

## Chapter 2

### Development of Juvenile Courts

#### TEACHING POINTS

- The juvenile court system as we know it today is the result of years of development.
- The first juvenile court was established in Chicago by progressive era reformers in 1899.
- Prior to the establishment juvenile courts, children were generally prosecuted under the same statutes and guidelines which were used for adult offenders.
- There is scant literature on youth crime and early history.
- Later societies started the practice of confining both adult and children to dungeons and cages when they did not abide by societal rules.
- Prior to the eighteenth century, children were considered as little adults.
- During the nineteenth century, children cease to be considered as little adults and expected to perform child labor.
- During the nineteenth century as medical advances greatly increased the life expectancy of children, people begin accept children as the recipients of parental love.
- Parens patriae refers to the notion that the state has an obligation to ensure the health of children.
- The concept was first recorded in 1610 when King James I referred to himself as the father of the nation.
- In the 14th-century, the English laws of trade developed laws regulating apprenticeships.
- An English court was developed during that time to handle matters between masters and their apprentices. This court is considered by many to be a forerunner of our present juvenile justice court.

- By the 1700s, it was generally accepted that apprenticeships often failed to control the delinquent youths.
- The first private prison for young offenders was apparently established in England in 1788.
- In 1888 the English established the Warwick County Asylum with the goal of providing a place where a young delinquent could escape the ways of vice and corruption.
- The English system of criminal justice was imported to the Colonies.
- Children between the ages of seven and fourteen were presumed incompetent to form the required criminal intent. Children over the age of fourteen were assumed to have the capacity to commit criminal acts.
- There were no special courts for children prior to the 1890s in the US.
- If a child was imprisoned here she would be incarcerated in the same jail or prison as adult criminals.
- By the 1850s, many state and local governments were forming reform schools which were to emphasize formal education and the teaching of middle-class values to the lower-class youths.
- Once the first juvenile court was formally established in Chicago in 1899, other states followed quickly. By 1945 all states had separate juvenile courts.
- The basic philosophy contained in the first juvenile court acts was the right of the state to act in place of the parents in cases involving neglected or delinquent children.
- Many historians contend that while the development of juvenile court was a progressive humanitarian movement, it also was a means of preserving the existing class system in the United States.

## TEST BANK FOR CHAPTER 2

### True/ false questions

1. Most states did not have a separate juvenile court system until after 1945. [False]
2. One of the problems with the original juveniles was the fact that the courts relied on untrained volunteers to perform key functions. [True]
3. At early English common law, a child under the age of six was assumed to have the ability to form intent to commit a criminal act. [False]
4. From the sixteenth to the eighteenth century, the English churches played an important role in controlling the behavior of the link went children. [True]
5. The first private prison for young offenders was probably established in England around 1788. [True]
6. Unlike the United States, it was never the practice in England for the head of the house to discipline children living in the house. [False]
7. Punishment was the central criminal law philosophy in English common law. [True]
8. American colonies successfully attempted to use apprenticeships to control delinquent youths. [False]
9. The Illinois Supreme Court ruled the Chicago Reform School Act unconstitutional in that it placed a restraint on the natural liberty of children who had not been convicted of a crime. [True]
10. Prior to 1967, the U.S. Supreme Court had adopted a "hands off" policy towards juvenile courts apparently under the assumption that the juvenile court system was working. [True]

### Multiple-choice question

1. The first official juvenile court in the United States was established in:
  - a. New York City
  - b. Boston
  - c. Detroit
  - d. None of the above cities. [d]
  
2. The movement to establish separate intuitions for juvenile criminals stated in 1819 in:
  - a. New York City
  - b. Boston
  - c. Detroit
  - d. None of the above cities. [a]
  
3. The concept of *parens patriae* can be traced back to:
  - a. the law courts of Canada
  - b. the law courts of France
  - c. the Chancery Court of England
  - d. the Colonial courts [c]
  
4. The first private prison for youth was established in:
  - a. England
  - b. France
  - c. California
  - d. Australia
  - e. None of the above answers are correct. [a]
  
5. Which of the below statements are true regarding the early history of juvenile justice?
  - a. Primitive tribes did not exercise social control over the behavior of children.
  - b. Little has been recorded about youth crime in our early history.
  - c. Banishment was not used to control young criminals.
  - d. All of the above statements are correct. [b]

### Essay questions

1. Explain the development of the juvenile court system.
2. Why is the case of *Kent v. United States* important to the juvenile justice system?
3. What was the role of the churches in controlling juvenile crime in the 17<sup>th</sup> century in England?
4. Explain the meaning of the term “*in loco parentis*.”
5. What role does the concept of “*parens patriae*” play in the juvenile justice system?