1958

The Family Court of Cook County Illinois: Structure and Function

Joel Francis Tenore

Loyola University Chicago

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LIFE

Michael Angelo Tenore was born in Chicago, Illinois, April 1, 1923.

He was graduated from Crane Technical High School, in Chicago, Illinois, in June, 1941. He joined the U.S. Navy in March, 1943. Serving during World War II, and was released in May, 1946. He was among the first to enter Loyola at Lewis Towers in September 1946, and was a charter member of the Queen of the Most Holy Rosary Sodality. He entered the Arts and Science branch of the University wherein he majored in Sociology and minored in Psychology. In June, 1950, he was awarded the degree of Bachelor of Science in the Social Sciences. He entered the Institute of Social and Industrial Relations that fall.

He was recalled into the U.S. Navy in June 1952, for a short period during the Korean conflict.

He entered the Novitiate of the Brothers' of the Christian School in October, 1953, at Glencoe, Missouri. In December, 1953, he received the Holy Habit of the Christian Brothers and received his religious name: Brother Joel Francis.

From 1955 to 1956 he taught Religion, Sociology and History at De La Salle High School, Minneapolis, Minnesota. In 1956, was transferred to his present assignment at St. George High School, Evanston, Illinois.
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CHAPTER I

ORIGIN AND DEVELOPMENT
OF THE FAMILY COURT

The United States has about nineteen million children between the ages of ten and eighteen. The shocking fact is that more than a million children are in some sort of trouble with the police each year. The number is on the increase. The problem reaches into every area of society. It hits well-to-do families as well as poor ones. Children of school age are stealing automobiles, engaging in armed robberies, setting up gangs, committing acts of rape and performing various other acts of violence. It is estimated that in 1953 about 435,000 children between the ages of ten and seventeen came to the attention of the juvenile courts in the country because of delinquent behavior.

In the early part of 1955, J. Edgar Hoover, the Director of the Federal Bureau of Investigation, had this to say: "The nation can expect an appalling increase in the number of crimes committed by teen-agers in the years ahead unless the crime rate among juveniles can be lowered. In 1953, persons under 18 committed 53.6 per cent of all robberies, and 16.2 per cent of all rapes. These were the statistics reported to the FBI by
The crime rates of adults went up only 1.9 per cent in 1954, but among those of youngsters between ten and seventeen years of age the rate increased an estimated 7.9 per cent. According to an estimate made by the Federal Bureau of Investigation by 1960, the number of youngsters apprehended and arrested by the police will increase to over a million and a half.

Each year, one of every eighteen children between the ages of ten and seventeen falls into the hands of the police. Of these daily pickups, 1,100 go into the juvenile court for some sort of hearing, and the remainder are either handled by an agency outside of the juvenile court or at the police district headquarters. The number of children going before a juvenile court for a hearing is on an increase and is a frightful specter. In the latest report of the Children's Bureau were the following highlights:

**Delinquent cases**
Recent increases . . . 9% increase in 1955 over 1954 -- the 7th consecutive year of increase; 70% overall increase since 1948; Child population increase only 16% since 1948.
Extent . . . In 1955, roughly 2% of children aged 10 through 17 involved in delinquent cases in U.S.
Sex ratio . . . Delinquency cases in court primarily a boys' problem; Boys outnumber girls 5 to 1.
Manner of handling . . . Over half of delinquency

---

cases disposed of unofficially -- without filing petition for formal hearing.²

These findings are based on reports made by 1,549 juvenile or family courts which were located in forty-one States having sixty-six per cent of the children population in the United States. If the current trend is projected for another five years, the Juvenile Court dockets of the nation would be overrun by more than 750,000 children as official wards. In addition 1,850,000 children who will be handled by the police department.

In 1956, the metropolitan Chicago Police Department were confronted with 12,621 complaints of alleged juvenile delinquency; they were able to adjust 5,374 such accusations at the Police District Headquarters, but had to refer 7,247 complaints to the Family Court.³

The gradual evolution which led to the formation of the first juvenile court in 1899 has been due to the changing philosophy of criminal responsibility. The basic foundation of punishment is that man is a free moral agent completely able to choose his conduct and course of action. When man freely and wilfully chooses to commit an offense against society he must make retribution and accept punishment for the evil committed. A youngster


is no exception as he is still an individual with a free will to determine his own conduct. The realization that youthful immaturity is generally synonymous with erratic and unpredictable behavior influenced thoughtful adults to change their attitude in the treatment of youthful offenders.

Today the principle is recognized that children cannot in practice be held accountable as adults for their behavior for the simple valid reason that children are not adults but youngsters. Under common law rule, and most common statutory rule, a child below the age of seven is incapable of crime and cannot be found guilty of any misbehavior because he is lacking the necessary competence of a guilty mind. In other words, a child below the age of seven is incapable of committing a crime because he lacks understanding and judgment of the act as a criminal act. Children between the ages of eight and fourteen are presumed to be incapable of the necessary criminal intent. This presumption can be overcome by evidence showing that the child was sufficiently intelligent to understand the nature and consequences of his misconduct. Thus in a criminal proceeding the State must prove affirmatively that such a child has sufficient capacity to entertain a criminal intent. If this can be proved, then a youngster can be indicted and tried for a specific crime with all the procedures and safeguards that characterize and attend our criminal courts.
In 1827, the enactment of a criminal code in Illinois raised to ten the age for which a child could not be found guilty of a crime. The Honorable Merritt W. Pinckney described the attitude of the State as follows:

When a law of the State was violated the State demanded vindication, the same vindication from a lad of 12 as from an adult of 25. Punishment, not reformation, was the first fundamental thought of our criminal jurisprudence; punishment was an expiation for the wrong and as a warning to other possible wrongdoers. The lad of 12 years was arrested, put in jail, indicted with all the formality of criminal law, and if 12 men, tried and true, found that he had violated some law; then the great Commonwealth of Illinois, through the judgment of the court, visited its punishment upon him.\(^4\)

This was also true of other states. In 1828, in New Jersey, a boy of thirteen was sentenced to be hanged until dead because it was proved that he burned down three barns.

In the Charter of the City of Chicago of 1863, a provision granted the city the power to establish a reform school to which children under the age of sixteen could be committed. In 1867, the State Reform School Act provided that "All courts of competent jurisdiction are hereby authorized to exercise their discretion in sending juvenile offenders to the county jail . . . or in sending them to the reform school."\(^5\) Another law passed in 1874,


required that minors be helped segregated from those convicted of a felony, serious or notorious crimes. In 1893, a statute authorizing the establishment of the Illinois Home for Juvenile Offenders provided for the commitment to the Home, at the discretion of the Court, of girls between the ages of ten and sixteen who were convicted of offenses punishable by imprisonment in a county jail or house of correction. Two years later, this law was amended to include offenses punishable by imprisonment in the penitentiary. In the meantime the Criminal Court of Cook County continued to hear children's cases, and the trials and procedures in these cases were the same as for adults. Children were still found in jails and prisons, in poorhouses and hospitals for the insane. Various organizations in Chicago sought for a change.

One of the first organizations seeking a reform was the Catholic Visitation and Aid Society which in 1891 promoted a bill in the Illinois State Legislature providing for the commitment of dependent, neglected and delinquent children to such organizations as itself. It was presented to the Legislature by Representative Joseph A. O'Donnell, but was opposed by Mr. John C. Shortall, president of the Illinois Humane Society and Mr. Oscar L. Dudley, superintendent of the Glenwood Industrial School. The bill did not pass with such strong opposition.

Two years later a private citizen, name unknown, started a school for boys in the County Jail in Chicago. This work was later taken over by the Chicago Woman's Club which drafted a bill
for the State Legislature in 1895 providing for a separate court and for a probation staff to work with juvenile offenders. The moving spirits were Jane Addams, Julia C. Lathrop, Lucy L. Flower and Mary M. Bartelme. The draft was about to be submitted to a committee in the Legislature and in the process the Chicago Woman's Club legal advisers brought up the question of constitutionality; the draft was never submitted to the Legislature. In spite of their setback, the Chicago Woman's Club continued to support the school in the County Jail. They moved ahead in the House of Correction where they established manual training was well as secured separate housing for the boys committed therein. The press did its part, too, by stirring up discussion of the various problems connected with the treatment and care of juvenile offenders. The subject was taken up at public meetings.

On November 16 and 17, 1898, the question of reform of court procedures and of a probation system was among the subjects discussed by the Illinois State Conference of Charities at Kankakee, Illinois. Among those present were Miss Julia C. Lathrop, Mrs. Lucy L. Flower, Miss Mary M. Bartelme, Dr. Frederick H. Wines and Hastings H. Hart. The means of developing a fundamental change in criminal law and criminal procedure which would be upheld by the courts as constitutional was the chief topic of discussion. This mainly had to do to the handling of juvenile offenders. Dr. F.H. Wines speaking of the current manner of treating youthful offenders had this to say:
We make criminals out of children who are not criminals by treating them as if they were criminals. That ought to be stopped. What we should have in our system of criminal jurisprudence is an entirely separate system of courts for children in large cities who commit offenses which would be criminal in adults. We ought to have a "children's court" in Chicago, and we ought to have a "children's judge" who should attend to no other business. We want some place of detention for those children other than a prison. A thing we want to borrow from the state of Massachusetts is its system of probation. No child ought to be tried unless he has a friend in court to look after his real interest.  

In the County Jail of Chicago in 1898, were 575 children charged with criminal offenses and by the end of 1898, there were 1,983 boys committed to the House of Correction in Chicago by the courts. It was, indeed, evident that something had to be done about juvenile problems, and there were organizations trying to take a step forward in changing the situation before it would get entirely out of hand. A committee was appointed at the Illinois State Conference of Charities to cooperate with other societies and institutions having in view the drafting of a bill which would be presented to the Legislature in the following session.

The Chicago Bar Association joined forces when an informal meeting was held in the office of the Honorable Harvey B. Hurd

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7Timothy D. Hurley, Origin of the Juvenile Court Law. (Chicago, 1907) p. 10.
in Chicago on December 10, 1898. The purpose of the meeting was to consider features of a proposed law for the treatment of juvenile offenders. Mr. Hurd was elected and presided as chairman and Dr. Hart was elected and presided as secretary. The following were present: State Representative John C. Newcomer, chosen to present the draft to the State Legislature; Mr. A.G. Lane, representing the Public School System; Mr. Timothy D. Hurley, representing the Catholic Visitation and Aid Society; Mr. John L. Whitman, County Jailer; Dr. Hastings H. Hart, Superintendent of the Illinois Children's Home and Aid Society; Miss Julia C. Lathrop and Mrs. Lucy L. Flower, representing the State Board of Public Charities and Hull House; Mr. Karl Kelsey, from Dr. Hart's office; Mr. F. G. Soule, a private citizen interested in the welfare of children and the Honorable Harvey B. Hurd. During the meeting it was voted to ask Dr. Hart to draft a suitable bill for the Legislature. Shortly thereafter a draft was submitted by Dr. Hart, but was completely re-written by a sub-committee composed of Dr. Hart, Mr. Starr, Mr. Hurley, and Mr. Hurd.

The sub-committee revised the draft several times in an effort to try to meet and avoid possible objections that might be brought up when it was presented to the State Legislature. At the same time they attempted to eliminate any concept of criminal proceedings in the treatment of juvenile offenders.

In the preparation of the bill great care was given to eliminate in every way the idea of criminal procedure. The law was expressly framed to avoid treating a child as a criminal. To this end the
proceedings were divested of all the features which attached to a criminal proceedings. Instead of a complaint or indictment, a petition was suggested; instead of a warrant, a summons. The child was not arrested but brought in by the parent or guardian, or by a probation officer. The bill expressly forbade keeping a child in any jail or enclosure where adults were confined. When a child was brought into court, the inquiry was with reference to the condition of the child. Is there a condition of dependency, or a condition of delinquency or truancy? Instead of a prosecutor, there was to be a probation officer, who was there not to convict the child but to represent its interests. Instead of a jury of twelve men, a jury of six men, or no jury at all. 

The process of revision lasted three weeks and the draft was extended from fourteen sections to twenty-one sections. A copy of the draft was submitted to County Judge Orrin N. Carter for his opinion. He returned it with his endorsement and best wishes for success.

The juvenile court bill was submitted to the Legislature by Representative John C. Newcomer as House Bill Number 327 on February 7, 1899. The bill was introduced in the Senate by Senator Solon H. Case as Senate Bill Number 269. In the House of Representatives the bill received a unanimous vote and in the Senate there was only one "nay" vote. On June 28, 1899 Mr. Albert C. Barnes, Assistant State's Attorney of Cook County, in a speech before the State Attorney's Association at Ottawa, Illinois

8Ibid., pp. 23-24.
explained the underlying principle of the law:

The fundamental idea of the juvenile court law is that the state must step in and exercise guardianship over a child found under such adverse social and individual conditions as develop crime . . . . It proposed a plan whereby he may be treated not as a criminal, or legally charged with crime but as a ward of the state, to receive particularly the care, custody and discipline that are accorded the neglected and dependent child, and which, as the act states, 'shall approximate as nearly as may be that which should be given by its parents.'

Governor John R. Tanner met the challenge with his associates in the Legislature when he affixed his signature to the proposed law. The bill was approved on April 21, 1899 and it became effective as law on July 1, 1899.

The law was entitled: "An Act to Regulate the Treatment and Control of Dependent, Neglected, and Delinquent Children."

The Court it established was known as the Juvenile Court up to August 1949, when the Governor of Illinois, the Honorable Adlai E. Stevenson, signed Senate Bill Number 304 approved by the Sixty-sixth General Assembly changing its name to the Family Court. The change was, suggested by the Honorable Robert Jerome Dunne, for the sake of convenience and not because there has been a change in function. In common practice the designations Juvenile Court and Family Court are used interchangeably by those

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familiar with the Court. A good summary of the Act as it was passed in 1899, is as follows:

The law applied to children of both sexes under the age of sixteen years, who were found to be delinquent or dependent. It provided for jurisdiction in the Courts having chancery powers, a special Courtroom presided over by one Judge of the Circuit Court selected by the Circuit Court Judges to hear all cases coming under the Act in Counties of 5000,000 population, separate records in children's cases, a jury of six, instead of twelve, a petition to be sworn to upon information and belief instead of a complaint positively sworn to; summons instead of warrants, a summary hearing instead of a formal one; probation officers to assist the court but to serve without pay; probation, guardianship and parole.10

It was the first law to create a juvenile court, thereby introducing a new concept, delinquency, and a new procedure in treating juvenile offenders of the law.

Probably no single event has contributed more to the welfare of children and their families than this original piece of legislation. For the first time children who violated the law or ordinance of a State were defined as delinquents. Youngsters were no longer treated as criminals but as wards of the court under its equity powers and procedures. "The underlying purposes of the juvenile court movement are two-fold -- one, to remove child offenders from ordinary criminal courts to courts specially adapted for dealing with children on a social treatment rather than on a penal basis; and two, to have this specialized court

10 Juvenile Court of Cook County, Fiftieth Anniversary Report 1949, (Chicago, 1949), 19.
render protection and treatment to other children needing them." It revolutionized the treatment of delinquent, dependent and neglected children, and led to the passage of similar laws throughout the world. It was acclaimed by sociologists as the embodiment of a new principle that law violators; the anti-social and maladjusted, especially among children, should be treated individually through social and legislative processes, for their own protection and that of society.

The constitutionality of the Juvenile Court Act was attacked in 1912, in the case that is known as Lindsay v. Lindsay. The four objections to the act were as follows: (1) it creates a new court, termed the juvenile court; (2) it denies the constitutional right of trial by jury; (3) it reduces the child to a state of involuntary servitude in cases other than for the punishment of crime; and (4) it deprives children and their parents of liberty, property and the right to the pursuit of happiness. The Supreme Court of Illinois upheld the law at every point. In passing its decision upon the Act the Court said:

The purpose of this statute is to extend a protecting hand to unfortunate boys and girls who by reason of their own conduct, evil tendencies, or improper environment, have proven that the best interests of society, the welfare of the State, and their own good demand that the guardianship of the State be substituted for that of natural parents. To accomplish

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that purpose the statute should be given a broad and liberal construction, but it should not be held to extend to cases where there is merely a difference of opinion as to the best course to pursue in rearing a child. There should be evidence of neglect, abandonment, incapacity or cruelty on the part of the parent or that the child is being exposed to immorality and vice. The right of parents to the society of their offspring is inherent and courts should not violate that right . . . unless it is clearly for the best interests of the child to do so. 12

Today the rule is recognized that the child cannot be held responsible for his behavior as if he were an adult; he is a child immature and still in the process of growing physically, mentally and morally. He is learning his role in society. The Court attempts to help the child as a parent is expected to do and accept the responsibility when the parents are unable or have failed in their duties.

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Jurisdictional Area of the Family Court of Cook County, Illinois
CHAPTER II

JURISDICTION OF THE FAMILY COURT OF
COOK COUNTY ILLINOIS

In Cook County, Illinois, there are various types of courts. There are courts set up by townships, villages, cities, counties and state. There is one United States District Court which holds regular session in Chicago. The judges in the Seventh Judicial Circuit of the United States Court of Appeal likewise hold court in Chicago. The state of Illinois is divided into eighteen judicial circuits, each circuit is numbered with the exception of the Cook County circuit. The counties in Illinois maintain, as a part of the State judicial system, a set of intermediate courts between the Justices of the Peace Courts and the State Appellate and Supreme Courts which are known as the Circuit Courts. They derived their name from the horse and buggy days when judges rode around the various counties to hear cases. It is from the twenty Circuit Court judges that one is selected to preside over the Family Court in Chicago.

The Family Court, as the Juvenile Court has been called since 1949, is a branch of the Circuit Court, Chancery Division. It is located at an apex of a triangle on the corner of Roosevelt Road and Ogden Avenue in Chicago. Because of its location many people
erroneously have thought it to be a City or a County Court whereas it is a Circuit Court which has general jurisdiction covering the city of Chicago and its suburban area which is about 954 miles square. The Family Court has special or limited jurisdiction because it has only such powers that have been granted to it by the statutes of the state of Illinois.

The authority of the Family Court under the statute "Treatment of Dependent, Neglected and Delinquent Children" confers upon the Court jurisdiction over dependent, neglected and delinquent children. The range of its authority extends to boys and girls up to their eighteenth birthday. Once the Family Court has made a finding of delinquency, neglect or dependency its jurisdiction can extend to the twenty-first birthday of the youngster.

One of the primary functions of the Family Court is to try to help children when their parents have failed or are unable to meet the responsibility or when they have no parents. Evidence that a child is dependent upon public aid for his support is proof of dependency but does not necessarily mean that the child is neglected. One of the highlights of 1955 in the Family Court is a dependent case that became known as "An International Incident." It was:

Early in January, 1955, Judge O'Connell was asked to sign an order finding an 11 year old boy to be dependent, so that a guardian could be appointed with authority to place him in a temporary care home. The order was signed. There was an unusual factor
in this case. It concerned a boy who filled a place in this world, but in it he had nothing. The boy was without funds, friends or relatives. Through newspaper stories he found all three. Until then, his name was unknown even in his neighborhood. Before long it was spoken in New York and Washington, in the United States Embassy in Oslo, in Geneva, Switzerland, Rotterdam, and in Bergen, Norway. His story became an international incident.

He lived with his mother and stepfather in a hotel room. Personal possessions were few. His mother had a packet of letters she seemed to guard. One day the stepfather failed to return home. After eight months they were resigned he never would. A few months later his mother died. The boy was alone. Police investigated. He knew of no relatives. He was taken to the Intake Department of the Arthur J. Audy Home for Children. The Coroner, because his mother's death was a coroner's case, made an inventory of personal possessions found in the hotel room. They charged off everything as worthless except a packet of letters. The letters revealed the existence of an Aunt in Bergen. A sympathetic reader of the newspaper stories concerning the boy provided a cemetery lot and paid funeral expenses. The Back of the Yards Council became interested. Donations created a growing fund. An attorney volunteered to open an estate in Probate Court because of finding, in the letters of his mother, a living sister in Bergen. From many states came offers of adoption.

The aunt was located. Free transportation to his aunt's home was offered by a steamship company. The Minister of the Norwegian Seamen's Church in Rotterdam offered to arrange for his stay and transfer there. Judge O'Connell appointed a member of the Chicago Bar Association to represent the boy's interest in Family Court. The attorney investigated the conditions in Bergen. Steps were taken to protect his United States Citizenship. The American Branch, International Social Service, Inc., and the Foreign Services of the United States, American Embassy in Oslo, Norway, helped in the investigation. Favorable reports were forthcoming.

On March 10, 1955, the Court entered an order permitting the boy to be taken with an escort to New York, then to Norway on a visit to his aunt. He arrived in Bergen in August. The boy was met by a reception
committee, according to a story in the Tidende, the Bergen newspaper. On October 13, 1955, after a number of contacts with the boy's aunt, the case was closed in the Family Court, the Judge fixing guardianship upon his aunt, and continuing the petition generally.¹

This is an example of how the Family Court tries to do everything it can for a child under its protection.

According to the statutory definition there appears to be no difference between a neglected and a dependent child but in practice there is a difference between lack of proper care of a child and of a child needing assistance which his parents are unable to meet, or when he has no parents to provide the necessities of life. The statutory definition of a dependent child or a neglected child appears to combine when a child is declared dependent and the reason for finding a child to be neglected.

For the purpose of this Act the words a 'dependent child' and 'neglected child' shall mean any male who while under the age of seventeen years or any female who while under the age of eighteen years for any reason is destitute, homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship; or habitually begs or receives alms; or is found living in any house of ill-fame or with any vicious or disreputable person; or has a home by reason of neglect, cruelty or depravity, on the part of its parents, guardian or any other person in whose care it may be, is an unfit place for such a child; any child who while under the age of ten years is found begging, peddling or selling any articles or singing or playing any public entertainments or accompanies

or is used in aid of any person so doing.\(^2\)

It is believed that lack of parental care or guardianship should be the main reason for finding a child to be declared dependent or neglected; the other definitions of dependency should be evidence produced to establish the lack of proper parental care or guardianship.

In the case of delinquency it is best to keep in mind that the definition of a delinquent child is entirely statutory. No state lists the same offenses entirely as that of another state. No state confines delinquency to solely unlawful acts against the statutes and ordinances of the state. Each state has its own particular description. In Illinois

The words 'delinquent child' shall mean any male child who while under the age of seventeen years or any female child who while under the age of eighteen years, violates any law of this State; or is incorrigible, or knowingly associates with thieves, vicious or immoral persons; or without just cause and without the consent of its parents, guardian or custodian absents itself from its home or place of abode, or is growing up in idleness or crime; or knowingly frequents a house of ill-repute; or knowingly frequents any policy shop or place where any gaming device is operated; or frequents any saloon or dram shop where intoxicating liquors are sold; or patronizes or visits any public pool room or bucket shop; or wanders about the streets in the night without being on any lawful business or lawful occupation; or havitually wanders about any railroad

\(^2\)Illinois Revised Statutes 1953, (Smith-Hurd), (Chicago, 1953), Chapter 23, Section 190, 381.
yards or tracks or jumps or attempts to jump onto any moving train; or enters any car or engine without lawful authority; or uses vile, obscene, vulgar, profane or indecent language in any public place or about any school house; or is guilty of indecent or lascivious conduct; any child committing any of these acts herein mentioned shall be deemed a delinquent child and shall be cared for as such in the manner hereinafter provided. 3

No child is a delinquent because someone thinks he is or somebody says he is. No child is a delinquent unless and until the Family Court acquires jurisdiction of the child and his parents; and after a full hearing of evidence, reaches a finding that the child is in fact a delinquent.

In the case of dependent, neglected and delinquent children, jurisdiction is technically exercised over the child but in actuality it supervises the entire family. The Family Court has the authority to prosecute parents and other adults for contributing to dependency, neglect and delinquency of children due to the efforts of the Honorable Robert J. Dunne to have this legislation passed. Sections 196a and 196b of the Family Court Act suggests a penalty of a fine of not more than two hundred dollars or by imprisonment for not more than one year or by both fine and imprisonment.

The Mental Health Act gives the Family Court, and other courts, the power to determine through its resources mental deficiencies and to provide for their care. The Psychiatric

3Ibid.
Department of the Family Court performs this service through the Commission on Mental Deficiency. They examine such children which have been brought to their attention by the Judges of the Family Court, or the Family Service Department or the Delinquent Boys' Department.

The School Statutes gives the Family Court jurisdiction to inquiry into matters of habitual truancy. In 1951, under the Honorable Robert Jerome Dunne, cases of potential truancy must be placed in the hands of truant officers for investigation before it becomes habitual or leads to delinquency. The truant officer is required to submit a case history to the principal of the home school within the week in which the request for investigation is made. If truancy persists, the principal must submit a problem report to the Division of School Attendance for referral of the truant problem to the Family Court. The Family Court has the authority to commit such children to the Chicago Parental School.

The Bastardy Act confers such cases upon the Family Court but it has never been exercised in the Court until this year. In Chicago such cases were heard in the Domestic Relations Branch of the Municipal Court. The Justices of the peace and Police Magistrates are allowed to initiate such cases outside of Chicago on sworn complaints. Moreover they may transfer the case to the criminal courts of the County for final determination, if probable cause for such transfer exists.

Legislation was introduced to the General Assembly in
Springfield on April 1, 1953 and on July 1, 1953 Senate Bill Number 276 and 277 were passed creating the Illinois Youth Commission. The Family Court still retains the authority under the Act to continue to use probation; to appoint guardians over delinquents; and to order such guardians to place such children or board them out in some suitable home. On the other hand when such treatment as will be offered in the State Training School is indicated or

If the court shall find that neither any institution incorporated for the purpose of caring for delinquent children, nor any institution provided by the county, city, town or village, nor any duly accredited association which embraces in its objects the care of delinquent children will receive the child for care, the court may commit the child to the Youth Commission created by the Youth Commission Act, enacted by the Sixty-eighth General Assembly.\(^4\)

In addition it gives the Youth Commission powers of examination, placement, parole and discharge over children committed to it. It controls and manages the Illinois State Training School for Boys at St. Charles, and the State Training School for Girls, at Geneva. The Youth Commission has the authority to transfer delinquent boys from the State Training School to the Illinois Industrial School for Boys, at Sheridan, when such treatment is indicated.

The question of original and sole jurisdiction of the

\(^4\)Ibid., 385.
JUDICIAL SYSTEM OF ILLINOIS

Supreme Court

Dist. 1 Dist. 2 Dist. 3 Dist. 4

Appellate Court

Circuit Court
Superior Court
County Court
Probate Court
Municipal Court
Justice of the Peace
Police Magist

Family Court
Criminal Court
Family Court has been brought up to the attention of the Illinois Supreme Court a number of times. One of the main controversies has been whether a juvenile could be tried in the Criminal Court after first being tried in the Family Court. The four principal cases which have been brought to the attention of the Illinois Supreme Court were: (1) People v. Fitzgerald, 322 Illinois 54 (1926); (2) People v. Bruno, 346 Illinois 449 (1931); (3) People v. Lewis, 362 Illinois 229 (1935); and (4) People v. Susie Latimore, 362 Illinois 206 (1935). The decision of the Illinois Supreme Court was essentially the same for each case:

The Juvenile Court is a court of limited jurisdiction. The legislature is without authority to confer upon an inferior court the power to stay a court created by the constitution from proceeding with the trial of a cause, jurisdiction of which is expressly granted to it by the constitution. Nor, in our opinion was it the legislative intent to confer such power upon the Juvenile Court. ... If the facts developed by the hearing show a criminal offense has been committed by such child, the Juvenile Court, in its discretion, may refuse to take custody of the child as a delinquent, dismiss the petition and direct the child to be delivered to the proper authorities for trial on a criminal charge. It was not intended by the legislature that the Juvenile Court should be made a haven of refuge where a delinquent child should be immune from punishment for violation of the criminal laws of the State committed by such child subsequent to his or her being declared a delinquent child.  

In the examination of each of the above cases, it appears that the act of deciding where such a case that may demand criminal proceedings rest upon the decision of the State Attorney.

Another case which appeared before the Criminal Court was People v. Lang 402 Illinois 170 (1949); 83 N.E. 2nd S.688. Howard Lang, age twelve, appeared before the Criminal Court of Cook County on the charge of murder. He was indicted and the plea of guilty was presented to the Court; he was sentenced to the pententiary for a term of twenty-two years. A motion was made by the defense to vacate the sentence and to remove from the record the plea of guilty. The motion was denied. Next the defendant claimed two principal errors were committed: (1) the Criminal Court did not fully explain the consequences of the plea of guilty before it was accepted and entered, and (2) a judgment of conviction was entered without proof of capacity to commit a crime. The basis for these contentions were: (1) Angelo v. People, 96 Illinois 209, 36 Am. Rep. 132, and (2) a revision of the Illinois Criminal Code in 1947.

In the case of Angelo v. People, the defendant was eleven years old at the time he committed the crime of murder and was convicted of the same. In the process of the trial no evidence was brought forward by the State to prove that he had the capacity and had the knowledge of that which is good and evil. The Supreme Court reversed the decision of the Criminal Court in pointing out that, according to statute, an infant under the
age of ten is incapable of committing a crime, but at the age of fourteen is presumed capable of committing a crime without the State having to prove the youngster knows the distinction between good and evil. In the ages that are between, it is the duty of the State to prove beyond a shadow of the doubt that the child knew good from evil. This, the State had failed to do in the Angelo case as well as the Lang case.

The revision of the Criminal Code in 1947 stated: "A person shall be considered of sound mind who is neither an idiot nor lunatic, nor affected with insanity, and who hath arrived at the age of fourteen years, or before that age if such person know the distinction between good and evil." The decision of the Criminal Court was reversed by the Supreme Court and remanded with directions to vacate the judgment, expunge the plea of guilty and grant a new trial. In a second trial before Judge John Sbarbaro, without a jury, Howard Lang was found not guilty for want of proof of mental capacity. Thus it appears that the State must prove beyond a reasonable doubt and contradiction that the defendant, a child below the age of fourteen, knows right and wrong. The fact that said defendant proceeded to trial cannot be interpreted to mean a relinquishing of the question of capacity.

6Illinois Revised Statutes 1953, Chapter 38, Section 590, 1435.
Another question which has been clarified by the Attorney General of the State of Illinois is that of jurisdiction of Justices of the peace and police magistrates over juvenile offenders. The question was brought to the fore by the Honorable Harland D. Warran, State's Attorney for LaSalle County. The opinion of Latham Castle, the then Attorney General of the State of Illinois, was as follows:

... the arresting officer is required, in the case of juvenile offenders below the age limits therein set forth, to take such offenders directly before the circuit or county court rather than before a justice of the peace or police magistrate, it becomes the mandatory duty of such justices of the peace or police magistrates to transfer the case to the circuit or county court. The language of the state is clear and admits no exception. In view of the legislative history of this section it appears that the legislature intended that juvenile offenders below the age designated are upon arrest to be taken before a court having jurisdiction under the provision of the Act relating to dependent, neglected or delinquent children rather than before a justice of the peace or police magistrate. 7

The main basis for this decision rests on Section Ten of the Act relating to dependent, neglected or delinquent children, as amended by the Sixty-eighth General Assembly. In 1957, the State Legislature amended the Act to allow Justices of the Peace and Police Magistrates to hear traffic cases involving juvenile offenders.

In the spring of 1951 Cheryl Lynn La Brenz was born in Bethany Hospital. Soon after her birth it was established that Cheryl Lynn had an RH blood condition which threatened her life. Her mother and father refused to give the hospital consent to give Cheryl Lynn a blood transfusion because their religious belief forbade them to permit a transfusion. The case was given swift attention in the Family Court and the late Harry Hill, Chief Probation Officer, was appointed guardian over the child with the right to place it in any hospital which would receive it and to consent to the necessary blood transfusions. With the necessary blood transfusions Cheryl Lynn's condition improved and on June 29, 1951 she was released to guardianship of her parents.

The case was presented to the Illinois Supreme Court by Mr. and Mrs. La Brenz on the grounds: (1) the Family Court lacked jurisdiction because Cheryl Lynn was not a dependent or neglected child within the meaning of the Family Court Act; (2) it deprives the parents of freedom of religion and the rights of parents, in violation of the Fourteenth Amendment of the Constitution of the United States and section three of article two of the Constitution of Illinois. The essentials of the Court's decision was:

... The question here is whether a child whose parents refuse to permit a blood transfusion when lack of a transfusion means that the child will almost certainly die or at best will be mentally impaired for life, is a neglected child. In answering that question it is of no consequence that the parents have not failed in their duty in other respects,
We entertain no doubt that this child whose parents were deliberately depriving it of life or subjecting it to permanent mental impairment was a neglected child within the meaning of the statute. The Circuit Court did not lack jurisdiction.

The right to practice religion freely does not include liberty to expose the community or child to communicable disease or the latter to ill health or death. Parents may be free to become martyrs themselves. But it does not follow they are free, in identical circumstances to make martyrs of their children.8

The case was not ended as a petition was then filed for a writ of certiorari in the United States Supreme Court. On October 13, 1952, the Family Court was notified by the Clerk of the Supreme Court in Washington that the writ had been denied.

When the question was brought up as to whether a child held in the detention home on a delinquent or dependent petition is entitled to be released on bail as a matter of right it was answered as follows. The constitutional rights of the child were not violated since he was not charged with an offense. An offense may be defined as a violation of the law, but the violation of the Family Court Act is not a criminal offense. It declares the child to be a delinquent and not a criminal; it seeks to protect the child from the stigma attached to being a criminal. Thus the child is not entitled to be released on bail as a matter of right.

Another question which has been brought up before the various courts is that of marriage. Does the fact that a child who is a ward of the court marries removes jurisdiction over the child? The case has never been brought up to the Supreme Court but the majority of judges in having the situation presented before them stated: "Marriage does not emancipate. It does nothing to the age of the person who entered into the marriage relationship."\(^9\)

Age appears to be the determining factor in regard to whether the court has jurisdiction or not. Usually the courts do not attempt to break up the marriage when there appears to be elements of stability. The courts step aside unofficially recognizing the marriage but ready to step in only when the situation arises in which its aid is needed.

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\(^9\)"Novoselsky, p. 34".
CHAPTER III

THE ADMINISTRATION OF THE FAMILY COURT

The Family Court organization is divided into eleven administrative divisions set up to render specialized services. These special departments are: The Judicial; General Administration; Budget and Accounts Control; Complaint; Temporary Care; Family Service; Delinquent Boys; Psychiatric; Child Support; Record Library and General Stenographic. The Court has its own dispensary. In addition, the State Attorney, the Clerk of the Court, bailiffs and the deputy sheriffs, and the Juvenile Bureau Police Officers render special services to the Family Court but are not considered a part of the Court. The Arthur J. Audy Home for Children which is located in the rear of the Family Court Building does not come under the administration of the Family Court but under the Cook County Board of Commissioners.

The Family Court is part of the Circuit Court of Cook County. It has jurisdiction over Chicago and its suburban area of about 954 square miles. It has original but not exclusive jurisdiction over delinquent, dependent and neglected children. The presiding judge of the Family Court is in actuality a Circuit Court Judge as stated in the Act for the "Treatment of Dependent, Neglected and Delinquent Children:" "In counties having over 5000,000
population the judges of the circuit court shall at such times determine, designate one or more of their number whose duty it shall be to hear all cases coming under this Act.¹ The judges of the Circuit Court are elected by popular vote for a term of six years and receive a salary of $22,000 a year.

The judges who have presided over the Family Court through the years have been: Richard Tuthill, Julian W. Mack, Merritt W. Pinckney, Mary M. Bartelme, Victor P. Arnold, Frank H. Bicek, Robert J. Dunne, Thomas E. Kluczynski, Harold P. O'Connell and, the present presiding judge, Wendell E. Green. There were other judges but their term of office was very brief.

The main duty of the presiding judge of the Family Court is to hear cases which are presented to him. The procedure that is followed in the case of a delinquent boy before the Family Court is as follows. After the Judge has entered the court from his chamber, the bailiff opens the court. The clerk then calls each case singly and in order and the probation officer who made the investigation comes before the judge with the child and his parents. Besides the probation officer, the police probation officer and if there are other parties concerned with or interested in the case, they come forward. The probation officer makes a brief statement to the Judge, outlining the main facts

¹Illinois Revised Statutes 1953, Chapter 23, Section 192, pp. 381-382.
in the case. He now steps aside and remains within earshot of the proceedings. In a word, the attitude of the probation officer is that of befriending the child. He seeks the rehabilitation of the youngster.

The judge, with the case record of the juvenile and his family is brought before him, now begins his questioning. The judge attempts to get the youngster's side of the story. In a firm but paternal tone, the judge addresses the youth and tries to elicit as much information as possible so that he might more wisely prescribe the remedy or punishment. If the youth had been in court before, the judge will remind him of the fact and review briefly the incidents which led to the previous arrest and appearance in court. There is no attempt to force the youth to incriminate himself in any way. The role of the judge is that of trying to do what is best and right for the child.

The parents are next questioned as to their child's offense and as to his general behavior. If there are interested parties who have information regarding the youth and the case at hand, they are called upon to speak. Sometimes, an attorney, may represent the child. The probation officer makes a statement of the facts that have been borne out in his investigation and, if requested by the court, offers his recommendations. The judge may also seek advice from the assistant State's Attorney. The duration of a particular case has no time limit. The main concern of the Family Court is to discover all the facts of the case and
then do what is best for the child. Official dispositions may result in the case being dismissed, continued generally, a guardian appointed with the right to consent to adoption, a guardian appointed with the right to place, a guardian appointed with the right to consent to marriage, held to the Grand Jury, placed on probation, or institutional commitments.

In addition to hearing cases in court the presiding judge has supervision over employing and discharging probation officers. He appears before the County Board of Commissioners with reports of the work of the Family Court; he presents the proposed budget for the next fiscal year to the Finance Committee, and keeps contact with private and public social agencies that cooperate with the work of the Family Court.

The Presiding Judge is assisted by two visiting judges and three referees. The Family Court has been fortunate in having two visiting Judges appointed to hear cases. They hear those cases which have been assigned to them by the Presiding Judge with the same authority in the courtroom; the visiting judges have no administration duties to perform.

The judges have as assistants in the role of adjudicators three referees. There is a Boys' Referee who handles only Delinquent Boys' cases and one woman referee who hears Dependent Girls' and Boys' cases; one woman referee who hears Delinquent Girls' cases. In the morning, cases are screened as to which cases will be heard by the presiding and visiting judge and
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</table>
### TABLE I (continued)

**CASES DISPOSED OF OFFICIALLY BY THE FAMILY COURT OF COOK COUNTY FOR THE PERIOD OF OCTOBER 1, 1954 THROUGH SEPTEMBER 30, 1956**

**OFFICIAL DISPOSITIONS ONLY**

<table>
<thead>
<tr>
<th>Description</th>
<th>1956</th>
<th>1955</th>
<th>1954</th>
</tr>
</thead>
<tbody>
<tr>
<td>Held to the Grand Jury</td>
<td>2</td>
<td>4</td>
<td>30</td>
</tr>
<tr>
<td>Guardian appointed - Right to Consent to Marriage</td>
<td>1</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Placed on Probation</td>
<td>1626</td>
<td>1495</td>
<td>1083</td>
</tr>
<tr>
<td>Dependent Boys</td>
<td>362</td>
<td>391</td>
<td>348</td>
</tr>
<tr>
<td>Dependent Girls</td>
<td>424</td>
<td>350</td>
<td>333</td>
</tr>
<tr>
<td>Delinquent Boys</td>
<td>687</td>
<td>513</td>
<td>148</td>
</tr>
<tr>
<td>Delinquent Girls</td>
<td>153</td>
<td>241</td>
<td>251</td>
</tr>
<tr>
<td>Others</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Institutional Commitments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Youth Commission --- Boys</td>
<td>721</td>
<td>620</td>
<td>734</td>
</tr>
<tr>
<td>Youth Commission --- Girls</td>
<td>183</td>
<td>180</td>
<td>195</td>
</tr>
<tr>
<td>Private Institutions for Delinquent Girls</td>
<td>93</td>
<td>151</td>
<td>123</td>
</tr>
<tr>
<td>Illinois Soldiers and Sailors Children's Home</td>
<td>1</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>Private Institution for Dependent Boys</td>
<td>288</td>
<td>311</td>
<td>458</td>
</tr>
<tr>
<td>Private Institution for Dependent Girls</td>
<td>132</td>
<td>196</td>
<td>244</td>
</tr>
<tr>
<td>Chicago Parental School</td>
<td>923</td>
<td>862</td>
<td>903</td>
</tr>
<tr>
<td>Lincoln or Dixon</td>
<td>45</td>
<td>58</td>
<td>67</td>
</tr>
</tbody>
</table>
which cases will be heard by the different referees. Each referee has his or her own office in which they hear respective cases.

In the case of a delinquent girl appearing before the Delinquent Girls' Referee are the girl, her parents, the probation officer and the referee. The probation officer presents the facts as she sees them and as she has learned them on her social investigation. The girl is encouraged to state her side of the case and to express her feelings and point of view. The case is discussed with the parents and the probation officer and an attempt is made in regard to the best plan to pursue. The probation officer attempts to establish a cordial relationship with the girl so she may feel that she has a real friend genuinely interested in her welfare. The girl is usually cooperative and the probation officer then tries to get the parents to agree with her as to the best course of action. The probation officer then makes her recommendation to the referee who then makes her decision. The probation officer then takes the girl and her parents before the judge to report the facts and the recommendation of the referee. The judge does attempt to acquaint himself quickly with the case and if no objections are made concurs with the decision of the referee.²

²Information from a personal interview of the author with Mr. Piotr Kownacki, Delinquent Boys' Referee of the Family Court.
Assisting the presiding judge in the work outside of the courtroom is the Chief Administrator who handles most of the problems in relation to administrative functions that are part and parcel of the Family Court. It is through his office that administrative practices which the presiding judge recommends evolve as policy.

Every year the personnel of the Family Court must be re-assigned back to the Court. A Committee on Help, which consists of three judges selected by the Circuit Court, appoints new personnel and reappoints the present personnel. This is a requirement under the Illinois Constitution for all fee offices which the Family Court is one. The Chief Administrator is informed by the different departments in the court what new personnel they would like to have and why. He examines the department Head's reason and reaches a decision. The entire procedure is made into a report answering the questions put forth by the Committee on Help. Included are the reasons why the Chief Administrator thinks such help is or is not needed. This is an annual operation.

Another annual operation is the preparation of the annual proposed budget for the coming fiscal year. To be able to determine the needs of each department he interviews each Department Head as to his requirements. The Chief Administrator notes their observations in writing and has them give to him a written report. He has these observations available when he studies the budget of each department. After this is accomplished with
all the departments; a rough draft is prepared. This is gone over again. Lastly, the budget is discussed and presented to the Finance Committee at the County Building which has the authority either to raise or lower the budget. The Chief Administrator and the presiding judge of the Family Court must be able to justify the budget.

Every year an annual report is published jointly by the Family Court and the Arthur J. Audy Home for Children. This is prepared by the Chief Administrator and the Superintendent of the Home. On September 30 of each year a letter is sent to each department that is concerned with the Family Court, as well as departments in the Arthur J. Audy Home for Children, requesting a general report of their department work of the year. The Statistical Department, in collaboration with all the other departments, makes up tables and charts to illustrate and explain the work accomplished by the department. Notes are taken from each report and a rough draft is prepared. This usually consists of some thirty-five pages. It is revised three times before the final copy goes to the printers. The reports are included in the annual report made by the President of the Board of Commissioners of Cook County as well as a separate report of the Family Court of Cook County, Illinois, and the Arthur J. Audy Home for Children.

In addition to these duties, the Chief Administrator assists in establishing rapport with other social agencies, private and
public, in the City of Chicago; assists in directing and training of future probation officers; assists various schools in their program to help in the work of the Family Court.  

The Budget and Accounts Control Department takes care of the payroll of the Family Court. In addition it makes sure that private and public agencies, who take care of dependent children are paid what exactly is due and check the bill from the agency to see if it is correct. In addition there is a check to see who is to support the child. Restitution money is handled as well as money that may be coming in for the child from Social Security Benefits.

There are some forty child-placing associations and fifteen manual training and industrial schools which are paid for their services. The Budget and Accounts Control Department must make sure these people are paid for their services each month. This money comes from appropriations from the County and the State. The bank statements each month are checked and balanced. The bills, which are made out by the Budget and Accounts Control Department, list the name of the institution which is caring for the child. A consolidated payroll is sent to the Comptroller's office and then to the institution.

The names of all children made financial charges upon the

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3 Information from a personal interview of the author with the Family Court Chief Administrator, Mr. Ralph J. Riley.
### TABLE II
FAMILY COURT APPROPRIATIONS
1956 - 1957

<table>
<thead>
<tr>
<th>Position Description</th>
<th>1956</th>
<th>1957</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PISCAL AND CLERICAL SECTION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Chief Administrative Probation Officer</td>
<td>$12,000</td>
<td>$12,000</td>
</tr>
<tr>
<td>1 Referee, Probation Officer</td>
<td>6,000</td>
<td>6,300</td>
</tr>
<tr>
<td>2 Referees, Probation Officer</td>
<td>11,400</td>
<td>12,000</td>
</tr>
<tr>
<td>1 Assistant to the Judge, Family Court Probation Officer</td>
<td>3,960</td>
<td>4,260</td>
</tr>
<tr>
<td>1 Clerk IV, Probation Officer</td>
<td>3,960</td>
<td>4,260</td>
</tr>
<tr>
<td>1 Clerk III, Probation Officer</td>
<td>3,480</td>
<td>3,720</td>
</tr>
<tr>
<td>7 Clerks II</td>
<td>22,260</td>
<td></td>
</tr>
<tr>
<td>2 Clerks II</td>
<td>6,360</td>
<td></td>
</tr>
<tr>
<td>9 Clerks II</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Clerks I &amp; II</td>
<td>11,280</td>
<td>12,480</td>
</tr>
<tr>
<td>1 Typist II</td>
<td>3,420</td>
<td>3,540</td>
</tr>
<tr>
<td>12 Typists II</td>
<td>38,160</td>
<td>39,960</td>
</tr>
<tr>
<td>1 Typist II, Probation Officer</td>
<td>3,180</td>
<td>3,300</td>
</tr>
<tr>
<td>5 Typist I</td>
<td>14,100</td>
<td>15,600</td>
</tr>
<tr>
<td>1 Storekeeper I, Probation Officer</td>
<td>3,366</td>
<td>3,486</td>
</tr>
<tr>
<td>1 Statistician, Probation Officer III</td>
<td>4,800</td>
<td>4,800</td>
</tr>
<tr>
<td>1 Statistician, Probation Officer II</td>
<td>3,900</td>
<td>3,900</td>
</tr>
<tr>
<td>1 Stenographer V</td>
<td>4,980</td>
<td>4,980</td>
</tr>
<tr>
<td>4 Stenographers IV Probation Officer</td>
<td>17,040</td>
<td>17,040</td>
</tr>
<tr>
<td>2 Stenographers II</td>
<td>8,040</td>
<td>8,040</td>
</tr>
<tr>
<td>3 Stenographers II</td>
<td>11,340</td>
<td>11,340</td>
</tr>
<tr>
<td>7 Stenographers II</td>
<td>24,780</td>
<td>25,620</td>
</tr>
<tr>
<td>5 Stenographers II</td>
<td>17,100</td>
<td>17,700</td>
</tr>
<tr>
<td>5 Stenographers I</td>
<td>16,500</td>
<td></td>
</tr>
<tr>
<td>1 Stenographer I</td>
<td>3,180</td>
<td></td>
</tr>
<tr>
<td>6 Stenographers I</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Children's Attendant Probation Off.</td>
<td>3,708</td>
<td>3,828</td>
</tr>
<tr>
<td>1 Collection Invest., Probation Off.</td>
<td>15,840</td>
<td>17,040</td>
</tr>
<tr>
<td>1 Accountant III (1956 IV)</td>
<td>6,000</td>
<td>6,300</td>
</tr>
</tbody>
</table>

**TOTAL**

- **1956**: $280,134
- **1957**: $292,194
### TABLE III

**FAMILY COURT APPROPRIATIONS**

1956 - 1957

<table>
<thead>
<tr>
<th>PROBATION SECTION</th>
<th>FULL YEAR TOTAL 1956</th>
<th>FULL YEAR TOTAL 1957</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Chief Probation Officer</td>
<td>$10,600.08</td>
<td>$11,200.08</td>
</tr>
<tr>
<td>2 Probation Officers V</td>
<td>$12,720.00</td>
<td>$13,920.00</td>
</tr>
<tr>
<td>5 Probation Officers IV</td>
<td>$28,500.00</td>
<td>$44,100.00</td>
</tr>
<tr>
<td>7 Probation Officers IV</td>
<td>$53,460.00</td>
<td>$60,060.00</td>
</tr>
<tr>
<td>11 Probation Officers III</td>
<td>$32,340.00</td>
<td>$36,540.00</td>
</tr>
<tr>
<td>7 Probation Officers III</td>
<td>$230,040.00</td>
<td>$267,300.00</td>
</tr>
<tr>
<td>54 Probation Officers II</td>
<td>$45,360.00</td>
<td>$52,560.00</td>
</tr>
<tr>
<td>12 Probation Officers I</td>
<td>$25,620.00</td>
<td>$29,820.00</td>
</tr>
<tr>
<td>7 Probation Officers I</td>
<td>$88,500.00</td>
<td>$103,500.00</td>
</tr>
<tr>
<td>25 Probation Officers I</td>
<td>$15,900.00</td>
<td>$17,400.00</td>
</tr>
<tr>
<td>5 Probation Officer Trainees</td>
<td>$4,260.00</td>
<td>$4,260.00</td>
</tr>
<tr>
<td>1 Registered Nurse, Probation Officer</td>
<td>$9,960.00</td>
<td>$10,560.00</td>
</tr>
<tr>
<td>2 Psychologists III</td>
<td>$9,720.00</td>
<td>$9,720.00</td>
</tr>
<tr>
<td>Probation Officers</td>
<td>$330.00</td>
<td>$355.00</td>
</tr>
<tr>
<td>1 Registered Nurse I</td>
<td>$5,400.00</td>
<td>$5,400.00</td>
</tr>
<tr>
<td>(30 days)</td>
<td>294.00</td>
<td>309.00</td>
</tr>
<tr>
<td>1 Psychiatrist, P. T.</td>
<td>$573,004.08</td>
<td>$651,884.08</td>
</tr>
<tr>
<td>1 Children's Attendant I</td>
<td>$600.00</td>
<td>$600.00</td>
</tr>
<tr>
<td>(30 days)</td>
<td>309.00</td>
<td>309.00</td>
</tr>
</tbody>
</table>
TABLE IV
FAMILY COURT APPROPRIATIONS
1956 - 1957

<table>
<thead>
<tr>
<th>MISCELLANEOUS</th>
<th>FULL YEAR TOTAL</th>
<th>FULL YEAR TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1956</td>
<td>1957</td>
</tr>
<tr>
<td>Fees and Compensation</td>
<td>$15,120</td>
<td>$15,120</td>
</tr>
<tr>
<td>Transportation of Personnel</td>
<td>10,500</td>
<td>10,500</td>
</tr>
<tr>
<td>Printing of Forms, Records and Reports</td>
<td>4,000</td>
<td>4,000</td>
</tr>
<tr>
<td>For the Care of Dependent and Neglected Children</td>
<td>1,226,000</td>
<td>1,050,000</td>
</tr>
<tr>
<td>Other Impersonal Services</td>
<td>500</td>
<td>500</td>
</tr>
<tr>
<td>Social Service Exchange Services</td>
<td>4,000</td>
<td>4,000</td>
</tr>
<tr>
<td>Insurance Premiums</td>
<td></td>
<td>125</td>
</tr>
<tr>
<td>SUPPLIES AND MATERIALS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wearing Apparel</td>
<td></td>
<td>20,000</td>
</tr>
<tr>
<td>Office Supplies</td>
<td>8,000</td>
<td>10,000</td>
</tr>
<tr>
<td>LAND, BUILDING AND EQUIPMENT PURCHASES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Furnishings, Repairs and Replacement contributions for Charitable and Institutional Purposes</td>
<td>2,500</td>
<td>2,500</td>
</tr>
</tbody>
</table>

$1,270,620 $1,117,745
County by decrees of the Family Court and warrants are recorded and put on the payroll. Each case is recorded on cards bearing the name of the child, institution, entrance date, court order number and name of the person who is to pay the money for the support of the child. The Temporary Care Department pays sixty dollars a month to institutions such as the Augustana Nursery, St. Vincent Orphanage and St. Joseph Home for the Friendless. In addition foster mothers who care for children placed in her home are paid sixty dollars a month for the maintenance and other expenses of the child. The State of Illinois reimburses Cook County thirty dollars as its share of the bill for each child each month. When deductions are made to institutions, a letter is sent to explain the reason for the deduction. The financial budget of assets and liabilities is balanced at the end of each month.  

The Child Support Department consists of a supervisor, an accountant, two interviewers, two investigators, two stenographers and a record clerk. The department is primarily concerned with dependent children and the ability of their parents to pay for their support. When the Family Service Department has dependent children, it sends to the Child Support Department a report and a request for investigation before they place the youngster in an

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*Information from a personal interview of the author with Budget and Accounts Control Clerk, Miss Lillian Kallal.*
institution or in a foster home. Parents must submit financial reports in order to determine their ability to pay for the care and support of their children. This department is strictly non-charitable as many people soon find out. A situation may be as follows: the mother has passed away and the father needs someone to take care of his children. He is interviewed and is told there is a charge of sixty dollars a month per child if the youngster is placed in an institution or if put in temporary care placement. He is made to realize that the services amount to much more. An effort is made not to create a hardship and the reason for this policy is to enable parents to maintain their self respect. The policy of the department can be put in the form of a motto: Be understanding but be firm.

The Child Support Department keeps a very close contact with the supporter of the child or children. At the end of each day, the Clerk of the Family Court sends a report on a Default in Payment Record Sheet, to the Child Support Department. The next day the paycard and letter file are drawn. The account is brought up to date to show what is due on a form letter and is sent out to the supporter. In addition, the default is assigned to one of the interviewers to follow up. His duty to note when the date payment is due on his court calendar. If payment is not received in a week, a second letter is sent and the interviewer proceeds to move the case a week forward on his court calendar. If the second letter still produces no results, an investigator is sent
to inquire into the matter. He prepares a report of his findings and determines whether or not the case should appear in the Family Court.

When the forms have been completed for Court Hearing, the Assistant State's Attorney will notify the Director of the Child Support Section and a member of the staff will be present in Court to testify at the first and all subsequent hearings. The Assistant State's Attorney will be in charge of the trials. The Probation Department of the Court will assist in serving of a Rule to Show Cause. If a defendant personally served with a certified copy of a Rule fails to appear for trial, a Motion for a body attachment may be properly made.

Every attempt is made to try to get the defendant to comply with the court order. If there is doubt from the beginning that the person will fail to comply with the pay order, the State Attorney can request that a Security Bond be posted. Support orders are not restricted to parents but include brothers, sisters, and grandparents. Every attempt is made to avoid arreages from accumulating as this makes it difficult to collect full payments. This is the reason why the ability to pay is taken into consideration at all times. The parents are made to realize at all times that they have a definite responsibility concerning their children's welfare.

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5 Novoselsky p. 18.

6 Information from a personal interview of the author with the Department Head of the Child Support Department Mr. John Navickas.
Valuable services are performed for the Family Court by the Medical Department of the Family Court. The Medical Department consists of a woman physician and a registered nurse. The physician is responsible to the Audy Home and the nurse to the Chief Probation Officer. It is the duty of the physician to perform complete medical examinations, to make diagnoses of diseases and to make recommendations to the court and probation officers, and to parents concerning medical treatment of children examined. The necessity of a complete medical examination is of extreme importance in the case of neglected and dependent children who are to be placed in institutional schools, temporary care families, foster homes or a public or private child caring agency. When treatment is required, the child is given out-patient treatment, referred to a hospital or clinic. Children are not acceptable for placement when their condition is such that their own health is in danger, or if they are a potential threat to the good health of others with whom they may come in contact.

In the case of alleged delinquent girls, where sex delinquencies and others are indicated, complete physical examinations are given. There are pelvic examinations which include checking for gynecological pathology, pregnancy and venereal diseases. In cases of prosecution when adults are involved, a report of the findings are usually sent to the Sex Bureau of the State's Attorney Office.
The nurse assists the physician in making out reports, as well as in performing general duties concerning the patient. She weighs in the child, takes throat cultures, checks the head and hair for ringworm or lice and frequently is responsible for taking smears of girls who have allegedly been raped. Eyes are tested when the child is not in its proper grade level at school. The Medical Department performs an average of three hundred medical examinations a month.7

Invaluable services are performed by the Psychiatry Department which examines those children who are referred to it by the Judges or Referees of the Family Court or the different probation departments connected with the Court. These cases are carefully selected, and only those cases are considered which would be benefited by a psychiatric examination. In the case of repeaters, arsonists, aggressive sex offenders and homosexuals, referral for a psychiatric study is usually made.

At present, the staff of the department consists of three visiting, part time psychiatrists, and two psychologists. In addition, there is a small clerical staff. The function of the department can best be described as follows:

. . . . The psychiatrist and his associates, the psychologists and the psychiatric social worker, try to apply objective measurement in this complex field of human personality in the hope that their observation

7Information from a personal interview of the author with the Medical Department Registered Nurse, Mrs. E. Thro.
will produce correct diagnosis and favorable treatment measures as has occurred in the other medical disciplines where the scientific method has been used most objectively. The Family Court Psychiatric Department seeks to go beyond mere description of deviant behavior in parents or adults who contribute to dependency or delinquency and to discover causes underlying the incorrigible or delinquent acts of the child. . . . Therefore at present, the emphasis of the Psychiatric Department is to be scientifically or objectively correct in its diagnosis or formulations relative to any case referred to it by Court personnel for evaluation and treatment recommendations. 8

In those cases where a complete examination is made, the Psychiatric Department follows the plan of child-guidance clinic. First, a psychological test is given to determine the intellectual ability of the child and his potential level of work and school achievement. The child's parents play an important role, since, from them, the psychiatric social worker is able to obtain important historical and developmental information about the child. At the same time the interview with the child's parents give the psychiatric social worker a chance to observe the parent. A psychiatric interview is held with each child, at the end of which the two members of the professional staff meet in conference to formulate a statement of the child's problem, the causes underlying his behavior, and to recommend remedial treatment if necessary. A written report is submitted to the Judges of the Family Court in each case.

The psychiatrist and psychologist in the Psychiatry Department also function as a Commission on Mental Deficiency. They examine children and make recommendations to the Family Court. As a result of their examination, children may be committed to a State institution such as the Lincoln or Dixon State School, or to private schools for retarded children, such as the Kennedy School, or allowed to remain with their parents or interested relatives. The Commission supervises these latter cases through formal hearings and in cooperation with the child's probation officer.9

A supervisor and ten assistants comprise the personnel of the Record Library Department. The function of the Record Library is to keep a record file on all cases which have appeared before the Family Court, an alphabetical card file on all children who have been before the court with its court order number and to distribute unidentified mail to the proper departments. A record file card will include the following items: (1) a face card which is a disposition sheet and which includes all court orders entered on the card any time the child appeared in the Family Court; (2) a history sheet which includes pertinent data relative to the child; and (3) a running record which includes all social information, letters and anything pertaining to the child and his welfare.

9Information from a personal interview of the author with a Psychiatry Department Psychologist: Mr. Joseph Garvin.
Each morning at Court call, the record of the child is removed and sent to the proper department or person hearing the cases. After the court hearing, the probation officer writes up any new occurrences and the account is turned to the Record Library after being typed up by the Stenographic Department. When the record is returned, the Court order number is recorded on the disposition sheet. In the card index, the child's card is removed and the court order number is recorded on this card. Probation officers and authorized agencies are allowed to draw out these records when they need them but they are not available for the general public. This is to avoid exploitation or any unnecessary publicity in regard to juvenile offenses. A person who draws out the records is obliged to sign for them as a guarantee of their safe return. In addition, this receipt is kept so that at all times the Record Library knows who has the record in case another probation officer or department may need it.

Correspondence, sent by the officers as well as by any other interested party or department is kept in the record file under the case investigated. A case record count is kept on all active cases and the probation officer who is responsible for them.10

A key punch operator, an assistant statistician and a statistician make up the staff of the Statistical Department. Its

10Information from a personal interview of the author with the Record Library Department Head, Mrs. Bernardine Brownell.
function is the collection and tabulation of accurate data that describes the workings of the Family Court.

From the Metropolitan Chicago Police Department, it receives information on the action of the department in regard to juvenile offenders. From the Complaint Department of the Family Court: (1) number of juvenile offenders referred to it by the Chicago Police Department each month; (2) referrals from all sources to the Family Court of Cook County and under the general categories delinquent, dependent, neglected, truants and others; (3) reason given for initial action to the Family Court and that which took place by the Complaint Department; (4) reason given for referral to the Family Court under particular categories such as automobile theft, burglary, robbery, other thefts, running away, being un-governable, sex offenses, acts of carelessness, other delinquent behavior, truancy, dependency, neglect, victim of criminal offense and other reasons given for referral.

From the Temporary Care Department, they show how many children were cared for that had to be carried over to the new fiscal year, how many placements were made, total number of children cared for, children in foster homes, total number of days care was given, average number of days care was given, average number of children cared for, highest daily population, lowest daily population, number of releases, average number of days care was given to releasees, the total number of days care given to releasees and the number of releasees who stayed in a foster home longer than six months.
From the Department of Budget and Accounts, the total number of children in the Child Placing Association Fund and the total number of children in the Manual and Industrial School Fund are given to the Statistical Department. From the Clerk of the Family Court (1) placement of dependent and neglected children by the Family Court; the classification of placement by the type of agency, name or private institution, and the number of children; (2) name of child placing agencies to which the Family Court committed children during the year; and (3) the number of cases and how they were disposed of officially by the Family Court.

From the Psychiatry Department the number of examinations, re-examinations and the number of hearings on mentally deficient children are given to the Statistical Department.

The second function of the Statistical Department is to attempt scientific objective analysis of the data that it receives. It presents data regarding the operation of the Family Court to the County Board of Commissioners, the United States Children's Bureau, statistics to agencies and persons who request factual information about the Family Court, and number of children in regard to treatment. Lastly, it is of service to the presiding judge of the Family Court in giving him ready reference of the workings of the various departments and his own work.\[11\]

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Information from a personal interview of the author with the Senior Statistician of the Family Court: Mr. Richard M. Lamb.
The Stenographic Department consists of a Department Head and fifteen typists and stenographers. They take care of the multitude of paper work that is carried on throughout the day. They have reports made by probation officers and investigators, daily reports made by the various departments, correspondence to other agencies, and other work that is involved in the everyday operations of the Family Court. There are in addition thirty-eight other stenographers and typists assigned to individual departments.
CHAPTER IV

THE FUNCTIONAL DEPARTMENTS OF THE FAMILY COURT

The Chief Probation Officer is responsible for the supervision of casework and is in charge of the members of the probationary staff of the Family Court. This includes the Deputy Chief Probation officer; the caseworkers in the Complaint Department, the Delinquent Boys' Department, the Family Service Department, and the Temporary Care Department; and the members of the Psychiatry Department, Medical Department and the Record Library Department. Each department has its own Department Head but who is responsible to the Chief Probation Officer. Probation Officers are appointed by the presiding judge of the Family Court but it is the Chief Probation officer who interviews the candidates, and evaluates their academic background, work experience and references. He then makes recommendations to the presiding judge who in turn makes the final decision whether or not to hire the party in question.

The Chief Probation officer is subject to the authority of the presiding judge in setting policy of the various departments. Within this framework he has complete authority over casework services. Questions which cannot be decided by police officers, supervisors, and department heads are brought to the attention
of the Chief Probation officer for a decision. He looks into the functioning of the various departments to see that they are performing their work to the best of their ability. He also reviews sample cases to see if the individual probation officer is doing all that he can for the child who is in his care. He prepares the plans for in-service training for the entire staff.

Probation case work has the authority of the Family Court behind it, but it does have limitations which the probation officers must recognize. When evidence is presented in Court, in regard to parents who neglect or cause their children to be dependent upon the County, it must be verified by witnesses as the word of the probation officer is insufficient. The Family Court recognizes case work principles and legal procedures.¹

The Deputy Chief Probation Officer assists the Chief Probation Officer in the general supervision of the work of probation officers. The present Deputy Chief Probation officer is a woman and is responsible for the training of probation officers. It is her duty to train future probation officers to make them self-reliant individuals who will know how to and when to act when a situation presents itself. These officers should likewise know whether there are short-cuts to be taken, to know from experience how to take them when the situation of that sort of operation.

¹Information from a personal interview of the author with the Deputy Chief Probation Officer: Miss Irene Kawin.
Daily and weekly conferences are arranged at which time questions are presented to the Deputy Chief Probation officer by the new probation officers. In these conferences, they go over cases so as to make suggestions and give help with the problems that are presented in these cases.

When the two women referees, who handle Dependent cases or Delinquent Girls' cases, are on vacation or ill the Deputy Chief Probation officer substitutes for them as the necessity arises. She appears in the Family Court frequently as she is sometimes appointed guardian of children who are placed in private homes. She assumes the responsibility of placing mentally deficient or retarded children who have been committed to the Dixon State School or Lincoln State School. This is not always possible as the schools are crowded. But when there is space available and she is informed that they will accept the child, she prepares the necessary papers to send the child to one of these institutions. She keeps a running correspondence with reference to all those who are under her charge. She spends considerable time consulting with many people who come to the Family Court seeking assistance, advice and information. ²

Thousands of children come to the attention of various Cook County authorities during the year. Many children have been

²Information from a personal interview of the author with the Deputy Chief Probation Officer: Miss Irene Kawin.
apprehended by the police only after involvement in serious delinquent activities; others do not have proper parental care or supervision. In each group some of these children do come to the attention of the Family Court. If a boy gets into serious trouble, he should be arrested, or else there is a danger and injustice to the boy and the injured party. In a handbook prepared for police officers when dealing with juveniles, the question of detention is referred to in this manner: "Does this mean immediate physical delivery of every child arrested by the police to the Detention Home now known and referred to as the Arthur J. Audy Home for Children? No, except in those cases where the child, or his home situation requires his immediate detention, the arresting officer should simply forward the complaint to the Juvenile Court and release the child in the custody of its parents. It is generally agreed that the mere fact that a boy is arrested for an offense does not necessarily mean that he must or should be detained. The parents are notified as to when they will be expected to report to the Complaint Department of the Family Court.

The hub around which the work of the Family Court centers is that of the Complaint Department. "Its functions are to sift all complaints to determine which cases are properly within the

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### TABLE V

**CHICAGO POLICE DEPARTMENT DISPOSITIONS**
**DATA FOR THE YEARS 1951-1956**

<table>
<thead>
<tr>
<th>YEAR</th>
<th>COMPLAINTS RECEIVED AT STATION</th>
<th>COMPLAINTS ADJUSTED AT STATION</th>
<th>PER CENT AT STATION ADJUSTED</th>
<th>COMPLAINTS REFERRED TO FAMILY CT.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1951</td>
<td>11,085</td>
<td>5,515</td>
<td>49.7</td>
<td>5,570</td>
</tr>
<tr>
<td>1952</td>
<td>11,604</td>
<td>6,180</td>
<td>53.2</td>
<td>5,424</td>
</tr>
<tr>
<td>1953</td>
<td>12,241</td>
<td>6,452</td>
<td>52.7</td>
<td>5,789</td>
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<tr>
<td>1954</td>
<td>11,582</td>
<td>5,797</td>
<td>50.0</td>
<td>5,785</td>
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<tr>
<td>1955</td>
<td>11,676</td>
<td>5,786</td>
<td>49.5</td>
<td>5,890</td>
</tr>
<tr>
<td>1956</td>
<td>12,621</td>
<td>5,374</td>
<td>42.5</td>
<td>7,247</td>
</tr>
</tbody>
</table>

### TABLE VI

**SOURCES OF COMPLAINTS - 1955**

<table>
<thead>
<tr>
<th>Source</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>From Parents</td>
<td>1,216</td>
</tr>
<tr>
<td>From Probation Officers</td>
<td>47</td>
</tr>
<tr>
<td>From Metropolitan Police</td>
<td>423</td>
</tr>
<tr>
<td>From Park Police</td>
<td>3</td>
</tr>
<tr>
<td>From Suburban Police</td>
<td>19</td>
</tr>
<tr>
<td>From Sheriff's Police</td>
<td>1</td>
</tr>
<tr>
<td>From Other Courts</td>
<td>5</td>
</tr>
<tr>
<td>From Social Agencies</td>
<td>1,848</td>
</tr>
<tr>
<td>From Other Sources</td>
<td>30</td>
</tr>
</tbody>
</table>
jurisdiction of the court; to assign these cases accepted for investigation and action; and to determine whether or not children brought to the Detention Home shall be released or detained pending further court action, or whether petitions charging delinquency or dependency should be filed. The staff of the Complaint Department consists of a Department Head, seven interviewing probation officers and three clerks.

Complaints are received from many sources: the police, parents, probation officers, relatives, neighbors, interested friends, schools, social agencies and mail. In 1956, the Family Court had referred to it 13,704 boys and girls; the Complaint Department disposed of 3,743 referrals; the Family Service Department accepted for investigation 3,616; the Delinquent Boys' Division accepted 797 and the Complaint Department set for hearings in the Family Court 5,548 complaints. The main reasons for referral were automobile theft, burglary, robbery, running away from home, incorrigible, sex offenses, truancy, dependency, neglect and being a victim of a delinquent or a criminal offense.

Parents are registered when they come into the Complaint Department and are given a number which is assigned to their case.


They are handled by a Case Conference which is very similar to the procedure followed by the Referees of the Family Court. Sitting in on the Complaint Department Case Conference are the parent, the child, the police officer occasionally, the complainant sometimes and the interviewing officer. No outsiders are allowed unless directly involved in case work from a social agency. During the hearing the child is questioned to verify the complaint as well as to try to get a background that led to the complaint. In addition, the parent(s) are questioned as to what they can add to the case. When need be, the child and the parent(s) are interviewed separately to try to get details that perhaps might not be revealed in the presence of the other. This avoids embarrassment and antipathy toward one another which might lead later to more serious difficulties. The police officer or the complainant is questioned, too, as he may have decided that the problem may be resolved between him and the child.

There is a staff of four assistant State Attorneys and a woman physician employed and assigned by the County to the Family Court to assist in their work. The Complaint Department finds it necessary to consult the Assistant State Attorney on legal matters such as determining whether there is sufficient evidence for prosecution of adults, legal rights of individuals and the like. The services of the Court Physician are used when examination of children for emergency placement is needed or to determine physical fitness, or for an examination if rape or sex delin-
quencies are alleged. Often these services are needed before the Complaint interviewer can make a final decision on the case.

After hearing the information presented, the duty of the Complaint Interviewer, is to make a decision as to whether a formal Family Court hearing is indicated, or further investigation is needed, or supervision seems necessary. Cases are also adjusted or settled by the Complaint Department and in some instances, the case may be referred to a public or private agency when it seems advisable to do so. A record is kept of every complaint and its disposition. This is accomplished by a report of every complaint and its disposition. This is accomplished by a report of the case dictated by the interviewers. The report is kept on file in case any new complaints may be brought to the attention of the Complaint Department in the future.

The probation officers in the Complaint Department are authorized to release any delinquent girl from custody where the facts indicate this should be done. On the other hand, if the decision is reached that the girl should remain in custody, a preliminary hearing is then held by the Delinquent Girls' Referee. This is usually held the same day to avoid unnecessary detention of the child. The Referee may release the child pending the court hearing or she may confirm the need for detention. If detention is approved, an order of temporary custody must be prepared and presented to the presiding or visiting judge for his approval. The case is then referred to the Family Service Department.
When the Complaint Department decides an alleged delinquent boy must appear formally before the Court, a date is set and a Delinquent Petition is filed. The Delinquent Boys' Referee reviews the case and decides if the child should be held in custody or should be released and the Delinquent Boys' Department is referred the case for further investigation and supervision.

If the cases are adjusted within the Complaint Department, a letter file is made on the case so that the material will be available at a future date if the situation so arises. The Complaint Department reference file has a complete picture of the situation as it appears from the child's, its parents and the complainant's point of view.6

The Delinquent Boys' Department is primarily concerned with the investigation, presentation in court and supervision of all cases involving alleged delinquent boys who are over twelve years of age. Cases are referred to the Department Head through the Complaint Department. In addition to delinquent boys, dependent boys over twelve years of age and feebleminded boys are supervised by the Probation Officers. To determine what causative factors that led to the boys' delinquency, a social investigation should include this as its minimum:

I. Listing of active agencies working with the family.

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6Information from a personal interview of the author with a Complaint Department Interviewer: Mrs. Theresa Yancey.
II. Personal history and behavior

A. Present problem or offense as indicated by Police History.
B. Indications of any home maladjustments.
C. Date of court hearing if petition has been filed.

III. Interview with the child and present particular attitude.

IV. Previous record.

V. School and work.

A. Written school reports from present or last school attended.
B. If employed; where, type of employment, salary and its distribution.

VI. Health.

A. Physical health.
B. Mental health based on Child Study or Psychiatric examination.

VII. Recreation.

A. How supervised.
B. If supervised, frequency of participation.
C. Hobbies.

VIII. Associates.

A. Age of associates.
B. Are parents acquainted with associates?
C. Are his associates involved in present difficulty?

IX. Religion.

A. Faith and name of the Church.
B. Frequency of attendance of church services.
C. Is the child known to the church leaders?
D. Parental church attendance and religious attitude.

X. Parental and sibling relationship.

A. Attitude of parent in present offense.
B. Methods of parents in securing discipline.
C. Attitude of child to other members of household.
D. Outstanding physical or mental defects apparent in members of the family, if any, and influence on child.

XI. Social history and economic status.
   A. Number of persons in the household.
   B. Names, ages, relationship of members of family.
   C. Income of members of the family.
   D. School and grade of members of school age.

XII. Home and neighborhood.
   A. Type of neighborhood: commercial or residential.
   B. Relative delinquent rate.

XIII. Family history.
   A. Birthplace of parents.
   B. Place and date of parents marriage.
   C. Where parents have lived.
   D. Length of time in Cook County.

XIV. Plans.

XV. Sources of Information.7

All of the above material is verified by competent references and sources. Complaints which have been cleared through the Complaint Department, but, in which more information seems advisable, are referred to the District Probation Office for a social investigation. When a petition has been filed and a court date has been set the boy and his family are investigated by the probation officers from the Delinquent Boys' Department.

After the probation officer has compiled his information and analyzed it, he has a better understanding of the boy and his

7Social Investigation Guide as used in the Delinquent Boys' Department of the Family Court.
background. In addition, if the case so demand, the probation officer has available the Psychiatric and Medical Departments to give him any help that might be necessary. The State's Attorney Office is available for any legal problems that might develop in the case. The general situation of each case must be observed because there are times when the charge brought that originated the case is not proportioned to the real problems that might be confronting the boy. Investigation should seek to establish those positive factors of the life situation of the child, as well as actual conditions and needs of the boy in his charge.

In a case where a boy may have been detained in the Arthur J. Audy Home for Children, formerly known as the Juvenile Detention Home, pending investigation and formulation of a plan of what to do with the boy, and a release is under consideration by the probation officer, the supervisor in the Boys' Department will notify the Referee. It will then be the decision of the Referee or the Judge to order such a release. On the other hand, it happens that the Referee will order the release of a boy who is held temporarily in the Audy Home prior to the Court hearing. In cases of this sort, the probation officer notifies his supervisor of the decision and as to advisability of it.

When the case is presented in the Family Court the probation officer makes a statement of the facts that have been borne out in his investigation. If the court requests him to do so he can make recommendations as to what he thinks is best for this
particular youngster. "In his treatment, the officer attempts to eliminate the causative factors that led to the boy's delinquency, utilizes the community resources and counsels both the child and the parents. If it is indicated during the court hearing that the child should not be returned to his own home, the officer makes plans for the boy to live with competent and interested relatives; or he may place the boy in a foster home, or a private boarding school which can meet the boy's individual needs." If the child is placed outside of his own home, the Chief Probation Officer becomes its guardian. And if it be the opinion of the Judge to put the child on probation the second function of the Delinquent Boys' Department comes into play -- that of supervision.

In the capacity of supervision the probation officer visits the home, school or other agencies frequently to give such advice and direction to the boy and the family or agency in such as to be assisting him in every way to make a satisfactory adjustment in the community. He visits the home at least once a month and as often as he is able to show the family and the boy that he is truly interested in him. Boys who were committed to the Chicago Parental School on delinquent petitions when paroled are under the supervision of the Probation Officers in the Delinquent Boys' Department.

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The Department Head is responsible for preparing the necessary papers for release of a boy to the County Sheriff, discharges from guardianship of the Illinois Youth Commission, and in carrying out the policies set forth by the presiding judge and the Chief Probation officer. The Delinquent Boys' Department consists of a Department Head, three supervisors, and twenty-nine probation officers. The primary duties of the Department Head are organizing and directing the work of the department which consists of investigation, presentation in Court, and supervision of cases. Work is divided of one supervisor to every ten probation officers. Sample cases are reviewed and there are frequent consultations among the supervisors and the probation officers to see that the cases are handled in the proper manner. In difficult cases, the Department Head is responsible for making the necessary decisions. There are a few rare occasions when disagreements arose between an agency and a probation officer. This is settled by a conference with the agency representative, and a new plan is agreed upon. Monthly meetings are held to improve the workings of the Department and to help settle administrative and procedural questions that have arisen. New policies are discussed and the manner in which they are to be put into practice. 9

9Information from a personal interview of the author with the Department Head of the Delinquent Boys' Department: Michael F. Heneghan.
Cases which are not adjusted, or not referred to other agencies, or not referred to the Delinquent Boys' Department are usually turned over to the Family Service Department of the Family Court. The Court does not have a Delinquent Girls' Department as a counterpart of the Delinquent Boys' Department. Delinquent girls are handled by the Family Service Department together with dependent and neglected children, problem boys under twelve years of age and mentally deficient children.

The investigation of complaints of dependency and neglect is only one of the responsibilities of the probation officers in the Family Service Department. The fact is that these officers set up their letters or referral for placement, prepare and file their own petitions and rehearings, serve summons and notices, make up their own recommendations for release from guardianship and present all these matters in open court. They are responsible for the case work that becomes necessary even after the child has been found to be dependent and committed to a public or private institution. When such a plan for guardian and placement fails so that another court hearing becomes necessary, the agency takes no responsibility for this except to notify the court. At this point the probation officer must step in again and develop a new plan, reset the cause for hearing, serve notice, and present the case in court.10

The Family Court has jurisdiction of dependent, neglected or mentally deficient boys and girls under eighteen years of age and similarly in the cases of alleged delinquent girls. It can keep jurisdiction up to the age of twenty-one but it is not the practice to do so.

When a complaint is minor and does not warrant court action, the case is handled informally and may be adjusted after a few visits and conferences. In some instances it may be referred to another agency. A complete social study is made of every case. It may include visits to the home, interviews with parents, children, pastor, school, witnesses, relatives, verification of vital statistics, and reports from social agencies. The family is checked, the number of children in the family, relationships as they exist in the family, working members, school members and its economic level. All the material is verified. The probation officer arranges medical examinations of all dependent and neglected children for whom placement is to be arranged and who are brought into court. Alleged girl sex delinquents are always given a medical examination. The State's Attorney office assists in giving legal advice in reference to charges of adults contributing to delinquency, neglect and dependency of a child. A psychiatric examination is arranged with the Psychiatric Department when needed. Sometimes psychiatric examinations are arranged for the parents of the children.

In all cases, the probation officer consults with her supervisor as to closing of informal complaints and the filing of petitions with the attendant plans. If a petition of delinquency or dependency is filed the supervisor authorizes it as socially desirable and the States Attorney approves or disapproves as to whether or not there is sufficient evidence to come within the
Family Court jurisdiction, and as to whether the papers are legally correct. The probation officers are expected to dictate reports of their investigations and visits which become a part of the permanent record of the child.

In emergency cases where temporary care is needed, the probation officer first canvasses available public and private institutions. If no place is available, an application is filled out in the Temporary Care Department for placement. Parents must sign papers allowing medical examinations and for the child to receive any medications that may be necessary. The case is presented to the Referee for the entering of a guardianship order to secure County and State funds, pending the regular hearing in the Family Court. The parents are referred to the Child Support Department to ascertain how much they can contribute to the support of the child.

The Family Court has several types of dispositions: removal of a child from its home with placement in an institution or under guardianship for placement in a foster home, probation at home or with relatives or dismissal for lack of evidence. When children are on probation it is the responsibility of the probation officer to make every effort to rehabilitate them. She visits the child as often as possible and as often as may be necessary but not less than once a month. She arranges for contact of the children with character building institutions. She confers with schools, pastors, social and medical agencies
which prove necessary. When children are committed to institutions for dependency or child placing agencies, she obtains annual reports from them. In cases where agencies do not have case work services, the probation officer works with the family for the purpose of rehabilitation.

Before cases come to the formal hearing of the Family Court, the probation officer explains the details of the court procedure to the clients. After the action in court the probation officer collects the history, medical record and the court decree of those children who are committed to an institution for dependent children and gives them to the Sheriff who takes the children to the institutions. In those cases where the child has failed to adjust on probation, or in an institution or with a child placing agency the probation officer effects a new plan and files rehearing papers under authorization from the supervisor and the State's Attorney Office. In those cases where the probation period has been successful or where release from guardianship or an institution is recommended, the probation officer writes up a summary of the present situation submitting it to the supervisor and the State's Attorney Office for approval and processing for release.

The Family Service Department consists of a Department Head, who is a woman, seven supervisors, fifty-six probation officers, four stenographers and three clerks. The primary duties of the Department Head are organizing and directing the work of the department which consists of investigation, presentation,
supervision of cases. She is responsible for the carrying out the policies of the presiding judge and the chief probation officer. Work is divided among field officers on a geographical basis on the ratio of one supervisor to an average of eight probation officers. In maintaining the high standards of the department, she reviews sample cases of the probation officers who are under her direct charge. There are consultations with the probation officer and the supervisor to see that all that possibly can be done is being accomplished. In difficult cases the supervisor and probation officer handling the cases look to the Department Head for a decision. Supervisor meetings are held bi-weekly in which the routine work of the department is discussed, suggestions for improvement are made, new policies are discussed and reviewed.11

The Family Service Department attempts to provide temporary custody care to dependent children whenever possible without resorting to the use of the facilities in the Arthur J. Audy Home for Children. The probation officer attempts to place the child in a public or private child-caring institution but when there is no available space she refers the case to the Temporary Care Department. This is done after the approval of the supervisor and the Referee.

11 Information from a personal interview of the author with the Family Service Department Head: Miss Leah Libman.
<table>
<thead>
<tr>
<th>TABLE VII</th>
</tr>
</thead>
<tbody>
<tr>
<td>WORK OF THE TEMPORARY CARE DIVISION: DATA FOR THE YEARS 1954-1956</td>
</tr>
<tr>
<td>1956</td>
</tr>
<tr>
<td>APPROPRIATIONS</td>
</tr>
<tr>
<td>Children carried over</td>
</tr>
<tr>
<td>Placements made</td>
</tr>
<tr>
<td>Total number of children cared for</td>
</tr>
<tr>
<td>Children in foster homes on September 30.</td>
</tr>
<tr>
<td>Number of days care given</td>
</tr>
<tr>
<td>Average number of children cared for</td>
</tr>
<tr>
<td>Highest daily population</td>
</tr>
<tr>
<td>Lowest daily population</td>
</tr>
<tr>
<td>Number of releases</td>
</tr>
<tr>
<td>Average number of days care given</td>
</tr>
<tr>
<td>Total number of days care given releases</td>
</tr>
<tr>
<td>Number of releasees who spent more than six months in a foster home</td>
</tr>
</tbody>
</table>
The purpose of the Temporary Care Department is to provide foster home care for children whose immediate placement is deemed imperative by the Family Service Department supervisor and Referee or whose own home is found to be inadequate or impossible for the child to remain in until a permanent placement is arranged. Placement varies from day to day but the highest day thus far recorded was twenty-two. The Temporary Care Department has an average of 140 foster homes on file which have cared for 290 children between the ages of six days to sixteen years. A department head, five supervising officers, three home finders and an intake worker make up the staff of the department.

There is a tremendous need for foster homes, but this does not deter this department from selecting them with great care. This can be proven by a few statistics of last year, 1956, 367 homes were investigated, 292 homes were rejected, fifty-five homes were accepted and twenty homes were pending further investigation. They must conform to the requirements and standards set up by the Division of Child Welfare of the State Department of Public Welfare. All homes that are acceptable are licensed by the above department.

A family applying for the opportunity of placing a dependent child in their home are required to submit a written application to the Temporary Care Department of the Family Court. It includes the following information: name, race, address, floor, phone; first name of wife and husband; the wife's maiden name;
birthdate and place of birth of husband and wife; occupation of
the husband; education and religion of husband and wife. Next:
the names and ages of children at home, school and work; the
names, age and sex of other persons who may be boarding in the
home; date of marriage, place and who officiated at the ceremony
must be given. If there has been a previous marriage or divorce
this must be included too; if either husband or wife of previous
marriage died, the cause of death must be stated.

In the second sheet of the application the following informa-
tion is required: husband's weekly salary, employer's name and
address, other source of income and the amount. If the family
lives in a house or a flat, how many rooms; if they own their own
property, length of time lived at present address and last prev-
ious address; if the family boarded children before, and for
whom; the ages of children that they would be interested in board-
ing; the schools and their distances; names of accessible churches
and their distances from the home; and the name of the pastor and
his address. The names and addresses of references are given.
The applicants sign the application giving permission to have
the home investigated by the Family Court.

When the Temporary Care Department receives the application

The family is visited by a probation officer. This
investigation is reduced in writing and covers much
the same matter as is set down in the application.
But the probation officer also reports on the impres-
sion gained of the prospective foster parents, the
physical appearance of the home, the neighborhood in
which it is situated, its proximity to Church and
school, the interrelationship of the members of the family, the type of children they would like to care for, and their reason for wanting them, accommodations offered and the attitude of the prospective foster parents.\textsuperscript{12}

Efforts are made to place the child in homes where they will receive the same religious training they would receive from their own parents. Today, this isn't possible in all cases; but if the child is old enough he is sent to his own church.

The family is checked through the Social Service Exchange and if it is registered with other agencies, these agencies are requested to submit a report of their contact with the family. No family is accepted if they are known to the Family Court except those families that may be dependent cases. A boarding home license must be acquired from the Superintendent of Child Welfare of the State Department of Public Welfare if the home is acceptable. The license becomes part of the home study.

To avoid disappointments of the foster parents there are set down in the third sheet of the application the terms under which children are to be placed in foster homes. The Family Court agrees to pay room and board for the child, to provide necessary clothing and medical attention and to send out a worker to assist the family in any way possible in caring for them. The foster parents agree to accept the children placed in their home as members of the family and to allow authorized relatives permission

to visit the child but not to take the child from the home. Lastly, the family must agree to give up the children to a Family Court worker at any time upon request. This is signed by the foster parents and the Temporary Care Department Head. Care of the child may last anywhere from a week to as high as twenty months.

On the day of placement, the child is given a thorough physical examination in the Family Court Medical Department. The physician certifies that the child is in an acceptable condition for placement. A psychiatric examination is given only when it seems advisable. In addition to these precautions, the Temporary Care Department prescribes necessary medications and clinical attendance the child may need. To foster parents, who live in the city of Chicago, medical service is provided by County Service; those who live in suburbs receive medical care from Cook County Welfare.

The probation officer visits the home frequently to assist in the adjustment of the child. She offers assistance and guidance to the foster mother as well as keeps in close contact with the child. The foster homes are evaluated every six months. For the evaluation of the foster home, the foster mother is observed as to the type of child she is more successful with, her warmth and affection toward the child, whether she serves well-balanced meals, how she plans recreation and her supervision of the child. The school is visited to see if the child has made a satisfactory adjustment. The child's parents are allowed to visit him after
two weeks in the foster home for one hour each week if recommended by the Family Service Probation Officer.

In addition, the Temporary Care Department operates a nursery with a full time attendant in charge to care for children from the time they come into the Family Court Building until they leave with the probation officer to their new foster home. She serves a mid-day lunch and snacks to all children in the nursery. A storekeeper in charge of clothes provides for those children who are in need. Often it is necessary to rebathe, delouse, and redress the children before they can be delivered to the foster parents. The clothing supply is replenished on orders of the Department Head.

The Department Head supervises and administers the department. She is appointed guardian by the Family Court and is responsible for those children under her charge. She has monthly conferences with probation officers in her charge as well as supervises much of the work to see that high standards are kept. In addition, she participates in monthly meetings that are held by the different departments and other agencies in trying to coordinate her work with that of other departments in the Family Court, agencies and the community. The Department Head notifies the Statistical Department of any information it will need in reference with the department. 13

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13 Information from a personal interview of the author with the Temporary Care Department Head: Mrs. Esther F. Scott.
CHAPTER V

RECOMMENDATIONS AND CONCLUSIONS

In the analysis of any system as the Family Court of Cook County it is necessary to have some means by which to evaluate its work. It is much too easy to be moved by subjective norms, only to expound on personalities, and thus fail to look upon the Family Court as a specialized court in the treatment and handling of children.

In regards to standards which have been set down concerning the physical plant of a specialized court dealing with children, the Children's Bureau recommends: "The physical plant of the court should neither awe nor frighten children. There should be adequate waiting rooms. As far as possible these should comfortably and informally furnished. Mothers with babies and children should be able to wait for hearings in smaller offices, if necessary."¹ The two courtrooms of the Family Court are sufficiently large enough to carry out the work of the court there there is definitely a lack of adequate waiting room space. There are people in the corridors as well as in the waiting room provided.

Thus it is recommended that an adequate waiting room be provided. In addition offices which could be used by mothers with babies and children. There is a nursery attached to the Family Court but mothers are unable to use it. Its purpose is for those youngsters awaiting placement in a new foster home. Now it is a pitiful sight to see a mother try to care for a little one as well as to try to keep the other youngsters under her control. The furnishings now consist of old benches which are not kept clean and polished. The situation can be described briefly that the Family Court is located in a building which today is not large enough to give satisfactory service to those who come under its care.

Another recommendation made by the Children's Bureau and the National Conference on Prevention and Control of Juvenile Delinquency is for "Adequate physical facilities that contribute to the effectiveness of the court's work and give privacy for interviews with parents and children should be provided." In this regard the Family Court of Cook County has been only to provide a few small rooms for such services only in the Family Service Department. A probation officer is many times forced to interview a youngster on a bench in a corridor, in an office supply closet, in a washroom, or occasionally by his desk which is difficult

2Ibid.
because of space and lack of privacy. It would be recommended that such facilities be provided for adequate accommodations will still be lacking in the present building even when the proposed extension is completed.

In a very recent meeting of the Community Mobilization Council another main problem of the Family Court was brought plainly in view. "The assignment of the Juvenile Court judge should be made on a different basis. The present system could result in the appointment of a judge with no special qualifications. It results in the frequent rotation of judges."3 The standards which have been set down by the National Conference on Prevention and Control of Juvenile Delinquency, the National Probation and Parole Association, the Midcentury White House Conference on Children and Youth and the Children's Bureau for a judge in the juvenile court are:

1. Deeply concerned about the rights of people.
2. Keenly interested in the problems of children and families.
3. Sufficiently aware of the findings and processes of modern psychology, psychiatry and social work that he can give due weight to the findings of science and professions.
4. Able to evaluate evidence and situations objectively, uninfluenced by his own personal concepts of child care.
5. Eager to learn.
6. A good administrator, able to delegate administrative responsibility.

7. Able to conduct hearings in a kindly manner and
to talk to children and adults sympathetically
on their level of understanding without loss of
the essential dignity of the court.4

The above qualifications have rarely been met by the presiding
judges of the Family Court during recent years.

The manner of selecting judges to preside in the Family Court
according to the statutes of the State has largely been responsi-
sible. In Illinois, the Family Court is a part of the Circuit
Court and judges are elected for a term of six years. But this
does not mean that a judge who is assigned to the Family Court
will preside as a judge in the Family Court for his term of office.
The Juvenile Court Act states: "In counties having over 500,000
population the judges of the circuit court shall at such times as
they shall determine, designate one or more of their members
whose duty it shall be to hear all cases coming under this
Act."5 It is understandable why the qualifications of the judge
of the Family Court is not listed as part of the law but it is
an injustice to have men assigned to the court who do not want the
assignment.

It is an injustice to have one's peers decide he should be
assigned the Family Court because he is the junior member of the

4Standards for Specialized Courts Dealing with Children, p. 83.
5Illinois Revised Statutes 1953, Chapter 23, Section 192, pp. 381-382.
circuit court. It should be a position that should be desired. In Missouri, judges are appointed by the governor from a list of three persons whose names are submitted by a panel with representatives from the county welfare department, the bar association and the board of education. This is my recommendation. The alternative would be to have men who are interested in the Family Court to run for judgeship of the court. The term should be for a period of six years thus avoiding the turnover of the presiding judge and his associates. In this way the presiding judge could acquire sufficient experience to be able to do the work of the court effectively. The above plans could be worked out satisfactorily by a slight change in the law.

Qualifications for probation officers have been suggested by the National Conference on Prevention and Control of Juvenile Delinquency, the National Conference on Delinquency Control, the Judicial Conference of the United States, the Midcentury White House Conference on Children and Youth, the National Probation and Parole Association and the Children's Bureau. It has been suggested that:

A probation officer should have, a minimal requirement for appointment to his position, a bachelor degree from a college or university of recognized standing, with specialization in the social sciences. Ideally, the probation officer should have his master's degree from an accredited school of social work, where he has received special training for work with delinquent children. He should have the skills and abilities necessary for successful work in an authoritative setting.
Probation officers should be appointed solely on the basis of merit, without regard to political affiliation.

In the Juvenile Court Act none of these qualifications are listed. In practice the Family Court does attempt to use these standards in selecting their personnel.

In actuality nearly all the probation officers in the Family Court do have a bachelor degree from a recognized university or college. In many cases there are probation officers who go part time to a recognized school of social work to meet the requirements which are set down for them. There is an attempt made by the Probation Department to train new personnel on an individual basis and on a group basis so that their experience may be shared by one another. There is no merit system by which probation officers are selected.

There was a time when the Family Court did have a merit system but this had to be put aside when salaries in the Court became such as it no longer made the position of probation officer attractive. It is particularly discouraging to try to attract recent graduates from a school of social work or from college. They have made a sizeable investment in their education and deserve to receive a decent return. Trainees who come into service of the Family Court many times stay on long enough to acquire

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sufficient training and experience and move on when they meet the qualifications set by higher paying agencies. Salaries must be raised to attract new personnel and to try to keep old personnel in the organization.

Another suggestion which was brought forward by the recent Community Mobilization Conference was: "The juvenile court, it was suggested, might operate more efficiently on a decentralized basis, with units serving geographic areas within the county, thus working more closely with the residents."7 There are more cases being referred to the Family Court as a result of new legislation passed this year. Decentralization of hearings seems to be the only answer as the facilities of the Family Court at present are overtaxed. The recommendation appears evident to raise the number of judges assigned to the Family Court to five. In addition, because of the amalgamation of the Chicago and Park Police will make available Park District Headquarters which are located in different parts of the city to provide decentralized courts. These facilities might prove satisfactory.

In conclusion: the present Family Court building is inadequate to meet the present needs and services; standards for probation officers might be met by increasing salaries of prospective and existing personnel; judges of the Family Court should

7The Chicago American.
be selected on a new basis and decentralization of the Family Court.

The basic philosophy of the Family Court has been to give individual justice to the children who appeared before it for services. This the Family Court must attempt to do in all cases. They are under tremendous odds but it appears that they should be able to weather the storm. The personnel of the Court is assuredly trying to do its best and is to be commended for its efforts. Any observer must be highly impressed with the earnest endeavors of the personnel in all cases and that they are: sincerely interested in their work, conscientious and cooperative.
BIBLIOGRAPHY

I. PRIMARY SOURCES

A. BOOKS

Addams, Jane, ed. The Child, The Clinic, and The Court, New York, 1925.


Irwin, Samuel Pashley. Reports of Cases At Law and In Chancery. Bloomington, 1913.

B. REPORTS


National Probation and Parole Association, 1944, Yearbook. New York


C. ARTICLES


D. UNPUBLISHED MATERIAL


E. PERSONAL INTERVIEWS

Presiding Judge of the Family Court: Wendell E. Green.

Visiting Judge of the Family Court: John H. Clayton, Jr.

Former Presiding Judge of the Family Court: Harold P. O'Connell.

Former Presiding Judge of the Family Court: Thomas E. Kluczynski.

Chief Administrative Officer of the Family Court: Ralph J. Riley.

Chief Probation Officer of the Family Court: Edward J. Nerad.

Deputy Chief Probation Officer of the Family Court: Miss Irene Kawin.

General Referee of the Family Court: Mrs. Elvera O'Riordan.

Referee, Delinquent Boys Cases of the Family Court: Piotr Kownacki.

Complaint Department Interviewer of the Family Court: Mrs. Theresa Yancey.

Family Service Department Head of the Family Court: Miss Leah Libman.

Temporary Care Department Head of the Family Court: Mrs. Esther F. Scott.

Delinquent Boys Department Head of the Family Court: Michael F. Heneghan.
Child Support Department Head of the Family Court: John Havickas.
Medical Department Registered Nurse: Mrs. E. Thro.
Psychiatry Department Psychologist of the Family Court: Joseph Garvin.
Statistical Department Statistician of the Family Court: Richard M. Lamb.
Budget and Accounts Control Clerk of the Family Court: Miss Lillian Kallal.
Record Library Department Head of the Family Court: Mrs. Bernadine A. Brownell.
Family Service Department Supervisor: Mrs. Janet Hamilton.
Assistant State's Attorney at the Family Court: Benjamin E. Novoselsky.
Chief Administrator of the Clerk's Office of the Family Court: John P. Allen.
Chicago Police Department Juvenile Bureau Director: Michael Delaney.
Chicago Park District Police Department Youth Bureau Director: Thomas S. Marriner.
Sheriff's Police Juvenile Director: Benedict Mayers.

II. SECONDARY SOURCES

A. JUVENILE DELINQUENCY

1. BOOKS

Banay, Ralph S. Youth in Despair. New York, 1948.


2. REPORTS


The thesis submitted by Brother Joel Francis, F.S.C. has been read and approved by three members of the faculty of the Institute of Social and Industrial Relations.

The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated and that the thesis is now given final approval with reference to content, form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of the requirements for the Degree of Master of Social and Industrial Relations.

January 20, 1958

Date

Signature of Adviser