasing awareness of the problem was evidenced by the creation of a commission to study the problem in Montana. This commission will study and make recommendations for legislative changes.

The next chapter will present seven cases of juvenile delinquency which have been handled by authorized agencies. In examining these cases, it will be possible to see how the laws of Montana are applied to actual cases of juvenile delinquency.
SELECTED BIBLIOGRAPHY


9. Revised Codes of Montana, 1907, Chapter 126.

10. Revised Codes of Montana, 1921, Chapter 126.


CHAPTER III

COMPARATIVE STUDY OF SOCIAL TREATMENT PROCEDURES
BY THE PROBATION OFFICE AND THE CHILD WELFARE DIVISION
OF THE DEPARTMENT OF PUBLIC WELFARE IN THE STATE OF IOWA

The following case histories were selected for the writer by the local probation office and the local Department of Public Welfare. The cases are summarized to show the preventive and curative measures used by those offices in treating juvenile delinquency. All cases and places have been changed. In some instances the situations have been altered so that no identification of persons or places can be made.

The first four cases are taken from records in the probation office; the last three are taken from records in the Child Welfare Division of the Department of Public Welfare. Each of the first four cases was brought into the juvenile court. The summary report of the probation officer to the juvenile court contains the following statement:

"Relative to a full examination and investigation of the facts and circumstances, the surroundings of the alleged delinquent, his exact age, habits, and school record all everything that will throw light on his life and character; and also the home conditions, habits and character of his parent, is as follows:"\(^1\)

CASE I.

The first case is about Jim, a boy fifteen years of age who was committed to the State Industrial School for Boys.

\(^1\)Summary Report of Probation Officer; State of Certain Law for Juvenile Court Procedure.
The following family history was obtained from the records. Jim told the probation officer that his mother had been dead for the past ten years. Jim stated he had completed the seventh grade. No other information was given about his childhood until a few months before his arrival in Montana. Jim and his father had been picking grapes in California. They came to Montana to work in a logging camp where an uncle was employed. Jim had a brother living with a maternal aunt in a small western town in Montana. An unmarried cousin had been committed to the State Industrial School for Boys the previous year. Until he was 18 Jim committed the following act, the record stated that as far as was known by that probation officer he had not committed any previous offenses.

Jim followed a Mr. Brown during his mining activities in town. He watched Mr. Brown cash a $500.00 United States far bond, and saw him carry away $400.00 currency on his person. Mr. Brown had been drinking in several bars. Then he was going from one bar to another. Jim cornered him in an alley and attempted to take his roll of bills. After a struggle, he gained possession of the money, ran away, and caught a taxi. Later in the day, Jim, his father and his uncle were stopped in a nearby town by the local police, who had been notified by the State Highway Patrol Department to watch for them. The currency was regained in a restaurant, where Jim had hidden it in a roll of toilet paper.

According to the record, there were rumors that his father directed him while he was taking the money from Mr. Brown. No witnesses were found to testify to this fact. Mr. Brown stated that Jim hit him in the face several times as he struggled to get away. Later, when he called out that he was being robbed, Jim urged him to "keep on, Uncle Jack, and go home." A witness stated he had heard the struggling, but passed by, thinking the boy was trying to get his drunk uncle home. Through due procedure in the juvenile court, Jim was committed to the State Industrial School for Boys.

Jim's record contained no information about his childhood environment or social activities. No contacts were made with the school or schools he had attended. There was no recording of any contacts made with members of his family. His physical appearance was not described. There is no statement in his file as to any proceedings against his father or the uncle concerned. The uncle's name was not given. Communications with Jim are not recorded. The record states Jim started arrival of persons to transport him to the State Industrial School the week it was not stated whether he was detained in jail or not prior to his.
No mention was made in the record about Jim's interactions and feelings about the crimes committed or other factors in his life. Agencies concerned with Jim's commitment were the police department, the probation office, the State Highway Patrol Department, and the juvenile court.

CASE II.

The second case concerns George who was committed to the State Industrial School for Boys at the age of seventeen.

The record contains the following information pertaining to his family background. His mother, who had acquired a new husband, resided in a nearby state, and was maintaining a home for George's three half-sisters, daughters of that marriage. George had one brother who was in a reformatory in another state. His name and age were not recorded. According to a letter from his mother to the reformatory officer, she had been separated from her first husband when George was three years old. Her husband at that time was unable to support the family. She stated this was the reason for their divorce. George and his brother were placed in foster homes. George stated he had completed the fifth grade. There is no further record of his childhood until he was twelve. At that time he spent nearly a year in a State reformatory. The record does not indicate the reason for his internment. After being released from the reformatory, George obtained employment as a cook. He traveled from town to town making money for living expenses by means of this occupation.

George was picked up by the local police after committing four different thefts. Three of these were performed in shops, hotel lobbies, and with the use of passkeys to guests' rooms. The other took place in a restaurant, where he walked out with a valuable fur coat. The Summary Report to the Juvenile Court Judge from the Reformatory Officer used the colloquial phrase that "the truth was not in this boy." The record related the techniques he used in acquiring the stolen articles.

His mother heard indirectly that he was being tried for theft. She wrote a letter to the reformatory officer asking if it would be possible for George to be placed in the Armed Forces. She felt he could receive some direct training there. Her letter was answered, giving her the information that George had been committed to the State Industrial School for Boys.

According to the report, no attempt was made to find out about George's background. Apparently, his previous foster home or homes, or the reformatory were not contacted. There was no information as to
his character or intellect. The procedure he used in acquiring the stolen articles was described. No conversations with him were recorded.

The record furnished information which pertained to the delinquent acts committed by George for use as proof in the juvenile court proceedings. No plans were worked out with him as to school or vocational possibilities. No recording was made of any therapeutic efforts with his family or himself.

Case III.

The third case concerns the treatment effected by the probation office for June.

The following family history was recorded in June's case. Her father was thought to be serving time in a Federal penal institution. He had not written to anyone in the family, however, for over ten years. The reason or date for his commitment was not recorded. Her present stepfather was very ill in a hospital. Her mother had been married the second time about eleven years before contact was made with the probation office. June was seventeen years of age at the time she was committed to the State Vocational School for Girls.

Her mother first came to the probation office when June was fourteen. She stated that June had been taking money from the family and neighbors. No action was taken at that time. After discussing the matter with the probation officer, her mother decided that she should give June closer direction and curtail her delinquent activities. A year later her mother again came to the probation office with the same accusations against June, stating she had been absent from school and had been truant from home.

According to the record, the probation officer at that time found a foster home for June. She remained in the home for about a year. After she had been there several months, she again became truant from school. Her foster parents found no apparent reason for this truancy. After repeated truancy, June was placed in another foster home, which was a boarding home for adults. June, who was the only child in this home, earned her keep by doing housework and helping with the meals.

Approximately two months after this placement, the foster missed money and certain articles from the house. June denied taking anything. The probation office was not notified at that time of the accusation against June. She secured housework in another home by her own volition. She did not enroll in school the next term. After a few months,
Money and articles were again missed in the household in which she was living. No information was recorded in the case about the living conditions of the house. June was placed in the care of the probation officer. Upon recommendation from the probation office, she was placed by the court in the State Vocational School for Girls. The probation officer recommended the placement as she would have an opportunity to finish high school there. The record again states that "the truth was not in the girl."

Counseling therapy was not initiated with June or her family when the problem was first presented to the probation office. According to the record, June was not seen until the second time her mother contacted the probation office. No contacts were made with the school to find out what June's mental ability was, or whether she had indicated interest in group activities. There was no recording of interpretation given to foster homes regarding June's problems. Her own feelings or reactions were not indicated. There was no description and analysis of the family relationships.

CASE IV.

The fourth and last case from the probation office concerns John, who was sixteen years of age.

The following narrative obtained from the record describes his delinquent activities. John lived in a small Montana town. He left home one afternoon and hitch-hiked approximately fifty miles to the outskirts of a nearby city. He entered a house, taking several valuable watches, rings, and cash in the amount of $100.00. All articles were later returned with the exception of a valuable heirloom ring. John claimed he lost this while running out of the house, and he thought he heard the owners returning home. The ring was never found, although two police officers, the Probation Officer, the court and John all went back to the scene of the robbery to look for it.

While he was detained in jail, John worked at the safety pins. X-rays revealed they were open, but he later claimed both of them without ill effects. He stated that many hard words were exchanged between the prisoners and the officials of the jail. He repeatedly stated his fear of death because of having swallowed the safety pins.

John was committed to the State Industrial School for Boys, but was paroled to his mother. After being paroled, he enlisted in the
Army, where he remained for approximately a year. He was given an honorable discharge, as he was found to be under the minimum age requirement. During the period spent in service, he was AWOL over one-half of the time.

The latest entry in the record showed him to be living with his mother and step-father. This was his mother's third marriage. She had two children by her first marriage, two by her second and none in the third marriage. John is one of two boys by her first marriage. John's real brother died several years before contact was made with the probation office. His mother, when being interviewed by the Probation Officer, continued to talk about the doctor and hospital expenses incurred for him. It was known by the Probation Officer that her first husband had paid all of the bills in full. At the time she was interviewed, she was working as a waitress. Her husband at that time had his own independent business.

In the record, John violated a fishing and hunting law. The court handling the procedure did not question him as to his age. Since it was a first offense, he was dismissed without fine or imprisonment. However, the man he had previously robbed, noticed in the newspaper that he had been in court. He consequently wrote a letter to the judge of the juvenile court which stated that he had received but one small payment on the missing ring. Although the record did not state what the terms of the probation had been, according to this letter, payment for the ring had evidently been one of the terms. The man who wrote the letter stated that he felt it his duty to report this "rascal" to the juvenile court, so that he would not be allowed to commit further depredations in the community. As a result of the letter, the juvenile court demanded more frequent reports from John regarding his behavior.

The record did not reveal John's feelings or emotions other than mentioning the commotion he made in the jail when he swallowed the safety pins. The only information recorded about the home conditions was that both of his parents were working. His physical appearance, social attitudes and mental capacity were not evaluated in the case history. No contact was made with John's school. No therapy was initiated to help him realize his problems so that a practical solution could be worked out with him. The record again made the comment that "no truth was in the boy".

The narratives of these cases were taken from the Summary Report given to the judge of the juvenile court when proceedings against the
juvenile delinquent were initiated. The records also contain correspondence from interested persons with the probation office.

The records relate the performance of the delinquent acts and present the recommendations of the probation officer to the juvenile court. Intense casework therapy was not recorded. The development of the child's social attitudes in relation to his innate ability and environment were not stated. Family and school relationships were not analyzed. Social agencies which had knowledge of persons involved in the case were not contacted. The child's appearance was not described. Notations of preventive measures were not made.

Rehabilitation in state institutions was used for solution of the problem in three of these cases. In the fourth case, the boy made monthly personal reports to the juvenile court. In that case no analysis was made for causes or solutions of his previous acts or for the status of his current situation. The cases showed a lack of coordination and cooperation with other community agencies for treatment of behavior problems. The techniques and methods employed in the solution of these cases enable the reader to see the need for a larger staff and a professionally trained personnel so that scientific treatment can be promoted for the treatment of delinquent problems.

The following three summaries of cases are taken from case records of the Child Welfare Division in the Department of Public Welfare. Each of the cases was referred to this agency for foster home placement, because of problems arising from disharmonious homes.
The first case concerns Joe and his brother, Al, who were referred to the Child Welfare Division of the Department of Public Welfare for foster home placement from a state child-caring agency. At the time of referral, Joe was ten and his brother, Al, was twelve years of age.

Joe's mother and father lived together for the first six years of his life. The boys seemed to feel their life at that time had been reasonably happy. When Joe was nearly four, his mother decided to take employment outside the home. She told the caseworker that at that time she felt she could help the family's financial difficulties by working. She justified this action by making many accusations against her former husband, especially about his untruthfulness and stealing. However, when she later sued for divorce, he was awarded custody of the boys. In speaking to the caseworker, she maintained this was because she had been unable to provide for the boys financially at the time.

Joe's father was a miner. The family had moved with him to various mining camps where he gained employment. Little is known about his background. Joe's mother gained custody of the boys when her husband remarried. At that time he had married a woman who had four children of her own. He asked that his wife be given custody of the boys, as there seemed to be tension in his family between the children. Up until the time Joe's mother asked the state institution to place her boys for adoption, their father had sent small amounts of money to her for the boys' maintenance.

Joe's mother was a child of divorced parents having been reared in institutions and foster homes. When the boys were placed in custody of the Child Welfare Division, their mother was remarried to a man she had known four days before marrying. He had known little about her previous background or responsibilities. At the time of the marriage he was already addicted to drink. After finding heavy new responsibilities thrust upon him, he continued to use it more and more as a release from emotional stress. If one of the boys resorted to a childish prank or would present a serious problem into the family, he resorted to alcohol.

Both Joe's mother and her husband expressed the desire to obtain a farm where they could raise their family. When first contacted by the caseworker, they had two children of their own. His mother stated that although a farm was what they really desired, their current financial difficulties made her feel it her duty to protect the home life of her children by her present husband, so that she would not have four children to support with no husband. She stated her husband had been kind and considerate to her own sons, but there were just no facilities in the home to maintain them. When the matter of placing them in a foster home was finally brought to action, she became quite uncooperative with the caseworker and remained defensive until she felt she had some assurance from the worker that the plan would be somewhat socially approved.
first, the sense of the placement being merely temporary until the emotional and financial problems in the home could be alleviated. Once the action for placement was initiated, her talk no longer concerned periods of short duration, but periods of years. She seemed to be anxious to be rid of her responsibility.

After the boys were released to the Child Welfare Division of the Department of Public Welfare, she wrote to the children infrequently. Once she wrote a very affectionate letter to them stating they wouldn't be able to live together on a farm as they had planned, and that it would be impossible for them to live at home for a long time to come. The foster mother did not give this letter to the boys, as she felt it would upset them too much. The caseworker felt that the mother was not equipped from her own experiences to prove a satisfactory mother to her own children. The foster felt that her behavior patterns showed a trend of working out her own frustrations and unhappy relationships on her own children.

At first the caseworker placed both of the boys in one foster home. Al showed good adjustment in the home and school situations. He was soon placed in an adoptive home. Joe seemed to be able to make a fair adjustment at first, but when several months had passed, it was discovered he had been killing a great number of the neighbors' chickens and pulling flowers in their gardens so that his garden would look better. He did not get along with other children when playing, he developed enuresis. It was learned that he had previously had this condition when living with his father. Examination by the health department revealed that this disturbance was not physical in origin. He required continual praise and constantly questioned his elders as to whether he was liked.

When Al was placed in the adoptive home, Jim became quite upset emotionally. After talking it over with the caseworker, he decided that perhaps, after all, it would be better if they were separated. He said he had always been neglected for Al. He stated his parents had given him up as "bad". However, he maintained that they had provided a good home for the boys. Joe went on to say that his parents only fought when they were discussing who was to care for the boys.

Because of his poor adjustment in the foster home, neighborhood groups and in school, a referral was made to the Mental Health Clinic by the Child Welfare Division of the Department of Public Welfare. Joe had indicated an interest in farm on several occasions. After therapeutic interviews with the Mental Health Clinic, this agency recommended that Joe be placed on a farm where he would be the only child in the home. The foster parents should be selected with the facts in mind that Joe would need a great deal of understanding and affection. A satisfactory placement was made.

This case illustrates cooperative referral techniques made between agencies. The Child welfare Division utilized information from
the state child-caring agency about Joe's father and mother in making analysis of the case for treatment. The school was contacted for information pertaining to the boys' intellectual and social adjustments. The Health Department was utilized in diagnosing physical difficulties. Referral was made to the Mental Health Clinic for corrective therapy. The mother was helped in understanding her problem through the use of casework techniques in interviews held with her. Interviews with all persons were recorded so that when new workers came on the case, they would have an understanding of the entire situation. Joe's attitudes as well as actions were recorded so that a better understanding of his problems could be made. Further delinquent acts were probably prevented by making an analysis of Joe's problem before making a satisfactory foster home placement.

CASE II.

The next case concerns Jack. The following family history was recorded. His father was killed in an automobile accident when Jack was four years of age. After his father's death, Jack's mother obtained a Mother's Pension for herself and five children. She felt the money she received from this was inadequate for their maintenance, so she took employment as a waitress. She told the caseworker that because she couldn't be at home during the day, complaints from the neighbors and members of the community resulted in the placement of her children in a state institution. Since that time she had remarried twice. She was divorced from her second husband, as she felt he was too shiftless to provide an adequate income. At the time she was interviewed, she was living with her third husband who had an independent business.

The record described Jack's mother as a tall obese woman with course facial features. Her speech was careless and she took little pride in her clothes. She had taken little interest in the placement of her children and rarely corresponded with any of them.

The state institution placed Jack in a foster home with one of his brothers. This brother became involved in a theft. Jack later told the caseworker that he took the blame because he was the older. The boys were placed in different foster homes at that time. Jack was placed in a farm home several miles from a city. He took the school bus to a city to attend the grades. However, he soon became unreliable at keeping this schedule. At times he didn't arrive home until midnight, and stud-
times he stayed away all night. The foster parents stated that he had stolen some money and was generally unreliable. Although they felt an attachment to him and stated that he was very likable, they decided their home was not the right one for Jack.

Jack told the caseworker that he felt a lack of companionship with children his own age in the home. He felt the foster parents were too strict in their religious views. They wouldn't permit him to attend movies and asked that he conform to their religious practices. He explained his truancy actions by stating that when living in the country he had no chance to earn money after school when he had to take the school bus home.

Jack was therefore placed in the Brown's home in town where he was allowed a great deal more freedom. The home was close to a school and there were no farm chores expected of him. However, he again stayed out late at night. He had difficulty in staying awake during the day because of his irregular habits. He stated he wanted to work, but made no attempt to find employment. The caseworker learned he hadn't accepted available jobs he had learned about. When the worker spoke to Jack about this, he soon obtained work which did not interfere with his school hours.

Jack seemed to be much happier for a period of several months and seemed to get along well in his after-school job. He continually expressed his desire to be with his mother, however. Correspondence between County Welfare Departments revealed that his mother did not want him at home. She told the caseworker that she did not have the room in her apartment for him, and that her health was too poor to stand the strain of caring for him. Jack became dissatisfied with his current foster home placement. He blamed the County Welfare Department for his separation from his mother. He continued to be truant from home. The caseworker felt he could not accept any mother-son relationship because of his feeling that he was being kept from his own mother. He could not tolerate affection in the foster home placements, and continued to feel emotional stress.

Jack left the Brown home one afternoon without warning. It was known that he had but little money. Through correspondence between County Welfare Departments in the town that he lived and the one that his mother lived, it was learned that he had hitch-hiked to his mother's home. He spent several weeks there. By that time arrangements had been made with his mother, the State Institution which still administered his custody and the County Welfare Department to place him in another foster home.

However, Jack again resumed truant habits after being placed in another foster home. He had always indicated interest in school and had repeatedly expressed a desire to attend college. Because of this and because of his lack of adjustment and unhappiness in foster homes,
linquent activities.

Information was obtained through correspondence between state and local agencies about Jack's family. The case stated his mother had been contacted several times by a cooperating County Welfare Department and recorded the content of the interview. However, preventive measures were not used soon enough in Jack's case to achieve his rehabilitation.

CASE III.

The last case to be considered here concerns Michael. The record described him as giving a slovenly appearance. His boil and clothes were habitually dirty. His speech was jumbled into a jargon which was barely understandable.

Michael was referred to the County Welfare Department by the principal of the school he attended. His grades were very poor, but since his I. Q. was high, the principal felt that perhaps his family situation was causing Michael's difficulties in school. Michael was habitually truant from home, although he rarely missed a day of school.

The caseworker learned through interviews with Michael and members of his family that meals in the home were served at irregular hours. The home gave no training in good health habits. The housekeeping was disorderly. The home being overcrowded, Michael slept with his father in a poorly ventilated room. His father suffered from an injured leg. He would arise frequently during the night to take medicine and alka seltzer. When Michael arrived home late at night, his father would sometimes whip him. After using this punishment for several months, he decided that this treatment wasn't curing the boy, and he would resort to other punitive means, such as making him hold his arms above his head for several hours at a time.

Michael developed a passive resistance to his father, and into attitude he maintained in all of his social relationships. He had little affection for anyone in the family other than his mother. She was working so that she might help her husband get established in his newly opened business. Because of her absence from the home and her poor health, she had little time to devote to the supervision of the activities of her five children.

Michael told the caseworker that when he left school in the afternoon, he never felt the desire to go home. Consequently, he frequented movies, bowling alleys, train stations, and skating rinks. He had no job, and used the money which he earned for food and recreation. He progra
that he usually ate hamburgers and milkshakes.

Michael said he had no friends in his neighborhood play group and he felt that no one liked to play with him. He thought that the other children told stories about him so that when new children moved into the neighborhood they would not play with him. When he was questioned as to what kind of stories they told on him, Michael stated that he didn't really know, but perhaps they said he was dirty. The caseworker commented that if he kept a more clean and neat personal appearance, the children might like him better and include him in their plays. Michael said that he had tried to do this several times, but that the only time anyone liked him was when he had money.

The caseworker asked Michael if he thought he would be able to take better care of himself if he had a room of his own at home. Michael stated that he had had a room of his own on several different occasions, but that was always the place where the other members of the family stored the belongings they didn't use. It became so messy that it mattered no longer to him whether he had his own room or not.

Michael did not remember ever having been angered sufficiently either to talk back or fight anyone. He felt he could manage himself if it were necessary to fight, but saw no use in doing so. He felt he could usually outwardly ignore most situations without losing his status with anyone. He was recognized in school and in the community as being dreamy-eyed and quiet.

Close contact was kept with both Michael and his family by the caseworker. Michael preferred talking with her at school rather than at home. His truancy from school continued, although occasionally he stayed at home every night for several weeks at a time. On the average, however, he stayed out until one or two o'clock in the morning two or three nights a week. His parents made arrangements with the police to have him brought home when he was seen out at night, unless he had a permission note signed by them. The caseworker suggested that her home be used as a meeting place for Michael and his parents in the effort to help solve his truancy problem. Michael stated his approval, particularly if it were a farm. His parents felt this would be wise, as he was needed to help at home.

The caseworker met Michael at school several times a week for a period of several months to help him with his lessons. Michael's performance in his school work increased. His teachers reported an improvement in both his grades and work habits. He expressed a desire to engage in school activities. He joined a boy's club and tried to enjoy his friends within the group. During the summer he went to camp but had much money before the camp season was over because of an injury he sustained there.

Shortly after this episode, Michael disappeared. He went to California, where his mother had moved. His legal status is unknown to the agencies. There was discussion in re-picking Michael.
home. Arrangements were made for his return. The family decided the idea of a foster home placement for Michael seemed the only logical and feasible solution. He continued to be truant from home, but grew in rebel rebellion low, although the teachers felt the teen's attitude and unorganized study habits. They would be too unable to concentrate long enough to complete his lessons.

Michael continued to frequent the movies, bowling alleys, and skating rinks. His parents accepted his truancy as inevitable. They did not relate his truancy, however, to his home environment. At one time when he had stayed away from home for several nights, he was picked up by the City Police. He was to be put in jail overnight rather than to be taken home. The next day the Probation Officer and the Police Officer brought him home. They requested his parents to cooperate with them in curtailing Michael's truancy. They suggested that someone call for him after school and take him home, and that he should not be allowed out of the house until he was to go to school the next day.

Michael left school early one day and was next heard from in Oregon. His father called the caseworker stating that Michael had been put in a reform school, and was being given training in mechanics. He did not know the details as to why Michael had been picked up, nor how long he would be there.

Throughout Michael's case, there was a considerable contact with the Police Department, as members of the Police Force frequently picked Michael up at night and brought him home. No contacts were made with the three agencies which had worked most closely with Michael, i.e., the Police Department, the probation office of the Child Welfare Division of the County Welfare Department. The caseworker and the teaching staff of the school maintained a cooperative attitude in working with Michael. The worker was unable to help the family realize the source of Michael's problem as it related to his home environment. Through many interviews with Michael, the caseworker helped him work through his problem. But the primary environment and lack of community agency support and cooperation were negative factors in the caseworker's treatment. Guidance interviews were initiated with Michael when he was encouraged to enter the Boy's Club.
However, the casework and groupwork therapy used was not carried through for a long enough period of time to help Michael work out his problems to benefit him permanently.

The cases taken from the records of the Child Welfare Division of the Department of Public Welfare contain information pertaining to family social attitudes and relationships. The child's appearance, as well as some of his attitudes, values, and adjustments were recorded. The caseworker maintained contacts with the family either in person or through inter-agency functioning. Contacts were made with the schools in order to obtain information as to the child's mental ability. State and local agency communications revealed information about the child or his family. After obtaining verifications and facts, treatment was initiated in view of the information received. Rehabilitation was attempted to be carried out in a positive manner, which is illustrated by Joe's foster home placement in the second case. Therapeutic efforts were recorded which show in each of the cases where efforts were directed to understand the child's problem by using local and state resources which were applicable to the child's situation.

The purpose in relating the previous cases has not been to criticize any public agency that has to do with delinquent or pre-delinquent children. The purpose has been to illustrate problems of juvenile delinquency in this state and to show the ways that the agencies have dealt with them or that they have. The probation office records revealed the child after the delinquency act was performed. The cases from the Child Welfare Division of the Department of Public Welfare were able to record the development of the child's attitudes.
and actions because of the individual's length of contact with the agency. In the narratives obtained from the probation office it has been shown that the child's growth and development have not been recorded. In the last three cases under the supervision of child welfare services, agencies were contacted to learn about the child's background.

The records obtained from the Child Welfare Division of the Department of Public Welfare contain the caseworker's analysis of the child's problems. Records relate the treatment given by that agency and other agencies contacted in helping the alleviation of the individual's problems. In all of these cases, casework and groupwork processes were used for therapy. However, in two instances, these processes were either initiated too late or developed insufficiently for the prevention of the child's anti-social actions. The cases from the probation office did not record the use of casework and groupwork processes, but narrated the anti-social acts which the child had committed. The records from the probation office were used for juvenile court proceedings while those from the Child Welfare Division of the Department of Public Welfare were not used when the child was put on trial.

The following chapter will reveal the scientific techniques for treatment of the juvenile delinquency problem as worked out by sociologists and social workers.
Sociologists and social workers have worked out various methods to obtain social case histories. Following are some of the methods and techniques which have frequently proved successful in helping to analyze and to treat juvenile delinquency problems.

The complexity of the personality and its problems determine the amount of time needed for study and treatment of the case. Healy states:

"Concerning the length of time or extent of effort necessary for working up a single case, the objections we have occasionally heard are likely to be repeated. The best answer we can make to the objectors, who are frequently officials of the law, is Socratic in form. Is it not true that a vast deal of time, days and even weeks, is spent in preparation for and trial of merely one feature of a case, namely the question of the guilt of the accused? Is not this true sometimes even in the trial of repeated offenders? If, under the law, the resources of society are thus liberally spent, does it not ill behove those who see such facts to criticize any prolongation of individual study which may lead to knowledge of measures indispensable for satisfactory treatment of the case? Is not efficient treatment a feature of the total procedure to which the question of guilt is but a preliminary? John X., for example, is a reformatory graduate. This is well known, but he may require many days of work to connect him by evidence with a recent burglary, and secure a verdict. How much more important, however, to study him so that there may be the fullest scientific determination of the possibilities of efficient treatment."

Young mentions that the treatment of the juvenile delinquent begins with the first contact with the agency and continues through the entire course of contact. ²

"Effective social therapy is not a haphazard plan. It requires constant and consistent service leading the individual to gain insight into his own problems and his own potentialities and leading him to intelligent use of the community resources which will redefine his role in the group."³

Young describes three major types of interviews in social casework which are applicable to discover the needs, resources and possibilities for treatment of the individual case. These interviews are described as diagnostic, therapeutic, and those pertaining to research.⁴ In determining complete case histories clinical procedure utilizes all available scientific resources, usually engaging the services of several scientists to gain information pertaining to the case.

"Like the case worker, the clinician utilizes as far as possible available scientific findings in arriving at a diagnosis and, like the research worker, he is constantly studying his materials in the hope of new discoveries."⁵

Healy summarizes an outline he developed for case histories of the juvenile delinquent in the following manner:

³Ibid., p. 388.
⁵Ibid., p. 119.
I. FAMILY HISTORY — especially all aspects of heredity.
II. DEVELOPMENTAL HISTORY — including antenatal conditions.
III. ENVIRONMENT.
IV. MENTAL AND MORAL DEVELOPMENT.
V. ANTHROPOMETRY — including photograph.
VI. MEDICAL EXAMINATION — particularly from a neurologic and psychiatric standpoint.
VII. PSYCHOLOGICAL — (a) Mental testing; (b) Psychological analysis.
VIII. DELINQUENCY.
IX. DIAGNOSTIC AND PROGNOSTIC SUMMARY.
X. FOLLOW-UP RECORDS
XI. SUBSIDIARY RECORDS.

Young offers an outline for the study of a delinquent child which she states was prepared by Burgess.

"Outline for the Study of Individual and Personal Traits:

I. Study of the Individual.
   1. Physical examination.
   2. Mental tests.
   3. Affectivity score
   4. Will profile.
   5. Temperamental type.

II. Study of the Person.
   1. Participation.
      a. Extent of membership in groups.
      b. Intimacy of membership (social world).
      c. Role in groups.
   2. Character
      a. Stabilized.
      b. Unstabilized.
   3. Personal behavior pattern.
      a. Objective or direct.
         (1) Equable, (2) enthusiastic, (3) frank, (4) aggressive.
      b. Introspective or indirect.
         (1) Imaginative, (2) secretive, (3) sensitive, (4) inhibited.
      c. Psychopathic or perverse.
         (1) Eccentric, (2) egocentric, (3) emotionally unstable, (4) psychic inferior.

William Healy, op. cit., p. 53.
4. Social type.
   a. Practical or Philistine.
   b. Liberal or Bohemian.
   c. Idealistic or Religious.

5. Philosophy of life. 

These outlines were developed to aid interviewers to gain full information about the delinquent child. Although knowledge of the family organization and other social and physical forces affecting the child is necessary, the information should not be gained through mechanistic or stereotyped techniques.

The relationship between the interviewer and the child determines the content and form of the case recording. The details of the child's life must be obtained, but when gathering the factual information, the interviewer should keep the child's total situation in mind. The outline does not cover every situation that might arise, but it can be used as a guide for obtaining identifying data pertaining to the child.

The interviewer must understand social groups and social institutions and give meaning to them in relation to the child's problem. Since the recording reveals pertinent social facts of the case, the success of any and all interviews has much to do with the accuracy, completeness and presentation of the report. Not only is the recording essential in case

---


8 Pauline V. Young, Social Treatment in Probation and Delinquency, op. cit., p. 92.


10 Ibid., p. 45.

11 Ibid., p. 47.
treatment for review and analysis, but by referring to a good case history, the interviewer can approach the individual delinquent and other persons contacted, with an understanding of the child's problem. Therefore, he can develop scientific techniques to the most profitable therapy.\textsuperscript{12}

Healy states:

"It is easy to see that there is great variation in the time necessary to be spent in the study of different types. In an hour or an hour and a half one can determine the fact of the simpler forms of feeblemindedness, and with intelligent relatives get a sufficiently accurate notion of the causation through history of heredity or development. With corroborative evidence from school people, or officers of the law, or others who are working in the field, that may be sufficient diagnosis in this, the simplest type of case. But when it comes to digging out the very essential facts in borderline cases, or in normal individuals, where certain mental or environmental experiences have been paramount causative factors, the length of time is altogether a different matter. The equivalent of whole days of study, perhaps not all done at once, is frequently necessary for accurate determination of just those facts upon which effective treatment must be founded. After prolonged experience, I see no way to avoid this, if work is to be done which shall stand professional criticism."\textsuperscript{13}

Healy continues by stating that one of the best ways to begin an interview is to tell the child that the interviewer is going to make a special study of his abilities.\textsuperscript{14} He advises the advantage of several interviews in order to see the child in as many moods as possible. Healy further recommends that interviews should be conducted without the presence of relatives. The individual being interviewed is more apt to be

\textsuperscript{12}William Healy, op. cit., pp. 43-52.

\textsuperscript{13}Ibid., pp. 42, 43.

\textsuperscript{14}Ibid., p. 47.
Young states:

"The child is under tension. It takes time to dissolve tensions. In these situations little can be accomplished. The child is not himself. He cannot concentrate on what is expected of him."

"Social treatment is a complex process. The services of many professionals and resources should be utilized."

Young gives the following outline to use as a test for the adequacy of case procedures:

"The following is from a Report of the Committee on Case Recording on some 'Tests to be Applied to Case Histories'."

a. First Interview
1. Is the family's confidence gained?
2. Are the family needs definitely indicated?
3. Are further sources of information given? (Relatives, employers, schools, doctors, public records, other agencies, previous addresses, etc.)
4. Is the family's own plan and point of view secured?

b. Collateral Investigation
1. Have all clues indicated in the first interview been followed?
2. Have other sources of information been revealed?
3. What is the net result of each interview with the further sources?
4. Was full and satisfactory information secured?

c. Problems
1. What are the problems or the opportunities for service indicated by the complete investigation?

d. Plan
1. What is the plan outlined to meet these problems?

---

15 Ibid., p. 48.
16 Pauline V. Young, Social Treatment in Probation and Delinquency, cit., p. 375.
Is adequate provision made for family's (a) budget, (b) health, (c) religious life (i) recreation, (e) friendly association, (f) supervision?

e. Cooperation
1. Was the case cleared with the confidential exchange?
2. Were all other agencies consulted in the formulation of the plan?
3. Was cooperation secured from (a) family, (b) other sources—relatives, employers, etc.?

In addition to the above the following is offered tentatively as a test of case work procedure:

a. What opportunities have been created for understanding of problem?

b. What concrete ways and means have been developed for change, elimination, or adjustment of problem?

c. What opportunities have been provided by worker for understanding of problem by client?

d. What use has been made of community resources, of other social agencies?

e. What changes have occurred in outlook of client since contact with agency? (Not only on account of the actual state of affairs, but also the reaction counts.)

f. What has caseworker done to create or restore self-respect in client?

g. What has caseworker done to change attitude of various members of family toward each other?

h. How has case worker provided for 'spiritual' growth and development of a social consciousness in client?

i. How has case worker changed client's attitude toward others, the community, the agency?

j. How workable is the plan of treatment? 17

Following is a social history outline for the problem child by Dorothy Brinker. Young states this outline has been adopted by the State of California Department of Institution's Bureau of Juvenile Research. Portions of it have also been adopted by the Institute for Juvenile Research in Chicago, the Institute for Child Guidance in New

17Ibid., p. 420.
I. Identifying Data

Name
Date of Birth
Color
School Grade
Name of Father
Name of Mother
Names of Siblings (brothers and sisters in order of birth)
Address
Birthplace
Religion
Present School
Address
Address
Addresses

Referred for requesting examination.

Reason for requesting examination.

Sources of information.
List informants seen, giving names, addresses, relation to child, and date of contact. Describe briefly for each the attitudes and circumstances which facilitated or interfered with the interviews and note inquiries which provoked an emotional reaction of any sort.

II. Personal History (Chronological Account of Child's Life).

A. Problem.

Give a detailed account of all behavior, such as:
1. Asocial behavior: Stealing, truancy, lying, destructiveness, cruelty, overt sexual activities, etc. Give court record if there is one.
2. Personality traits: Seclusiveness, timidity, fear, excessive imagination, habitual whining or crying, temper tantrums, overactivity, teasing, show-off behavior, inability to learn, failure to profit by experience, etc.
3. Habits: Sleep disturbances, capricious appetite, thumb-sucking, nail-biting, enuresis, masturbation, speech defects, etc. Give age at first occurrence of problems, ways in which such behavior developed, attitude of parents, teachers, and others concerned. For example, in case of stealing, what was taken; from whom stolen; alone or with companions; age and sex of companions; what was done with articles stolen; methods used in treatment and child's reaction.

B. Personality.

Describe by giving illustrations the child's attitudes and reactions to his parents, his brothers and sisters, his home, his associates, his duties, those in authority (teachers, employers, etc.), his own interests, himself (i.e., self-reliance, self-pity, conceit, etc.), and life in general (amount of daydreaming).

---

It is important to have a picture of the child's reactions in terms of satisfactory and acceptable behavior, as well as in terms of unsatisfactory or unacceptable behavior.

C. Developmental History (Covering First Two Years of Life).
   1. Date and place of birth.
   2. Pregnancy—Health of mother and emotional reactions, attitudes of parents toward each other, wanted or unwanted child?
   3. Delivery—Normal or difficult, weight at birth, any injuries or malformations. Influence of any abnormalities on attitude of mother toward child.
   4. Feeding—Breast or bottle fed; regularity; length of nursing period; difficulties at weaning.
   5. Age of dentition, walking, talking. Any peculiarities? When were toilet habits established? Methods used? Tendency for right- or left-handedness.

D. Health.
   1. Give ages of occurrence, duration, severity, and after effects of illnesses, accidents, operations.
   2. Inquire particularly as to: spasms, St. Vitus' dance, sleeping sickness, infantile paralysis, meningitis, fainting spells, ear infections, eye trouble.

E. Habits.
   Food, sleep, elimination, cleanliness.

F. Sex Development.
   1. Sex interests or activities. Sex information given, age, and child's reaction. Any sign of puberty?
   2. For girls: first menstruation, what preparation, emotional effect.

G. School History.
   Chronological account of school progress (age of entrance, grades skipped or repeated, schools attended, etc.). Give results of any intelligence or achievement tests. Attitude of child toward his school work, his teachers, and his schoolmates. Attitude of teachers toward child.

H. Work History.
   Kind of work done, amount and use of earnings. Child's attitude and parents' attitudes toward his work.

I. Recreation.
   Chief interests and kinds of recreational activities. Does child have a regular allowance to spend as he chooses?

J. Companions.
   Types. How does he get on with them? What is family's attitude toward them? Are they welcome in the home? etc.

III. Family History.
A. Immediate Family.

1. Parents (Father and Mother).
   Name, age, place of birth, present residence, and present occupation. If foreign born, reason for emigration and citizenship status. Outstanding facts regarding health, education, and work history.
   Place in his or her own family group (youngest, oldest, etc.). Relation to own family group (spoiled, dependent on either parent, antagonistic toward parents or brothers and sisters, etc.). Kind of discipline received as a child.

Marital history. Any previous marriages? If so, at what age, when and why terminated? Preparation of each parent for marriage, i.e., degree of independence of own family, sex information, etc. Were children wanted? Present marriage adjustment. Any friction? In case of mother, attitude toward each pregnancy or any miscarriages. Attitude toward problem child's difficulties.

2. Substitute Parents (Secure same information as for parents.)

3. Siblings (Brothers or Sisters).
   List in chronological order all pregnancies including miscarriages or abortions. Give for each child born—name, birthdate, and place, present grade in school or occupation and adjustment, health, past and present reactions to the problem child and latter's reaction to each of the siblings.

4. Step- or Half-brothers and Sisters. (Secure information same as for siblings.)

B. Background.

1. Paternal and Maternal.
   Grandfather, grandmother, uncles, aunts.
   Information regarding relatives is of value because of conditioning factors to other members of the group. Obtain significant facts such as name, age, birthplace, education, work history, special aptitudes, health, nervousness, "queerness," mental disease, violent temper, suicide, use of drugs or alcohol, criminality, etc.

IV. Home.

A. Former Addresses.
   Reasons for change

B. Present Neighborhood.
   Describe. How long here?

C. Physical Conditions of Home.
   Describe as to rooms, sleeping arrangements, furnishings, etc.

D. Economic Conditions.
   Sources of income.

E. General relations (Within the Family Group and to the Outside World).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
Attitude on education, ambitions, etc., with special reference to attitudes toward the problem child.

V. Social Resources Available for Treatment.

A. Agencies.
- Past work of all agencies who have dealt with family.
- Neighborhood Resources.
  Church, school, recreational, etc.
- Family Resources.

The caseworker dealing with the delinquent child must not only have desirable personality traits, but meet minimum requirements of education and training. Probation departments are badly in need of trained personnel, who are able to understand the child in his family and community social relationships. By cooperating with other social agencies, the probation officer can develop therapeutic and curative treatment for the delinquent individual.

The child welfare worker and the probation officer in performing services for the client, agency and community must obtain the facts of the case, diagnose the same and coordinate all phases of treatment for the child. The probation officer works with judges of the juvenile court, who often are not trained to understand social behavior problems. These workers must also deal with administrative facilities which are seldom equipped to function smoothly or adequately. The worker should also cooperate with and take advantage of available community resources.

The probation officer and the child welfare worker should have the personality as well as education and training to perform the duties...

19 Ibid., pp. 121-124.
20 Pauline V. Young, Social Treatment in Delinquency and Juvenile Court, ch. 4, pp. 467.
21 Ibid., p. 474.
22 Ibid., p. 467.
of his position. He should have an understanding of the social, economic and political world which reflects to a large extent on the child with whom he is working. The worker must maintain an intellectual honesty and discipline so that he may see the situation objectively. However, he should show genuine interest in the child and his problems.23

Probation should provide guidance without detention. While on probation, the juvenile offender should be supervised and rehabilitated. Groupwork agencies within the community such as schools, churches, and recreational agencies should be integrated into his life.24

In many cases it is impossible for a probation officer to carry out the ideals of his position. Young states:

"It may be venturesome to maintain that the above definitions of probation are ideal conceptions of probation as exemplified by only a limited number of cases in a department. It is not the general rule to find "skilled personal leadership," "well diagnosed cases," "adequate community facilities," intelligent "watchful care" by a trained probation officer. Most probation officers carry too heavy a load of cases to put into practice the ideals prescribed for them by the idealists."25

Young also maintains that although the laws pertaining to the juvenile court are based on the assumption that the child only misbehaves because of lack of training and discipline, some workers and judges expect him to completely reform from his delinquent habits and conform to society's accepted standards without any additional training.26

23Ibid., pp. 474, 475.
24Ibid., pp. 11, 12.
26Ibid., p. 15.
The probation officer or the judge cannot expect the child to grow and develop when fear is instilled into the offender and where good citizenship training has been neglected.\textsuperscript{27} Often the probation officers do not give adequate interpretation to the parents about the child's behavior. The workers are prone to believe that the parents will be able to adjust to new situations with the child, whereas, in some cases the family and marital relationships need training and guidance as much as the child.\textsuperscript{28}

In the study made by Healy and Bronner concerning juvenile delinquency in which they studied 133 families with a total of 574 members,\textsuperscript{29} they found that parental concepts almost unanimously revealed that the parents felt the child himself was the only member of the family who was at fault. If the parents were not of this opinion, they felt that the child's delinquent activities were due entirely to influence superimposed upon him outside of the family.\textsuperscript{30}

\textsuperscript{27}Ibid., p. 15.
\textsuperscript{28}Ibid., p. 15.
\textsuperscript{29}William Healy and Augusta Bronner, \textit{New Light on Delinquency and Its Treatment}, New Haven: Yale University Press, 1936, p. 32.
\textsuperscript{30}Ibid., p. 147.
\textsuperscript{31}Ibid., p. 148.
Healy and Bronner state that in their course of study they felt it necessary to carry out medical, economic, educational, social and psychiatric treatment for parents and other family members.\textsuperscript{32}

A guide from the probation officer's viewpoint has been made by Ralph Hall Ferris who was formerly of the Domestic Relations Division, Recorder's Court, Detroit, Michigan. This guide states that the offender's complete family history must be revealed with verifications of statistical data. His school record with information from his teachers about his social reactions and his mental capacity should be obtained. The probation officer, according to this guide, must account for the offender's migrations and work records verifying all information the individual relates to the interviewer. The probation officer should also obtain reliable information concerning the child's past and present economic status, his health, and his moral and recreational habits. If the individual has any fraternal or religious affiliations, the probation officer should find out how he feels about them. Ferris states that the person's general ambitions, likes and dislikes, and aptitudes and hobbies should be recorded as the probation officer understands them.\textsuperscript{33}

In the interview between the sociologist and the individual placed on probation, five roles of the individual's social life should be summarized for the purpose of observation and analysis in the social case study. These roles are: heritage, early life, social contacts, con-

\textsuperscript{32}Ibid. p. 149.

\textsuperscript{33}Pauline V. Young, Social Treatment in Probation and Delinquency, op. cit., pp. 95, 96. As taken from 'The Case History in Probation Service' in Glueck, "Probation and Criminal Justice", pp. 142, 143.
licts and accommodations, and his philosophy of life.24

Scientific treatment by sociologists and social workers reveals the problem of juvenile delinquency to be most complex. The individual should receive treatment by trained professional workers who view the child in his total situation.25 Outlines have been developed to serve as guides to obtain pertinent facts for each case. They vary in content. Most outlines require the interviewer to obtain as much information as possible concerning the child’s physical, mental, psychological and social condition. Such factual information should then be considered with data obtained about his family and social groups. Environmental influences must be used in making an analysis of the case. Treatment is planned by professional caseworkers as they view the child in his total situation. Inter-agency cooperation is often necessary to gain vital information or the analysis of the case.

In reviewing the case history outlines presented, it would seem that the community has a direct responsibility in controlling and preventing juvenile delinquency. This fact is shown by the outlines. It should be noted that they emphasize information pertaining to education, recreational, health, religious, and vocational opportunities afforded the individual. Thus, while the problem of juvenile delinquency is an individual one, the community is responsible for the problem as a whole, and is also responsible to the individual for providing adequate facilities for his growth and development.

SELECTED BIBLIOGRAPHY


CHAPTER V

RECOMMENDATIONS FOR IMPROVING THE CONTROL
OF JUVENILE DELINQUENCY IN MONTANA

Juvenile delinquency has been presented as the response of the individual to personal and social needs. The preceding chapters have presented two fundamental points of emphasis. The first is that of sociologists and social workers. As students of the subject they feel they are unable to realize all cause and effect relationships of juvenile delinquency problems. However, both sociologists and social workers are in fundamental agreement as to the nature of the problem. They recognize that family and community disorganization have direct influence upon the individual. If not properly treated, the individual sometimes manifests anti-social behavior. Therefore, the state must assume responsibility to deal with the problem.

The second point of emphasis was Montana's development of its program to deal with juvenile delinquency. The problem has been of concern to the state of Montana throughout its history. This is evidenced by the fact that juvenile delinquency laws have been enacted in many state legislative sessions since Montana entered the Union in 1889. Increasing awareness of the problem was indicated by the last legislative assembly in 1947. At that time a law was passed to create a commission to study the state's problems of juvenile delinquency. This commission is required to submit a report to the governor and to the members of the legislature.
containing recommendations for improved procedures and methods in dealing with the problem in Montana. At the present time the program, as developed, has inadequate machinery and lacks professional competence for scientific and technical treatment. This is illustrated in the following ways:

1. The child may be present at trials where deprivations of his parent or guardian are revealed.

2. Children awaiting trial may be placed in jail. The law states that the county may provide county youth homes for temporary detention. However, the law does not require a professionally trained staff to maintain the home. Furthermore, in many counties funds are inadequate to provide the maintenance of such a home.

3. Foster home placements made by the probation office are not required to have minimum standards. Certification of these homes is unnecessary.

4. State correctional institutions are administered independently from probation offices and juvenile courts. It seems reasonable to assume that the work of the juvenile court and state correctional institutions should be closely correlated in order to render the best rehabilitative services for children.

Corrective institutions should have a professionally trained social work staff capable of using casework, groupwork and community organization skills. In addition, they should provide adequate health, educational, recreational and vocational guidance services. Through these means the child will be helped to adjust himself to the challenges he will be confronted with when released from the institution.

5. There is no required coordination of probation and child
welfare services.

6. There is no provision for professionally trained personnel in the probation offices nor in the juvenile courts.

7. There is no centralized state supervision of probation offices. The probation officers are required to perform their services under the supervision of the court. The court, since it deals with many other matters than juvenile delinquency, is not in a position to render adequate supervision. Furthermore, the work of the probation officer involves social work methods rather than legal procedures. Since most judges are trained in law rather than social work it cannot be assumed that they can adequately render the supervisory function.

Since 1941, four states have established what is known as State Youth Authorities. California in 1941, Wisconsin and Minnesota in 1947 and Massachusetts in 1943 have led the way in this movement. This development indicates that there is some merit to a state-wide program to deal with the problem of juvenile delinquency.

A Montana Youth Authority would integrate all aspects of the treatment program—juvenile court services, probation services, institutional services and parole. In this way, children involved would be provided a higher quality of service than now furnished. This would depend upon the qualifications of the staff selected to administer the program. It is reasonable to assume that higher personal qualifications would be obtained under a state-wide program than under a highly decentralized program such as exists at the present time.

---

A better treatment program in the state would lead naturally to a better preventive program. A well-staffed and effective state agency would be in a position to cooperate with other child-caring and youth-serving agencies. Needs of children should be met before they develop to such an extent that delinquency becomes inevitable.

Prevention is a diverse responsibility. Families, schools, churches, recreational programs, etc., must make their contributions. Treatment broadly viewed, must feature those who are delinquent and those in danger of becoming delinquent. The State Youth Authority approach to the problem merits careful consideration.

In reviewing the facts of this study, it can be seen that Montana is in need of a program which would centralize authority and standardize services for all of its youth agencies which deal with the problem of juvenile delinquency in the state. Specifically, these agencies might well include the probation programs throughout the state and the State Vocational School for Girls and the State Industrial School for Boys. In this way, Montana would be able to develop a centralized and integrated program to deal with the problem of juvenile delinquency.
GENERAL BIBLIOGRAPHY

BOOKS


PUBLICATIONS


5. Lockridge, Frances, Adopting a Child, Helena, Montana: Reader Service for the Montana Children's Home and Hospital, 1947.


Report on Church Responsibilities.
Report on Citizen Participation.
Report on Local Responsibility.
Report on Housing and Juvenile Delinquency.
Report on Juvenile Court Administration.
Report on Juvenile Court Law.
Report on Juvenile Education.
Report on Recreation for Youth.
Report on Role of Police.
Report on Rural Aspects.
Report on School and Teacher Responsibilities.
Report on Statistics.
Report on Youth Participation.


CODES

1. Revised Codes of Montana, 1937, Chapter 126.
2. Revised Codes of Montana, 1921, Chapter 126.
3. Revised Codes of Montana, 1933, Chapter 126.

LAWS

1. Montana Session Laws, 1911, Chapter 122.