The Juvenile Court
of Denver, Colorado

Digest and Analysis
of Its
Laws and Work

By the
HON. STANLEY H. JOHNSON
Judge of the Juvenile Court

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THE BRADFORD-ROBINSON PTG. CO., DENVER

FOREWORD

THIS pamphlet was prepared because of the obvious need for a digest of the Juvenile Court laws and a report of its work. The cost of publication has been paid from the rather meager funds of the court. It is, therefore, being distributed for 25c a copy to cover the cost of printing and distribution. The proceeds will be returned to the court funds.

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of the
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of the
JUVENILE COURT OF DENVER
Including a Report on Statistics for the Year 1932

PURPOSE OF THE PUBLICATION.

Although in previous years there have been annual statistical reports prepared from the records of the Juvenile Court of Denver, Colorado, only a few copies have been made each year. The public has, therefore, received little information of what has been accomplished in court. There have been numerous inquiries from other states and countries for a publication concerning the court work, procedure, controlling laws, and statistics. It, therefore, seems that the expense involved in printing a commentary, in connection with the annual statistical report for 1932, is justified. Sufficient copies will be printed to meet this demand and also to supply Colorado lawyers who are interested, an amount being charged to meet the cost of the pamphlet.

In the following pages the attempt is made first, to give a brief history of the creation and development of the court; second, to enumerate and explain the laws governing the work of the Juvenile Court of Denver and the County Courts in other Colorado counties; third, to comment upon the nature and procedure of the case work done; fourth, to discuss the relations of the court and outside agencies and individuals; fifth, to point out certain features of the statistics which are informative, and sixth, to publish the statistics for the year 1932.

With the exception of the brochure by James H. Pershing, an attorney of Denver, prepared by him for the Colorado Bar Association in 1924, there has never been a thoroughly published analysis of the work of the Juvenile Court, with the result that the citizens of the state, including perhaps the majority of attorneys, are quite ignorant of the scope of a court, the importance of which, historically and currently, is thoroughly recognized in this country and in Europe. It is hoped that the labor of preparing this report will help to educate the public in this respect. Furthermore, the Juvenile Court is covered largely by statutory law and the Colorado statutes applicable to the court are contained in various session laws and difficult to run down. This report will serve to assist attorneys in investigating questions of law pertaining to the jurisdiction and procedure of this court.

I. A BRIEF HISTORY OF THE JUVENILE COURT OF DENVER.

A separate court to administer laws already existing pertaining to the protection and welfare of children was first established in the City and County of Denver by an act of the state legislature in 1907. Prior to this time there had been gradually developing laws involving the welfare and conduct of children over a period of several years, which, until 1907, had been administered by the County Court for the City and County of Denver and by the County Courts of all other counties of Colorado. By 1907, however, in the urban population of Denver, cases involving children had become so numerous that a court, separate and distinct from the County Court, had become essential to carry on this work. Then, as now, the County Court had to do with the administration of estates, with civil trials, and some criminal cases largely originating in the Justice Court. To combine this work with the administration of juvenile laws was too great a burden for a single court to carry on. For that reason there was established a court named by statute the Juvenile or Family Court, and since commonly known as the Juvenile Court of Denver. By statutes and constitution provision was made for such a court in any county where the population should exceed 100,000, and to this day Denver is the only county with sufficient population to satisfy this requirement.

Separate laws were passed for the creation and administration of the Juvenile Court, but, with some exceptions, the same jurisdiction has existed in the Juvenile Court as existed in each county court in the other counties.

Undoubtedly the creation of the Juvenile Court was primarily based upon the need clearly recognized in 1907 of exercising control over delinquent children to prevent the development of chronic criminal habits. In the days of Blackstone, when there existed over one hundred crimes for which capital punishment had been provided, it is natural to find that children guilty of criminal acts were treated with the same brutality and tried under the same strict rules of procedure as adults. No effort was then made to attempt to improve the character of adult criminal offenders, and of course little attention was paid to children. By 1840, the attention of the public was directed to the chances which existed for rehabilitating adult criminals and to effecting economies on behalf of the Government. As the attention of the public became more and more directed to the improvement of conditions in institutions and penal colonies, some efforts were made toward the prevention of crime by more intelligent and humane procedure for children guilty of misconduct.

It remained for the Juvenile Court of Denver under Judge Ben B. Lindsey and others to give effect to these new ideas. Judge Lindsey performed a great service in the early days of the court by writing books and articles of popular appeal upon the subject of children's delinquency which awakened a great interest in the work throughout the Northern States in this country and in European countries. There has been some difference of opinion as to whether Chicago or Denver

contributed the first Juvenile Court. Whatever the answer may be, however, it is clear that the Denver Juvenile Court and Judge Lindsey were responsible for advertising this project to the world at large, with the result that today in the United States there are few cities over 25,000 in population which do not provide some method for caring for children through court procedure.

It is natural to expect, and statistics show, that the work of the Juvenile Court was primarily concerned with the trial of delinquent children, actions being brought against the child by civil petition instead of by the old method of filing a criminal information. In the year 1908, approximately 850 trials were had in the Juvenile Court of Denver of which 75% were cases brought against children for delinquency. The remaining 25% represented cases against adults charged with crimes and offenses against children, or actions against parents and guardians for failure to support or care for children. Very rapidly, however, it became apparent that, in order to correct delinquency and prevent criminal tendencies developing in children, it was necessary to use preventive rather than remedial methods. This has been the development in the science of medicine, and the same development occurred in the court. That is to say, more cases were filed against the parents or guardians of children to attempt to correct bad conditions in the general environment of the child by orders entered against the parents or guardians. This development continued to a point where, in 1931, the statistics showed that only 20% of the cases tried in the court were brought under delinquency petitions against children, the balance of 80% being largely concerned with the custody, protection, and support of children. Today, therefore, the court which is still known as the Juvenile Court of Denver would be more properly referred to as the Family Court.

The staff and technique of the Juvenile Court have kept pace fairly well with developments in larger cities in this country, in proportion to population. Today, however, owing to greater wealth in the larger cities such as Cleveland, Cincinnati, Newark, New York, Philadelphia and Los Angeles, and to the greater number of cases brought before those courts, the Juvenile Court of Denver is no longer the leader in this field. The movement has become so widespread and its importance so clearly recognized, that no one court stands in technical work as the most excellent in this field. At the annual conference of the National Probation Association and other social organizations it is not uncommon to find twenty to thirty courts involved in family case work represented. As in the Juvenile Court at Denver, all of these family courts have experienced tremendous increases in the past twenty years in the number of family cases and children's cases filed and tried. In each large municipality today, the Juvenile Court or Family Court, or whatever name it may go by, has become a clearing house for the more complicated and difficult cases of all social agencies in that city and has become a necessity and fixture in the community.

An interesting development has recently occurred in the treatment of delinquency problems by the Juvenile Court of Los Angeles, which has

found that its labors have grown to such an extent that it became necessary to divide the work among the community over which the court had jurisdiction. This was accomplished by dividing townships into separate units and creating a council of social workers and probation officers in each unit to accept responsibility for the care of problem children in that particular township. Gradually, over the period of years more efficient technique has been developed, new ideas have been tested and tried, until the work has become fairly standardized in all communities of any size. Laws may differ as between courts to some minor extent. For example, in Cincinnati divorces are tried by the same court which has the control of delinquent children. It might seem that the work of the Denver Juvenile Court would be more efficiently performed if the court had been granted power of decreeing divorce in the case of parents of children, thus preventing the apparent conflict of laws today between orders of custody in divorce courts in Colorado and orders in dependency petitions in the Juvenile and County Courts.

As Judge Lindsey gained experience in administering the Juvenile Court, he became very ardent to persuade the legislature to include with the existing powers of the court other powers affecting the protection and welfare of children. In some respects, his efforts did not bear fruit, owing to an antagonism on the part of the legislature and courts and of the public generally against including too many powers in this single court and in one single judge. This antagonism undoubtedly was due to the novelty of the work of the Juvenile Court, and, if a similar effort were to be made today for the first time, it is probable that the jurisdiction of the court might be further extended. For it is clear today that the purpose of the court should be to try all cases in which children or domestic situations are in any way involved so that all cases of this kind should reside in one court, of which the judge and employees are thoroughly trained in this difficult and peculiar work. There is a great difference between the trial of civil matters involving contract or torts and the trial of issues based upon human relationship and the complicated emotions and entanglements of domestic life. It is probable as time goes on that many of the family courts in the United States will increase their jurisdiction, and new laws from time to time will be added, to take care of difficulties not provided for in existing statutes.

An interesting development of courts of this kind is evident in Cleveland, Ohio. Judge Eastman of the Juvenile Court of that city, over the opposition of the business men of the community, is said to have obtained a bond issue by popular vote in excess of $1,000,000 for the creation of a complete Juvenile Court unit. A large building, covering an entire city block, detached from the courthouse and including not only the Juvenile Court and its large staff of probation officers, of case supervisors, stenographers and clerks, but also a detention home for delinquents in one wing with sex segregated on different floors, and also another wing containing separate floors for dependent boys and girls, a hospital and offices for the Mothers Compensation and Maternity Funds. Such an establishment already exists in Detroit. Whatever may be said of the expense of such

a structure, there is no question that its efficacy is recognized by the general public.

It is plain, therefore, that, although the Juvenile Court of Denver has ceased to represent a single interesting public experiment, the possibilities of the work in such a court have not yet been fully exploited, and that sound, important, and interesting developments are bound to follow in future years. One difficulty in such a development is the natural antagonism of the city administration in each city because of increased expenses devoted to a work which has not political significance. There are few, if any, cities in the country where the Juvenile Court has been permitted to be allied with politics or its employees selected from the ranks of political office seekers. Another antagonism is met with in some judges of superior courts and attorneys who perhaps fear that too much arbitrary power is placed in one organization or that the rather rigid technicalities of the law cannot be devoted to the control of human relationships and human conduct.

II. LAWS CONTROLLING THE JUVENILE COURT OF DENVER.

The purpose of this section is to present a brief, but fairly comprehensive, discussion of the statutes controlling the Juvenile Court of Denver and of the construction of these statutes by the Supreme Court of Colorado. Most of the laws which govern the jurisdiction of the Juvenile Court in 1933 also control the County Courts in other counties of the state. Although these comments must necessarily be brief, the attempt is made to give all citations in one publication for the benefit of lawyers and students and to digest the laws sufficiently to cover the more important provisions contained in each law.

The jurisdiction conferred upon the court by the statutes may be roughly divided into six classifications: delinquency (an action brought against the child in a proceeding in equity to which the parents or guardians are summoned, not as parties, but in their parental capacity only); dependency (in which the immediate issue is the environment of the child and the child's custody, possibly including orders of support against the parent and restraining orders, an action in which the parents or guardians, relatives, social agencies, public officers, or individuals may or must be joined as parties); contributing to dependency (a civil proceeding in equity brought against the parents or guardian of the child, or other persons, as parties, in which the issue is usually failure to support or care for the child or creating conditions of dependency; but this case does not include the issue of the custody of the child); contributing to delinquency (a civil proceeding in equity filed by any resident against any person for encouraging or causing delinquency in children, usually resulting in a restraining order but not an order of sentence to a penal institution); criminal cases against adults for offenses against children (these actions are brought by the filing of a criminal information by the District Attorney, as in all other criminal cases, against the adult as defendant, and include contributing to delinquency or dependency, and fe-

lonious non-support; comment will be made regarding other types of crime formerly tried by the court, hereafter); adoption and relinquishments (the Juvenile Court has exclusive jurisdiction of the adoption of minors; relinquishment is a non-legal expression used in the Juvenile Court to include actions of dependency brought by married and unmarried mothers for the voluntary surrender of infants for adoption).

The reader is referred for an additional discussion of the laws of Colorado, relating to trials in the Juvenile Court involving children, to the pamphlet of James H. Pershing, entitled "Juvenile Court Law and Procedure in Colorado," published in 1924 by the Bradford-Robinson Printing Company, Denver, and contained also in the report of the transactions of the annual meeting of the Colorado Bar Association, September, 1924. Mr. Pershing's excellent paper includes in the first portion an interesting discussion of the development of Juvenile Court laws by decisions of appellate courts in other states, in which the purpose of such courts and the laws administered by them are analyzed and discussed. Although Mr. Pershing cites cases from many states, the leading cases which he has included are Commonwealth vs. Fisher, 213 Pa. St. 48, 62 Atl. 198; Cinque vs. Boyd, 121 Atl. 678 (Conn.); Ex parte Januszewski (C. C.) 196 Fed. 123; see also Wilson vs. Mitchell, 48 Colo. 454, and People vs. Juvenile Court of Denver, 75 Colo. 493.

The earliest statute in Colorado in which the conduct of children was controlled by court procedure is contained in the 1899 Session Laws of Colorado, Ch. 136, p. 340, Compiled Laws of 1921, p. 2173 et seq. Today this statute is interesting only as showing the historical development of the treatment of delinquency in this state. It is an act to compel the attendance of children at school, defining children who fail to attend school between certain ages, or who are incorrigible, vicious, or immoral, or who habitually wander about the streets and public places during school hours without lawful occupation, as juvenile disorderly persons. Session Laws of 1903, Ch. 164, p. 418, contains an amendment of the law of 1899 extending the maximum age of children falling under the term "juvenile disorderly person" to 16 years instead of 14 years, and providing for commitment to the Children's Home or the Industrial School for boys and girls or some other training school, and providing for probation and suspension of commitments during good conduct. The first act containing the expression "delinquent children" is contained in Session Laws of 1903, Ch. 85, p. 178 (Compiled Laws of 1921, p. 366 et seq.). In order to avoid mistakes by readers, it is necessary to point out that this act which, in 1903, became the basis of the present Juvenile Court work, no longer gives the legal definition of delinquency, having been amended in that respect in Session Laws of 1923, Ch. 75, p. 197 (Compiled Laws of 1932, p. 71). It is important to note, however, that the 1923 law, which is still the law of this state, does not amend the procedural method of trying children for delinquency, procedure still being controlled by the law of 1903, beginning at Compiled Laws of 1921, section 655 at p. 366 et seq. At the time these laws of delinquency were passed in 1903, there was no Juvenile Court in existence and Judge Lind-

sey administered them as County Judge in connection with the other types of cases falling under the jurisdiction of that court.

The definition of delinquency of 1923 is distinguishable from that of 1903 in that the maximum age of a delinquent child is increased from 16 years or under to 18 years or under. Certain acts are included in the definition of delinquency in 1923 which did not exist in the law of 1903 such as "disorderly or immoral conduct in any roominghouse, vehicle, automobile, garage, barn, public place, or in or about any school, moving picture house or place of worship or entertainment." In practice the definitions contained in these statutes of what constitutes delinquent conduct by a child are seldom used at a hearing. It is the policy of the court to determine whether or not misconduct of a child has become chronic or significant, requiring, therefore, a court hearing and some correctional measure. The definition in each act is broad enough for this purpose since it includes the violation of "any law of this state or any city or village ordinance." Some confusion has resulted from an error in the language of the 1923 law, which, in the first paragraph of section one, includes only children "under 18 years of age" and in the second paragraph includes "any child 18 years of age or under," but the discrepancy has been interpreted by this court as restricting the jurisdiction of the court in petitions of delinquency to children who have not yet attained 18 years of age. In the law of 1923, there exists a provision which has given rise also to some confusion in the mind of the public, contained in the words "provided this act shall not apply to crimes of violence punishable by death or imprisonment for life where the accused is over 16 years of age." Under this provision, a district court is still able to commit to the penitentiary any child of 17 or over guilty of aggravated robbery, murder, or other crime involving life imprisonment or the death penalty, which child cannot be tried for delinquency. Under the general statutes the district court may try any child of ten years or over for any crime, if the District Attorney elects to file a criminal information in that court.

The act of 1923 provides for probation of the child for a limited period of two years, so that a child found delinquent under 18 years of age may be controlled by the court for two years longer. The act also provides that in connection with a hearing on delinquency the court may fine any child over 14 years of age not to exceed $50.00 or require the payment of any damages done to property, where hardship will not result. In practice, few instances are found where delinquent children are financially able to make restitution. This act also provides that any child over 14 years of age may be committed to the county jail or other place of detention for a period not to exceed six months, providing that a child committed to jail shall be separated from adult criminals. In practice, jail sentences are rarely imposed and only in the case of boys of 17 years of age. It also provides that the Industrial Schools are not required to accept children over the age of 16 (in the case of boys over 16, a commitment may be had to the State Reformatory at Buena Vista), but in practice the superintendents of the Industrial Schools have shown

a willingness to accept any child found delinquent in the court who is 17 years of age provided his character is not such as to menace the work of the institution with younger children. The act of 1923 also prohibits the publication of names or pictures of children, parents, guardians, or witnesses in delinquency cases by any newspaper except by order of the court. The result of this excellent provision has been to reduce unfortunate publicity in such cases. A finding of delinquency is not later admissible in the trial of a child for a subsequent crime.

As previously noted, the law of 1923 does not amend the procedural laws contained in the laws of 1903. Several interesting elements of that procedure should be brought out for review at this point. Proceedings in delinquency are brought by a written petition in the Juvenile Court or County Courts by any person resident in the county against any child *in* the county, and such petitions are brought in the interest of the people of the state. One or both parents or guardian must be notified of the hearing so that they may be present for the protection of the child and as witnesses, but they are not made parties to the hearing and no order, therefore, can be entered against them. Six days' notice must be given of the hearing and the parents or guardian must appear "to show cause, if any, why said child should not be declared a delinquent child." It would seem by this provision that the burden of proof is placed on the parent, but in practice, no difficulty is met with in this respect since in most instances a child is quite frank and open in admitting acts of misconduct, much more frank, in fact, than the parents of the child, who often constitute an obstruction to the work of the court with the child. The court may call upon the District Attorney, to represent the state in the hearing of such a petition, but in practice attorneys rarely appear in delinquency proceedings and the best of them, if they do appear, act only as a friend of the court. The presence of an attorney with a conscientious judge and staff in such cases is entirely unnecessary. Compiled Laws of 1921, section 658, prohibits the taxing of costs or fees in delinquent hearings. In fact, costs and docket fees cannot be taxed in any case heard in the Juvenile Court except in the case of adoptions, where the parties are well able to afford a fee. Section 659 provides that the child may be detained under a warrant where necessary to insure his attendance at the hearing, and provides for a contempt citation against any person responsible for the failure of a child to appear, this in spite of the fact that such persons are not parties to the action, the order obviously being based upon interference with the process of the court. Section 660 provides that any child 16 years of age or under, arrested by a warrant, may be taken directly before the Juvenile or County Courts rather than before the Justice of the Peace or Police Magistrate, and, in effect, prohibits the trial by the inferior courts of children 16 years of age or under. In practice, there have been numerous violations of this prohibition by the trial of children in the police courts for acts of malicious mischief, disturbance, and particularly for traffic violations. In regard to traffic violations, it would appear that such cases should be heard by the Police Magistrate.

Section 661 provides for the appointment of probation officers, and requires that the environment of each child brought before the court be investigated by such officer, and that he represent the interests of the child. The remaining provisions of this act, so far as the Juvenile Court of Denver is concerned, have been amended by the Session Laws of 1923 relating to the Juvenile Court at Ch. 78, p. 208. Sections 662 and 663 provide for the appointment of probation officers in counties of lesser population. Section 664 is an important act providing for the disposition of a child on charge of delinquency. It provides the court with ample discretion in respect to continuing hearings from time to time, so that a child may be supervised by a probation officer without an actual trial, and, more important still, it gives the court complete discretion in regard to the means taken to correct delinquency. This may be done under the act by an order placing the child in a suitable family home subject to supervision of the probation officer, or by commitment to the state Industrial Schools, or any institution incorporated for the care of children, or provided by the state for the care of children, but prohibiting the commitment of a child over 21. It also provides for commitment of the child under the care of some association maintained for the care of neglected or delinquent children. This latter provision is most important to the court and frequently used. It further provides, as do the statutes relating to the creation of the institutions, that, where the child is committed to an institution maintained by the state, the jurisdiction of the court ceases, and the disposition of the child is subject to the control of the managers of such institution. It is noteworthy in concluding comment on the act of 1903 and its amendments in the act of 1923, that the entire purpose of the act, and the policy controlling the court in applying the act, are the protection and betterment of children, rather than punishment or incarceration. Although the act of 1903 limits the court's jurisdiction to the trial of children *in* the county, it does not specify whether acts of delinquency must occur within the county for trial to be had by the court of that county. Since delinquency petitions are tried in equity and are obviously distinguished from criminal cases, it might be held that the criminal rules that the defendant be tried at the place where the crime occurred should be inapplicable, and that an act of delinquency has been committed by a child residing in the county, regardless of the place where the act occurred, is the significant factor.

Although jury trials are practically unknown in delinquency hearings, the law provides that they may be had on request of the parent or guardian. As in the case of all trials had in the Juvenile Court and County Courts, relating to family relations, the Supreme Court has shown itself very strict in construing the statutes governing these cases. This is a desirable attitude on the part of the appellate court, since great discretion and power is placed in the hands of the judge administering these laws. The parties involved are usually without means to employ an attorney or appeal from the decision of the trial judge. It behooves the trial judge, therefore, to conduct his hearings in such a way as to insure protection to the parties against any necessity for an appeal. Only one

case involving delinquency has been carried to the Colorado Supreme Court. In the case of Kahm vs. People, 83 Colo. 300, a child was tried for delinquency, in a county other than Denver, without a jury. The evidence being nearly completed and the judge ready for his decision, the mother of the child requested a jury. The judge held that it would seem from the rule in the ordinary civil case, the mother, not having requested the jury at the beginning of the trial, had waived it, but the Supreme Court reversed the decision, granting the mother a new trial before a jury on the theory that she was ignorant of the law and was not informed of her rights and could not, therefore, be considered to have waived them. This a clear departure, of course, from the accepted rule that parties are presumed to know the law, but nevertheless, is a proper decision, considering the power of the trial judge in respect to commitments and the ignorance of parents, which in fact in most cases exists.

It happened in this case that the child was charged with delinquency because of incorrigibility and growing up in idleness and crime. These charges were brought in the form of an information as in criminal cases. The acts proved were stealing of automobiles. The Supreme Court refers to section 656 of the Compiled Laws of 1921 and suggests that the District Attorney file by petition instead of information, since proceedings under this act are not criminal or penal but protective. The court did not hold, as it seems it might have done, that delinquency cannot be determined in a criminal information.

Section 667 provides that the act shall be liberally construed, so that the court may approximate the care, custody, and discipline of the child which should be given by its parents. This attitude is found exemplified in a separate section in the Compiled Laws of 1921, providing that delinquency shall be heard in chancery proceedings, beginning with section 669, which section and the following sections will be mentioned later.

In the Session Laws of 1905, Ch. 81, p. 163 (Compiled Laws of 1921, section 615, p. 355) it was provided that parents or other persons responsible for or contributing to the dependency of children, should be guilty of a misdemeanor and punished by a fine not to exceed $100.00 or imprisonment in the county jail for not to exceed ninety days, or both. In Compiled Laws of 1921, sections 616 to 620, inclusive, provision is made for suspension of sentence and providing a bond. This section having since been amended in Session Laws of 1923, Ch. 76, p. 201 (Compiled Laws of 1932, section 668), the 1905 statute is no longer worthy of analysis. It is interesting to point out, however, that the earlier statute provided for appeal to the District Court, whereas, later statutes declare that appeal may only be had from the Juvenile Court to the Supreme Court. This law was enacted to correct certain objections in Session Laws of 1903, Ch. 94, now repealed, discussed by the Supreme Court in Gibson vs. People, 44 Colo. 600. The act creating a separate Juvenile Court in each county containing 100,000 inhabitants was enacted in Session Laws of Colorado, 1907, Ch. 149, p. 234 (Compiled Laws of 1921, Ch. 128, section 5810 at p. 1541 et seq.). Some major provisions of this act have been amended or re-enacted in the Session Laws of 1923, Ch.

78, p. 208 (Compiled Laws of 1932, sections 5811 to 5829). Apparently, the reason for amending the law of 1907 by a new law in 1923 was the fact that the constitution of the state was not amended to include such a court until 1912, in article 6, section 1, wherein was added the words "in counties and cities and counties having a population exceeding 100,000, exclusive original jurisdiction in cases involving minors and persons whose offenses concern minors, may be vested in a separate court now or hereafter established by law."

Referring to Compiled Laws of 1921, section 5810 at p. 1541 of the law of 1907, provision for the creation of the Juvenile Court as a court of record is made. Section 5811 pertains to the jurisdiction of the court including "all criminal cases or other actions or proceedings in which the disposition, custody, or control of any child or minor or any other person, may be involved under the acts concerning delinquent, dependent, or neglected children or any other act, statute, or law of this state now or hereafter existing concerning dependent, delinquent, or neglected children or which may in any manner concern or relate to the personal liberty, protection, correction, morality, control, adoption, or disposition of any infant, child, or minor, of any parent, guardian, or of any other person, corporation, or institution whatsoever." This section has been amended by Session Laws of 1923, Ch. 78, section 2, p. 209. Section 5811 received an important construction in the case of Colias vs. People, 60 Colo. 230, 153 Pac. 224. In order to understand the question raised in the Colias case, reference must also be had to section 5828 in the same chapter. In the last sentence of this section, it is provided that "this act shall be liberally construed so that the jurisdiction of the court, as defined by section 2 (referring to section 5811), shall be concurrent with the District Court in any criminal case against a minor and also any criminal case against an adult person for the violation of any criminal law of this state where the offense shall be against the person or involves the morals of a child or minor." In the case of Colias vs. People, the father of a child had been convicted in the Juvenile Court of incest. Upon appeal, the Supreme Court held that section 5828 could not confer jurisdiction upon the Juvenile Court to try adults for crimes against minors, since section 5811 was restricted to criminal cases in which the disposition, custody, or control of any child may be involved. The opinion states, "The court has, then, according to the language of this section, criminal jurisdiction only in cases * * * involving the disposition, custody, or control of a minor * * * under certain acts concerning minors, parents, etc."

The latter part of section 5811 also refers to the protection, correction, and morality of any child. Commenting upon this decision, Mr. Pershing writes in his pamphlet at page 37 that "the reasoning of the Supreme Court in the case of Colias vs. People is a good illustration of the reluctance of the courts to give effect to what would appear to be a clear legislative declaration."

"If the crime committed by Colias and for which he was convicted in the Juvenile Court was not an offense against the person of a minor,

or did not involve the morals of the child, it is impossible to conceive of a case capable of such characterization, and if the language of the Legislature vesting jurisdiction over such offenses in the Juvenile Court was not sufficiently clear to express the intention of the Legislature, it is difficult to conceive of language which would more clearly express such intention."

"Our American courts have, in the past, been disposed to look doubtfully upon legislative innovations. But, as has been pointed out in an earlier portion of this paper, the public cannot be relied upon permanently to tolerate judicial obstruction or nullification of the social policies to which more and more it is compelled to be committed."

These remarks by Mr. Pershing apparently arise from the court's opinion that "there is no reason apparent, and none is suggested, why the Juvenile Court should try cases of crimes committed against minors. * * * The public is interested in having the criminal laws * * * enforced in the forum which is best equipped for the purpose * * *."

It is important in connection with this case and the statutes which it construes, to turn to Session Laws of 1923 at page 209 where the Legislature again attempted to confer such jurisdiction upon the Juvenile Court, including in this section the language "any criminal case of the people against or concerning any adult person for the violation of any law of this state where the offense charged in the complaint, indictment, or information shall be against the persons or concern the morals or the protection of a person under the age of 21 years." For nine years after the passage of this law in 1923, the court again tried such cases as incest, statutory rape, and indecent liberties, felonies which appeared to concern the persons and morals of children. But in the case of Abbott vs. People, 91 Colo. 510, decided in 1932, the Supreme Court again held that the Juvenile Court had not acquired jurisdiction for the trial of such cases from the act of 1923, saying that Colias vs. People and In re Songer were determinative and quoting with approval an opinion of the Nebraska court to the effect that it is not a function of Juvenile Courts to try criminal cases.

The dissenting opinion of Mr. Justice Butler asks the question, "if, by the language used, the legislature has failed to accomplish its purpose, pray what language could it select in order to make its will effective?" As in the case of Colias vs. People, the Abbott decision seems to contain considerations of policy of the trial of criminal cases in the Juvenile Court.

Section 5811 is amended by section 2, Session Laws of 1923 at p. 209 by including specific reference to the jurisdiction of the court over the annulment of marriages where either party is under age, cases under the Redemption of Offenders Act (which has never yet been applied by the court), and expressly excludes from the jurisdiction of the court cases of feeble-minded children, cases of custody of children in divorce, probate proceedings or guardianship of property of minors, and includes a statement that the power of divorce courts to dispose of the custody of children shall not interfere with the jurisdiction of the Juvenile Court in

cases concerning dependency of children. It also provides that no costs shall be taxed in proceedings concerning children. It expressly provides that the Juvenile Courts shall not have power to interfere with the control of children after their commitment to the State Home for Dependent Children or any state institution caring for children. It declares that in criminal cases concerning the probation of minors, the court shall have the same power given by law to the county courts.

Returning again to the law of 1907, Compiled Laws of 1921, section 5812, the Juvenile Court is made a court of record, processes to issue as from other courts of record, and the court is vested with power to prescribe rules, times of pleading, regulation of practice as with other courts of record. Change of venue is also provided. The court is given power of punishment for contempt as in the County Courts and is provided with a seal. Section 5813 provides three terms of court, beginning on the second Tuesday in January, April and September. Section 5814 permits the appointment of a judge of the Juvenile Court by the county commissioners in case of a vacancy, until a successor is duly elected, the qualifications of such judge to be the same as were then provided by law for district judges, no person holding any other public office to be appointed (qualifications of the district judges are provided in article 6, section 16 of the state constitution and require the applicants to be learned in the law, at least 30 years old, a citizen of the United States, a resident in the state for at least 2 years, and an elector within the judicial district). Section 5815 provides for the manner of election of the judge of the Juvenile Court and for a term of four years. Section 5816 was amended in the 1923 act in Session Laws of 1923, at p. 211, section 7, providing that the judge shall receive a salary not less than that received by the district judge of such county, payable by the county treasurer and shall receive no other compensation for his services as such judge, and that he shall not act as attorney. It was upon the language of this statute that the Supreme Court disbarred a former judge of the Juvenile Court in People vs. Lindsey, 86 Colo. 458.

Section 5817 provides that if an elected judge shall fail to qualify within thirty days after election, a successor may be appointed as provided by law, the appointee to serve until the next general election. The judge of such court is to be removed from office for the same causes and in the same manner as the county judge. A bond is provided in the sum of $10,000. A second judge of the Juvenile Court was appointed upon the failure of the first judge to qualify after the decision in Lindsey vs. People, 80 Colo. 465. Section 5818 provides for officers of the court including a clerk, deputy clerks, and probation officers. One of the deputy clerks to act as official stenographer for the court when required. A sheriff is also provided. These officers are appointable by the judge of the court, subject to the approval as to salary by the county commissioners and hold office during the pleasure of the judge. Additions are made to this law in Session Laws of 1923, p. 211, section 4. Section 4 also amends section 5819 of the Compiled Laws of 1921. Section 5821 provides for the transfer of causes from the county court to the Juvenile

Court in 1907. Section 5823 provides for jury trials in the Juvenile Court. All trials had in the court under the laws pertaining to the Juvenile Court, with the exception of adoptions, are subject to the right of the parties to a jury trial but in practice, juries are seldom called for by parties in civil proceedings. Section 5824 provides that appeals from the decision of the Juvenile Court shall be prosecuted in the Supreme Court as in appeals from the county courts in like cases. Section 5825 also relates to appeals. Section 5826 provides that the District Attorney shall prosecute cases in the Juvenile Court. Section 5827 provides for a supply judge for the Juvenile Court to be selected among the judges of the county courts in Colorado, but also provided that the county shall not be liable for compensation of such supply judge. This section was amended in Session Laws of 1931, Ch. 111, 436 et seq.; which allows a compensation to such supply judge of $12.00 a day. In recent years, the dockets of the Juvenile Court have become excessively heavy and require at certain periods the aid of a supply judge. Section 5828 prohibits the county court from usurping the jurisdiction of the Juvenile Court in regard to the control of children and states that the laws pertaining to the Juvenile Court are not intended to interfere with the jurisdiction of any other court in the state in cases pertaining to the custody of children in divorce, or with their property rights in probate matters. Section 5829 provides for the erection of a house of detention by the county commissioners, wherein children may be detained for any purpose, and it directs the School Board to provide necessary teachers, books, and appliances for the use of children therein detained. A superintendent is provided, appointable by the judge of the Juvenile Court, and also other necessary employees. A question was raised by the city of the right of the Juvenile Court to appoint such superintendent in 1932, and a case was filed to determine the question in the District Court but was settled by stipulation, the appointing power to remain with the court.

The power of the Juvenile Court to order the release of a child previously committed to the State Home for Dependent Children and detained in the detention home was considered in the case of State Home vs. Mulertz, 60 Colo. 468, wherein it was held that after commitment the Juvenile Court had no power of control over an inmate of the State Home.

The conflict of jurisdiction between the District Court and the Juvenile Court in matters pertaining to the custody of children in dependency and divorce hearings was discussed and to some extent determined in People ex rel. Heyer vs. Juvenile Court, 75 Colo. 493. The Heyer case, among other things, held that after a determination of custody by the District Court in a divorce proceeding, a petition of dependency might be heard by the Juvenile Court and an order of custody entered, such order taking precedence over the order of the District Court. Ross vs. Ross, 89 Colo. 536, recently decided, held that until such an order in dependency had been entered by the Juvenile Court, the District Court might determine the custody of children in divorce, although a petition in dependency had previously been filed in the Juvenile Court.

With the act of 1907, creating the Juvenile Court, an important law was enacted in Session Laws of 1907, Ch. 168, p. 361 (Compiled Laws of 1921, sections 602 to 608, inclusive, and 613 and 614). Section 602 defining dependent children was amended in Session Laws of 1923, Ch. 77, p. 204, section 1. It is important to note that the latter statute increased the age of dependency to the eighteenth birthday in place of the sixteenth year. It is under these sections relating to dependency that the most serious and important jurisdiction of the court occurs. This section of the 1923 law is therefore worthy of notation in full to define dependency for the reader.

It provides that "dependent child shall mean any child under the age of eighteen years who is dependent upon the public for support; or who is destitute, homeless, or abandoned; or who has not proper parental care or guardianship; or who in the opinion of the court, is entitled to support or care by its parent or parents where it appears that the parent or parents are failing or refusing to support or care for said child; or who begs or receives alms; or who is found living in any house of ill fame; or with any vicious or disreputable persons; or whose home, by reason of neglect, morality, or depravity on the part of its parents, guardian, or other person in whose care it may be, is an unfit place for such child; or whose environment is such, or about whose custody a controversy may be such as to warrant the state, in the interest of the child, in assuming or determining its guardianship, or in determining what may be for the best interest of the child."

"The laws of this state concerning dependent children or persons who cause, encourage, or contribute thereto, shall be construed to include all children under the age mentioned herein from the time of their conception and during the months before birth."

This amendment of 1923 therefore permits the court to control the subsequent environment of an unborn child and also to enter orders of support against persons found to be the parents of unborn children where it has been found that they have contributed to the child's dependency.

Returning to the dependency laws of 1907, section 603 of the Compiled Laws of 1921 provides that the Juvenile Court and County Courts shall have original jurisdiction in dependency cases. The parties may demand a jury of six or twelve, but unless demanded, it should be deemed to be waived. Compare this provision with Kahm vs. People, supra, involving delinquency. Sections 604 to 606, inclusive, are still the law of Colorado and important provisions governing procedure in dependency hearings. Section 604 provides that a petition may be filed by any person residing in the county. It would appear that the court, in order to entertain jurisdiction must find that the child is in the county or has its residence there. Petitions must be verified by affidavit. A court may require additional allegations regarding the cause of dependency. Where the child is in danger of serious injury or of removal from the jurisdiction of the court, any officer of the State Board of Child Protection, sheriff, probation or police officer, may generally take custody of the child without process, but a petition must be filed thereafter within 48

hours. The court may provide for the temporary care and custody of such child, pending a hearing upon the petition.

Section 605 provides if the parents or guardian reside in the county, citation must be issued, if the parents or guardian can be found, not less than two days before the hearing. If the parents or guardian do not live in the said county, or if there are no parents or guardian, or they cannot be found, citation need not be issued, but in such case, a probation officer or other person shall be appointed by the court to represent the child. If the parents appear in court, the judge must advise them of the effect of a commitment to the State Home or of finding of dependency. Separation from the parent or guardian by court order terminates their rights over the custody, services, or earnings of the child.

Section 606 places the duty upon the court to investigate thoroughly the facts of the child's environment. Witnesses may be subpoenaed; the court may require the District Attorney or County Attorney to appear in behalf of the petition; any friend of the child may appear. Section 607 gives the court the specific power of committing the child to the State Home and broad power regarding its custody or adoption, the child having first been found dependent. Section 608 contains a few lines from Session Laws of 1907, but the bulk of the section is devoted to the Mother's Compensation Fund and its administration by the Juvenile Court, which did not become effective as a law until 1913. The first sentence in the section, permitting the court to enter special orders in connection with a commitment to the State Home, has been repealed by a subsequent statute passed in 1913 and contained in section 629 of the Compiled Laws of 1921. The State Home is no longer subject to any orders of the court except the commitment, which places the full discretion regarding the custody and welfare of the child with the State Home; see State Home vs. Mulertz, supra. The Mother's Compensation Fund law will be discussed later. Sections 609 to 611 relate to this fund. Section 612 provides that a dependent child may be placed by the court in the care of any association or individual, which may in turn place the child in a suitable family home and may assent to a decree of adoption in place of the consent of the parents, usually required. There is a question whether this provision is not in conflict with the adoption statute in Session Laws of 1931, section 6, p. 150. Sections 613 and 614 provide for a liberal construction of the previous sections, stating that there is no intention to repeal the laws of delinquency. Commitments to the State Home for Dependent Children may be had only under petition in dependency and therefore in connection with the laws just discussed, it is important to read the sections in the Compiled Laws of 1921 relating to the State Home, sections 624 to 643, inclusive.

In the year 1909, the laws relating to delinquent children were amended in the Session Laws for that year at Ch. 156, p. 334 (Compiled Laws of 1921, section 656) for the first time providing that delinquency hearings should be tried by civil petition rather than by information. For discussion of this principle see Kahm vs. People, supra. Any reputable person (apparently a resident of that county) may file a petition in

behalf of the people against any child in that county, which would seem to mean, any child present or residing in the particular county. The petition must be verified and the parents given six days' notice of the hearing, by citation or summons, unless they waive notice voluntarily in writing or voluntarily appear without notice. A notice is served upon the parents or guardian and if none exist, the court appoints a probation officer or resident to represent said child.

In the same year, Judge Lindsey had passed the act known as Redemption of Offenders Act in Session Laws of 1909, Ch. 199, p. 478 (Compiled Laws of 1921, sections 6508 to 6515, inclusive, at p. 1695). The purpose of this act was to substitute chancery proceedings in place of criminal trials for misdemeanors and was a first attempt to establish adult probation. Its express purpose was to avoid proceedings tending to degrade one guilty of a crime in an attempt to redeem him to good citizenship. The proceeding was to be instituted by petition by the District Attorney and orders for the payment of damage to property or person were provided for, as a part of probation. It is strange that no attention was paid by the public to this act at the time of the passage of the adult probation laws in 1931. Judge Lindsey refers to this act as a departure in the handling of adult crime, but it does not appear that the act was ever used, at least to any appreciable extent, and is not, therefore, worthy of discussion at this time.

In the same year in Session Laws of 1909, Ch. 156, p. 336 (Compiled Laws of 1921, sections 644 to 653, inclusive, at p. 364) an important addition to Juvenile Court law was made. Up to this year there had existed only one type of action in which persons guilty of contributing to the dependency of a child could be dealt with and this only by criminal procedure; see Compiled Laws of 1921, section 615, heretofore discussed. Under the new act, a proceeding could be instituted against any person (whether parent, guardian or not) who might encourage, cause, or contribute to the dependency or delinquency of a child. Proceedings begin under this law by civil petition for the purpose of orders in equity. Under these sections fall a large number of the cases tried in the court during the past few years and there are always approximately seven hundred active cases of nonsupport tried under the petition known as Contributing to Dependency. The civil petition of contributing to delinquency is used for restraining orders against individuals guilty of indecent liberties with children or other acts tending to cause delinquency and a number of cases of this kind are tried annually. It seems clear that these sections are not intended to result in a criminal hearing or jail sentence, since there are other statutes providing for criminal proceedings by information under the same titles; see Session Laws of 1923, Ch. 76 at p. 201.

These sections, 644 to 653, have not been amended in any particular except by the amendment in Session Laws of 1923 at p. 205 including children from the time of conception and during the months before birth. Section 645 is procedural. The petition must be verified and set forth the name and residence of the child and parent or guardian and of the

person responsible for the alleged act, who is the respondent. Summons must issue giving notice of six days before the hearing and if the party fail to appear the court may issue an attachment of his person and require a bond, or a warrant may be issued without summons if it appear by affidavit that the respondent may leave the jurisdiction, and interlocutory orders may be entered upon his arrest. If the respondent is found guilty, the court may determine the facts and order the person to do or omit to do the acts complained of and may retain the party on probation not to exceed two years, or may require him to post a bond in a sum not to exceed $2,000 on condition of compliance with the order. The respondent may demand a jury (section 647). Under 648, upon failure to execute a required bond, a party may be committed to jail until he shall give bond or perform the judgment. The orders, of course, may include punishment for contempt. Recovery on such a bond, under section 649, shall be expended for the care and maintenance of such child under direction of the court. In practice, because of the poverty of the parties, bonds are seldom required. Section 650 provides that the act shall be liberally construed as an exercise on behalf of the state of its police and chancery powers, and for the protection of the child. Under this section, the court has held that parties who have contributed to the dependency or delinquency of a child in the City and County of Denver, but who, at the time of the hearing are residing in another county, may be brought before the court under a warrant or cited in. It would seem that this result should follow from the fact that such acts constitute a public tort and therefore fall within the exceptions of the code of civil procedure relating to venue. Section 652 provides that the act is not intended to conflict with other proceedings under any statute defining any act as a crime. Whether, therefore, an act of contributing to dependency or delinquency should be tried by civil petition or criminal information, it would seem, must be determined at the discretion of the court.

A law was passed in Session Laws of 1909, Ch. 158, p. 339 (Compiled Laws of 1921, sections 669 to 675, inclusive, at p. 371) defining the chancery powers of the courts in causes of dependency, delinquency, or contributory cases. Section 669 specifically refers to the powers of the court as in aid of the welfare of the child and prohibits the child's being treated as a criminal and provides for the appointment of a master or referee in chancery for the hearing of petitions in the court. Section 671 provides that such referee shall have the power of clerks of court to issue notices, summons, capias, or other process and compel the attendance of witnesses. In his findings, the referee shall recommend to the court the character of care for the child or the nature of the order to be entered against adults responsible for the condition. Under section 672 the referee may superintend the child's probation and discharge him from probation, the court's orders approving such recommendation having full force and effect, but providing for an appeal from the decision of the referee to the court within ten days of such findings. Trial may be had by jury upon demand. Under section 674, the referee has power to file complaints in any court against any person violating any law of

the state, providing the law directly or indirectly involves the protection of children. Parents or guardians or next friends under section 675 are to receive like notices from the referee as in civil cases.

For several years a referee has been active in the court in the trial of girls for delinquency but in the case of commitment to an institution, a subsequent hearing is held before the judge. For a time trials of adults were also tried before a referee.

In 1911 a new statute was passed defining, as a felony, the failure of men to support their wives and children or to support their illegitimate children and the mother of an illegitimate child during childbirth and attendant illness. This statute appears in Session Laws of 1911, Ch. 179, p. 527 (Compiled Laws of 1921, sections 5566 to 5574, inclusive, at page 1496, et seq.). The charge is against "any man who shall wilfully neglect, fail, or refuse to provide reasonable support and maintenance for his wife, etc." Section 5566 further provides that in case of conviction, in lieu of the penalty, the defendant may be required to give a bond with surety not to exceed $1,000, conditioned on compliance with the provisions of the act or the orders of the court. In Wamsley vs. People, 64 Colo. 521, it was held that parentage of the child could be determined as a part of a criminal proceeding, but in Kilpatrick vs. People, 64 Colo. 209, it was held that the husband was not guilty if the wife, without just cause, refused to live with him. Two other cases construing this and subsequent sections, are Pearman vs. People, 64 Colo. 26, conviction for nonsupport of an illegitimate child in the County Court of Jefferson County, and Smith vs. People, 64 Colo. 290, conviction in the Juvenile Court of Denver of a husband for nonsupport of his wife. The jurisdiction of the Juvenile Court to try such cases is derived from section 5569 of the Compiled Laws of 1921, which provides that all courts of record in the state shall have jurisdiction. It is important to note, therefore, that the Juvenile Court's jurisdiction of felonious nonsupport is not affected by the decision in Abbott vs. People, 91 Colo. 510.

The laws embodied in the sections above mentioned are of importance to the state in compelling support of wives and children by the husband or father and thereby relieving the state of that burden. Fathers who avoid civil process by fleeing from the state cannot be returned except by extradition for a felony, and under this act, many men are brought back from other states and placed under order of the court, with or without bond. Sentence to the penitentiary follows conviction as a natural result, but commitment is not common, because the act has excellent provisions for probation and includes a power in the court to commit any defendant to the county jail for not to exceed ninety days for failure to comply with the conditions of probation. Unfortunately, the act limits the probation period to two years, which is obviously an inadequate period of time. Extradition is expensive and deserting fathers hard to find. A man may thus comply with the law for two years and again desert his family, in which event, the District Attorney may be loath to file again and put the state to further expense. It is not uncommon for a defendant to contest extradition in another state, which in-

creases the cost to Colorado. Section 5567 provides for the suspension of sentence. Section 5568 provides for extradition, the burden of the expense falling upon the county. Section 5569 provides for a preliminary hearing before a justice of the peace, who may continue the case upon providing certain conditions for the defendant to comply with, or may bind the defendant over to the County, District or Juvenile Courts for trial.

It is this section which limits probation to two years from the date of filing the information. Section 5570 provides that the wife shall be a competent witness. It is noteworthy, at this point, that the Juvenile Court laws themselves do not set aside the privilege of a spouse to prevent testimony by the other spouse in any of the civil or criminal proceedings peculiar to the Juvenile Court. Without such testimony, however, many cases could not be tried in the Juvenile Court, and no attempt has ever been made in recent years to prevent a spouse from testifying, the apparent feeling being, upon the part of attorneys, that the same reason exists for waiving the privileges in Juvenile Court proceedings as exists and is provided for in the divorce statutes. Section 5571 provides that desertion or abandonment or neglect may take place in any county in which the children or wife may be at the time such complaint is made. Or, in section 5572, in the county in which the children may have been committed to a children's home or school. Section 5573 provides that residence once acquired by the father in the state shall continue until the youngest child has arrived at the age of 16 years, and this also is the limit during which the father must support the child under this act. (Subject, of course, to the two-year limit of probation). Contrast this age with the age of 18 years in cases of contributing to dependency. Section 5574 relates to forfeiture of the bond. The act of felonious non-support is seldom used for the trial of fathers or husbands living within the state who are still within reach of civil process.

Session Laws of 1911, Ch. 186, p. 542 (Compiled Laws of 1921, section 662 at page 369) provides for the appointment of probation officers in all of the County Courts of Colorado. This law is amended in section 663 (Session Laws of 1921, Ch. 189, p. 655) for counties of 25,000 or less of population, and is amended in respect to the Juvenile Court by Session Laws of 1923, supra, relating to the Juvenile Court. The gist of these acts is to limit the County Courts to two probation officers at $100 a month for each officer, and in counties of 25,000 or less of population, one probation officer at the same rate, salaries payable by the county. The Juvenile Court is only restricted in the number of its probation officers by what is reasonably necessary and by the required approval of the Board of County Commissioners for the City and County of Denver. The court, as at present, functions with nine probation officers, a lesser number than were employed prior to 1927.

Upon November 5, 1912, the amendment to section one, article six of the Colorado Constitution, previously referred to, was adopted, providing in general language for the creation of the Juvenile Court. At the same election, there was passed by a popular vote, the Mother's Com-

pensation Act, amending Session Laws of 1907, Ch. 168, p. 361. This act appears in Session Laws of 1913, p. 694 (Compiled Laws of 1921, section 608 at p. 353). The purpose of this act is to maintain children in the care of their mothers in families where the father has deserted, or is deceased, and where, in other ways, the parent or parents are capable of giving proper care. It provides that where a child has been found dependent and committed to the State Home, the court may enter an order, fixing an amount of money with which the parent or parents may properly care for such child, and it shall be the duty of the Board of County Commissioners thereupon to pay such parent or parents the amount designated in the order or its equivalent in supplies. The power to enter such orders is vested in the Juvenile Court of Denver and the County Courts in other counties and the court may appoint proper persons as investigators and keepers of records. As far as commitment to the State Home is concerned, this act is invalid under State Home vs. Mulertz, supra, since no court may attach special orders to a commitment. The section further provides that the County Commissioners shall maintain work houses for the detention and employment of men convicted of nonsupport of women and children and the sums earned by them used for maintenance of the fund expended by the county under this act. The Board of Commissioners of the penitentiary and reformatory are required to make similar provisions in cases of commitment of persons for nonsupport. These provisions have never been complied with.

An addition to this act by amendment was made in Session Laws of 1923, Ch. 77, p. 205, section 2 (Compiled Laws of 1932, section 608.1 at p. 70). This act is known as the Maternity Fund Act and provides for the care of prospective mothers during a period of six months before or six months after delivery. Provision is made for the filing of a petition in the court having jurisdiction, the money to be paid from a fund provided by the County Commissioners as in the case of the Mother's Compensation Fund. Only such mothers as have been resident in the county for one year prior to the application may take advantage of this law. Each mother is required, before obtaining relief, to swear out a warrant for the arrest of the father and assist in convicting him of nonsupport. A father, upon conviction, may be ordered to reimburse the county for all sums paid to support the child. Where the father is physically or mentally infirm, and a menace to the welfare of the mother or child, a court may order him removed from the home. Investigation and the keeping of records concerning the Maternity Fund follow the provisions of the Mother's Compensation Fund.

Both of these acts have been carefully applied by the court since their creation with full co-operation from the Denver City Council. During each of the past two years, a sum in excess of $100,000 has been provided by the county and expended under order of the Juvenile Court for the maintenance of families in their own homes, $3,000 of which has been applied to the care of prospective mothers. The investigators, although under the control of the court, have their offices

at the Denver General Hospital, working in collaboration with the staff of the city charities. Some suggestion has been made that these officers should be physically attached to the court and do their work from the court. But the judges of the Juvenile Court have felt that better results will ensue if closer co-operation is had between the officers in charge of this fund and the staff of the city charities, which dispenses large sums annually for emergency relief. Money expended under the Mother's Compensation Fund is paid out upon a budget plan carefully drawn up and varies from $15.00 to not much over $75.00 a month. The families thus provided for are carefully selected in respect to the character of the mothers, but many applications must, of necessity, be refused when the fund is fully expended.

In Session Laws of 1913, Ch. 51, p. 152 (Compiled Laws of 1921, sections 676 to 680, inclusive, at page 373) publicity concerning children's cases in the courts was prohibited without an order of court. By means of this act, the court is enabled to control newspapers and other publications to prevent unseemly articles regarding the children or witnesses in children's cases appearing in print. Fine or imprisonment of the owner or proprietor or managing editor are provided for violation of the act. Photographs or sketches are prohibited in section 677, and section 678 provides that publications may be made if the identity of the child is concealed, but the court may prohibit, under section 679, the publication of any or all proceedings in any case. The press of Denver has shown great fairness in complying with this statute, although occasionally they have escaped the restriction of the act and defeated its purposes by publishing information regarding children arrested by the police before a case has been filed in the court. A further addition was made to the Mother's Compensation Act in Session Laws of 1919, Ch. 160, p. 531 (Compiled Laws of 1921, section 611, at page 354). This statute limits the money used for mother's compensation by an appropriation not to exceed one-eighth of one mill of the total tax levy. It is noteworthy that in spite of this restriction, the County Commissioners of Denver have generously provided more than double the amount which had thus been raised for the Mother's Compensation Fund.

In 1923 several most important amendments to the Juvenile Court laws were made but have already been discussed. They consist of the Juvenile Court Act, the Maternity Fund Act, the laws defining dependency and delinquency of children, and the provision for criminal cases known as contributing to delinquency or dependency. These last named criminal cases are provided for in Session Laws of 1923, Ch. 76, p. 201 (Compiled Laws of 1932, section 668, at page 72). The crimes therein named, which obviously do not call for definition, amount to a misdemeanor and may result in a fine of $1,000 or imprisonment in the county jail for not to exceed one year or both, but also providing for probation within the same act. Since the act gives power to the courts to suspend sentence on its own terms and conditions, the court is not confined to the provisions of the adult probation law of 1931, and, therefore, does not need the consent of the District Attorney to grant probation. Numerous cases are

tried in the court each year under this section, involving sexual offenses, which might be tried upon a felonious charge of statutory rape or indecent liberties. It does not appear that the jurisdiction of the court to try these special statutory crimes is affected by the Supreme Court decision in Abbott vs. People, although no opinion was expressed by that court in its decision in that case. It is customary, upon conviction of offenders under this act, to impose short periods of incarceration in the county jail with a suspension of the sentence over a longer period of time. It is thought that partial probation in this way will have a stronger effect in reforming offenders.

Since 1923, only two important laws having to do with the jurisdiction or procedure of the Juvenile Court have been added. Both of these additions relate to the cases involving the adoption or relinquishment of children. As previously explained, relinquishment is a term used in the court to define those cases of dependency in which the petitioner is the mother of the child or children and seeks to have the children committed or placed for adoption. For several years the court has tried approximately 150 of each of these two classes of cases annually.

The Juvenile Court of Denver and the County Courts in other counties of the state, having jurisdiction over the care, custody, and conduct of children, have been selected, naturally, by the legislature to decree the adoption of children. At Common Law there was no provision made for the adoption of children by foster parents, a proceeding including the destruction of the status of parent and child as between child and its natural parents and the creation of a new legal status of parent and child between the child and its foster parents. Therefore, the laws governing adoption depend entirely upon statutory provisions. The adoption statute of Colorado was passed in 1885 and is contained in the Compiled Laws of 1921, sections 5512 to 5515, inclusive, at page 1486. In Session Laws of 1931, some minor amendments were made to this law and the law itself re-enacted at Ch. 51, p. 150 et seq. A further amendment should have been made in the introductory sentence, which recites that "any inhabitant of Colorado not married, or a husband and wife jointly" may file a petition for the adoption of a minor child or an adult not theirs by birth. There appears to be no sound reason why adoption should be limited to inhabitants of Colorado, providing proper investigation is made into their character. Furthermore, a placement for adoption may be made in the home of Colorado residents who may thereafter, but before filing for adoption, decide to move to another state. But it appears from the statute that no decree of adoption by nonresidents will protect them or constitute a valid adoption. Such persons who move to another state with a child not yet adopted may also find difficulty in adopting the child in the second state of their choice.

Sectiton 5512 apparently requires a petition in the nature of an equitable proceding but without provision for a jury, and apparently does not require the attendance of the natural parent or parents of the child, providing their written consent has been obtained and properly proved to the court. The consent in writing of a child of 14 years or

older must also be had. There are four provisions made in the statute whereby a child may be adopted without the written consent of the parents; this may be done where the parents are insane, intemperate, or have abandoned the child, and, finally where commitment in a dependency petition of the child has been made to the State Home for Dependent Children, and the consent of the president of the Board of Trustees of the home has first been obtained. In practice no children adopted in this state have passed through the State Home, without a careful investigation of the character of the adopting parents and the environment of the home. A few adoptions of legitimate children are made through the Children's Aid Society or through private placements and agreements. Prior to 1925, placement of children for adoption was made from professional maternity homes without any care in the selection of adopting parents. Such a placement, of course, procured the payment of the maternity expenses of the mother in the maternity home but might result in adoption of children by persons unfit to have their custody. For this reason the legislature passed a law in Session Laws of 1925, Ch. 133 at page 348, providing that, in section three, no person maintaining a maternity hospital should advertise or undertake or promise that he would adopt any child or children received or born in any such hospital nor hold out any inducement to the parent to part with such child or children. It further provided that no child should be given away by any parent or in any manner given out for adoption except through the agency and with the consent of the Board of Control of the State Home. A penalty by fine is imposed for violation. In section one, maternity hospital is defined as "any place where more than three maternity cases are cared for during one calendar year" and under sections a and b, includes hospitals which provide a ward for maternity cases. Although the language contained in the body of this act does not limit the law to illegitimate children, the title of the act restricts it to such cases. As a result, no illegitimate child may be adopted in Colorado unless commitment has been first had to the State Home and the written consent of the president of the Board of that institution obtained whether or not the parent or parents have given their written consent to adoption. In the case of illegitimate children, of course, the father has no legal right to the child.

Although no commitment to the State Home is required for the adoption of legitimate children, such adoption may take place where a child has been committed to that institution by a court under the dependency law. Where one parent of a child is deceased and the other parent has remarried, it would appear under our statute that the step-parent of the child, in order to adopt it, must file a petition in adoption in which the surviving parent must join. This result seems to be required by the first lines of the statute on adoption wherein it is required that an inhabitant of Colorado or "a husband and wife jointly" may petition for adoption.

Occasionally, difficult questions arise under the adoption statute. In one case recently decided by the Juvenile Court of Denver, the minor father of an infant gave his written consent to the adoption of his child

by its maternal grandparents. After more than six months beyond the close of the court term had elapsed, and he had become of age, he petitioned the court to vacate the decree in adoption on the ground that he was a minor at the time that he had given his written consent, that he had not been represented by a next friend, and, under the Common Law of infancy, he was incapable of giving his consent. The court held that his written consent was valid without the appointment of a next friend. It appears from the provisions of the statute and the laws of marriage and divorce that a minor parent is capable of consenting to the termination of the status of parent and child. However, in all cases of relinquishment through dependency petition, where the petitioner is a minor, the court, in practice, appoints a next friend to be present, when the mother asks to have her child committed for adoption. Further discussion of this subject will follow in a subsequent section. In Compiled Laws of 1921, section 5154, at page 1406, it is provided that legally adopted children shall be entitled to inherit as fully as a child begotten in lawful wedlock. Section 5515 contains a provision to the same effect and also depriving the natural parents of all legal rights and obligations in respect to the child. This law was amended in the Session Laws of 1927, Ch. 59, p. 183, which includes a provision that the property of an adopted child on his death should descend to the family of his adoption.

Except for certain statutes relating to the education of children and to the maintenance of state institutions receiving children by court commitment, this concludes the laws relating to procedure and jurisdiction in the Juvenile Court. It will be noted that the general statute conferring jurisdiction upon the Juvenile Court includes the annulment of marriages in which one spouse is a minor. At one time, such annulments were frequently filed in the court owing to the readiness of the court at that time to decree annulment merely on the basis of age. In recent years the judges of the court have been of the opinion that there was no ground for annulment except such grounds as existed in Common Law, since there was no statute in Colorado providing for exceptions. A difference of opinion has existed among the District Court judges of Denver in respect to this question, and in some of the divisions, annulments have been granted merely on the basis of non-age. At Common Law, a girl of 12 or a boy of 14 was capable of consenting to marriage and acquiring the marriage status. Annulment could only be had in cases of duress or fraud or where the marriage was had without consent or possibly in cases of impotency, sterility, or where a venereal disease existed. The Colorado legislature has passed, in Session Laws of 1933, Ch. 127, p. 677, a law providing that in all marriages wherein either party is under the age of 18 years, the marriage is declared voidable and actions for annulment may be maintained where the party seeking annulment is under the age of 19 years at the institution of the suit. Annulment may be combined with a cause of action for divorce and the court may award such relief as the parties may be entitled to. Although section four of the act gives concurrent jurisdiction to the District Court and the County Court, it is a question whether this section repeals the jurisdiction con-

ferred upon the Juvenile Court to grant annulment. Of course, no annulment can be joined with an action for divorce, since the Juvenile Court does not have jurisdiction over actions for divorce. Section six provides that the annulment of the marriage shall not affect the legitimacy of the child. Similar statutes have been passed in other states, but it appears inconsistent to find the child of a marriage which has been annulled to be legitimate, since the meaning of annulment is the voiding of the marriage status. Prior to the passage of this act, no provision was made for service by publication in actions of annulment, but section five provides that such service may be had as is now provided by law in actions of divorce.

As Mr. James H. Pershing has pointed out in his pamphlet, the laws governing the Juvenile Court have been passed from time to time without much plan or system as the need became apparent for an increased scope of the court's jurisdiction. It would seem that a law conferring jurisdiction upon the Juvenile Court in cases of divorce wherein the custody of children is involved would save much time and trouble in the District Courts and Juvenile Court at this time. In practice today the custody of children is determined in the divorce courts after the taking of evidence and the consumption of much time, and later, another hearing sometimes had in dependency in the Juvenile Court. A similar situation exists in orders of support for children of the parties. There is no reason for this overlapping jurisdiction. It could be avoided by placing the entire control of the custody of children, whether in divorce or dependency and of orders for their support, in the Juvenile Court and County Courts of other counties. If such a law were passed, however, a second judge would be necessary in the Juvenile Court, since as is shown by the section on statistics later in this report, the present docket of the court is too crowded to permit of any substantial increase.

It must be borne in mind that the Juvenile Court is subject to all of the provisions of the Code of Civil Procedure unless subsequent statutes pertaining to the court have repealed certain sections of the code. It is also, of course, governed in its rules of evidence by the general rules of evidence. Some attorneys contend that, because a more or less informal procedure is followed in the court in certain types of cases because definite advantages are thereby obtained, the court should not follow the rules of evidence too strictly. It must be carefully borne in mind that the admission of improper evidence by the judge trying cases relating to children would result in a reversal by the Supreme Court, if an appeal were taken from his decision. No conscientious judge administering the law in such a court would permit the admission of improper evidence which might result in a reversal by the Supreme Court, if the parties were able to afford an appeal. Reference to the cases of People vs. Kahm, State Home vs. Mulertz, and Ziemer vs. Wheeler, 89 Colo. 240 (a petition in dependency), will reveal very strict supervision upon the part of the Supreme Court in cases involving the custody or protection of children. The reader is also referred to the statement of the Supreme Court in the leading case of Wilson vs. Mitchell, 48 Colo. 454, at page 468. This case involved the right of a mother who had been separated

from her child for many years to the custody of the child and was raised by a writ of habeas corpus. The court held that the presumption is that parents are suitable persons to care for their own children, that "such presumption is like unto the presumption of innocence in a criminal case, ever present, throughout the controversy, until overcome by the most solid and substantial reasons established by plain and certain proofs." In view of such opinion and in view of the fact that most of the laws of evidence are based upon substantial reasons, the Juvenile Court should not, in the writer's opinion, apply its own rules to the admission of evidence.

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III. NATURE AND PROCEDURE OF CASE WORK IN THE JUVENILE COURT

Owing to the character of the cases tried in the Juvenile Court, the attitude of that court toward its cases must necessarily be in marked contrast to that of other civil and criminal courts. In the Juvenile Court, human relations and human conduct are always at issue. Since the purpose of the court is to insure the protection and welfare of the children of Denver, it is apparent that the court requires a more complicated personnel than the ordinary court of law, in order to compel the enforcement of such orders as are necessary.

In the Common Law Courts of America issues result, in the ordinary case, in judgments by the court either for damages estimated in cash or for sentences to penal institutions. Occasionally, Courts of Equity are called on to enter orders affecting the conduct of human beings, and it is this branch of the courts which the Juvenile Court most nearly resembles. Common Law courts do not contain, within themselves, the means to carry out their orders, but are dependent for the execution of their orders upon an office detached from the court, such as the office of the sheriff or marshal. It has never been the policy of the Courts of Common Law to see that orders are enforced, the burden in most cases being thrown upon a litigant to obtain further process for the execution of the order. The result of such a policy is a strict adherence to the issues of a particular case and a tendency to be satisfied with findings rather than acts.

In the Juvenile Court, all cases except adoptions, being brought in the interest of the state, the court must itself see to the carrying out of its orders and assume a more flexible attitude toward issues brought before it. In order to insure the enforcement of orders of the Juvenile Court, a large staff of trained workers is necessary. The court acquires the aspect of a hospital clinic as nearly as it does of a court of law.

The staff of the Juvenile Court is divided into three classes of employees: probation officers, acting as inquirers, advisors, attorneys, investigators and as officers to compel the execution of orders; a large clerical staff, sufficient to handle the numerous orders entered by the court, which, being a court of record, must see that all orders are entered of record; and two men sworn as deputy sheriffs to maintain order in the court, execute warrants, and serve the numerous summonses, subpoenas, and other processes of the court and to transport prisoners to and from the county jail.

No Juvenile Court can function adequately without a numerous and well trained staff of probation officers. The existence of such a staff is at least as important as the election of an intelligent and interested judge. The probation officers of the Juvenile Court, at present nine in number, are in three divisions: domestic relations, four officers; boys' division, three officers; and girls' division, two officers, including a referee. The clerical staff consists of a chief clerk, three deputy clerks, one of whom acts as secretary to the judge and assistant clerk in court, and one of whom acts as bookkeeper for collections for support of chil-

dren. Two assistants to the clerk for keeping orders in the records and two stenographers to handle correspondence and write up the extensive case histories used by the court in all official and unofficial cases. Of the two men serving as bailiffs and deputy sheriffs, one is employed by the court and the other is a detective assigned and paid by the Police Department. All appointments of employees to the Juvenile Court are made by the judge without civil service examination, but salaries and the number of employees must be approved by the Board of County Commissioners.

Most of the present staff of clerks and probation officers have been employed by the court for periods of from five to twenty-five years. In 1927, when Judge Lindsey failed of reelection, most of the staff then employed resigned their offices and the succeeding judge found it necessary to select and train a large number of new employees. These employees were carefully selected without reference to political affiliations and, for the most part, are still employed by the court. They have thus acquired six years of experience and training and are thoroughly competent to perform their duties. Vacancies are rare and have been filled with the same attention to competency. Of the probation officers, only two are men, they being employed in the boys' division. All of the officers are mature in age and experience and have had adequate education. In the past two or three years the universities in Colorado have extended their classes in sociology, but before that time no adequate academic training existed in the state. The duties which probation officers must perform, however, depend far more upon character and experience than upon academic training, and, although requests have been made of the court by social agencies to accept only students of sociology for service in the court, it appears that other qualifications must continue to carry greater weight.

There is no question but that for the past six years the court has been understaffed. It has been difficult to persuade the administrative officers of the city to increase the staff, owing to the expense involved and an ignorance on the part of the officials and the general public of the actual requirements of the court. This lack of officers is not serious enough, however, to have prevented efficient results. In the work of the court, the attitude of all of the staff is one of fair consideration and devotion to the work of the court. For several years the court has suffered from the lack of a chief probation officer for the supervision of case work. During the year of 1932, such an officer was employed and greatly improved the work of the probation officers. But at present, because of a lack of well-trained applicants, this office is vacant. The want of a chief probation officer throws a greater burden upon the judge and the probation officers, but the presence of a poorly-trained chief would be much more serious to efficient results.

The work of the three probationary divisions is assigned as follows: in the domestic relations department, all cases against adults are handled, including dependency (custody), contributing to dependency (non-support), contributing to delinquency, and cases involving school tuition.

These officers also are responsible for some men upon probation, particularly those convicted of non-support. The work of the three officers in the boys' division is devoted largely to delinquency, with some probation work among adults for crimes against children. The girls' division has control of girls' delinquency, adoptions, and relinquishments. All cases of girls' delinquency are first heard by a woman referee, whose recommendation is followed by a court order and by a court hearing in cases of commitments to institutions. This referee also acts as a probation officer for adults in some criminal cases.

Unfortunately, a great share of the time of probation officers is devoted to clerical work, which prevents their spending much time outside of the court in field work in the homes. Because of the large number of duties which they perform, it has been found necessary that they ignore the cases of less significance in the court and devote their field work to the more serious cases. Their first duty is to receive the complaint of a party petitioner, and in an interview, if possible with both parties, receive the reports of the parties and possibly of witnesses as the basis of a preliminary inquiry into the merits of the case and to become acquainted with the persons involved. The chief purpose of this inquiry is to ascertain facts existing which may be made the basis of a petition in the court. The parties in Juvenile Court cases being for the most part ignorant and uneducated, such an inquiry is necessary to prevent the filing of large numbers of frivolous complaints which could not be made the basis of a hearing in the court. In the average court of law, parties are represented by attorneys who may move to strike from the files a petition which is frivolous or does not state a cause of action. Since less than 25% of the parties involved in Juvenile Court cases are represented by attorneys, it is necessary for the officers to fulfill this function. This should be the duty of the chief probation officer, if one existed in the court. If the officer is in doubt as to the right of the party to file, he seeks the counsel of the judge. Any party, of course, may file a petition if he will not accept the advice of the officer. The result of this inquiry is that several hundred unofficial cases are handled by the court annually. In the boys' division alone this number exceeds four hundred complaints annually. In some instances, a child or adult is placed on voluntary probation without any legal process whatever. Although such work is outside the jurisdiction of the court, it is clearly within its scope and if a person resists such probation in a particular case, a petition may be filed.

Frequently the inquiry of the officer will lead him to make an investigation of one or more homes to ascertain the environment and to seek out possible witnesses. A most important function of the officers, under the present incumbent, however, is to attempt to settle cases between parties by written agreement, at least in cases involving the custody based merely upon a controversy or support of children. This is accomplished either with or without the filing of a petition. In the event a petition is filed, and a written agreement arrived at, the petition may be continued indefinitely so long as the agreement is complied with. The

result of more extensive work in this direction in the past year has been a great improvement in the attitude of the parties toward each other and their duties to their children and a reduction in the very large number of cases heard by the court.

In addition to all the labor of preliminary inquiry and investigation, the probation officer in many cases is required to be present at the trial, either as a witness or as an advisor of the court, and after the order has been entered, in many instances, must receive reports from parties at the court or supervise the home or in other ways carry out the order. This work, coupled with the large amount of clerical work in preparing petitions, writing letters, and making numerous and prolonged entries in the very full case histories, requires a great deal of time. In addition to this work, the officers are called on for help by various families in obtaining employment, in recommending help from social agencies, or the providing of food and clothing. In many cases of dependency and delinquency a psychopathic examination is required by the court. In most of these instances, the officer must prepare a very extensive family history for the use of the physician. The preparation of this record sometimes requires six hours. In other cases, they must try to obtain medical care for indigent parties.

There are at all times approximately 700 active cases of non-support in the court. In some of these cases the party against whom the order is made faithfully carries out the order to the best of his ability, but in most cases some check must be made by the officer on the statements of the respondent regarding his earnings by inquiry at his place of work. This insures the child's receiving a reasonable amount for its support in accordance with the man's earnings and serves to check his wife from visiting his place of business. Inquiry of this kind is tactfully made and usually results in an accurate appraisal of his earnings. The thoroughness of investigation in the Juvenile Court, in the cases of support, is in contrast to the divorce courts, which must depend upon the testimony of the parties or their witnesses. Without such a check, it is difficult to obtain evidence to present before the judge.

The probation officers are instructed never to appear as a party unless they are unable to induce any other person to file, and filing appears necessary. This policy permits the officers to assume an impartial role in the case and maintain the confidence of the parties. Owing to the mental condition and ignorance of many parties, however, the officers are subjected to a great deal of irritating and abusive criticism, but this is accepted as a part of the work.

In cases of contributing to dependency or criminal cases of non-support, where the father of the children is out of work, he is usually ordered by the court to report to a probation officer in the domestic relations division, once a week or once a month, and if he is living outside of Denver, is required to send in a written statement monthly of his earnings on the basis of which an order is sometimes entered that he pay a certain percentage of his net earnings. This is another example of the flexibility of the Juvenile Court in family cases. A further dis-

cussion of the types of cases met with in the court will be entered under section five in connection with the court statistics.

In 1931 there were 2,055 hearings in the Juvenile Court. In that year the court had nearly reached its case capacity under one judge. During 1932, as the subsequent section on the analysis of statistics will show, the policy established of urging or forcing agreements, has reduced the number of hearings in 1932 to 1,550. Part of this decrease is due to the presence of Federal relief, dispensed through social agencies, the rest of the decrease being due to the change of policy in this direction. Except for a part of the years 1932 and 1933, when a chief probation officer was employed in the court, the judge of the court had the responsibility of supervising the nineteen employees of the court and advising them upon difficult problems. Frequently it was impossible for the judge to give more more than fifteen minutes a day to the probation officers. With a docket such as is shown by the 1932 statistics, it is possible for the judge to give sufficient time to the officers to relieve them of responsibility in more serious cases. For several years, special days have been set aside for the trial of cases. Tuesday and Friday mornings, from 10:00 to 12:30, are devoted to the trial of cases involving support, and Tuesday and Friday afternoons from 2:00 to 5:00 or 6:00 to cases involving custody. Wednesday afternoon has been devoted to the trial of boys for delinquency and Saturday mornings for hearings on adoptions, relinquishments and motions. All of Monday and Thursday and Wednesday morning are reserved for the trial of longer hearings, usually involving custody under a dependency petition, or trials under contributing to dependency for the support of illegitimate children or criminal trials before the court. Unlike other courts of record, the Juvenile Court never closes during the year. The peak of the case load is reached usually in June and July, August and September being the only months of the year when the number of cases filed shows an appreciable decrease. In a normal year there are three terms of court for jury trials, beginning on the second Tuesday of January, April, and September. In 1931, a fourth term of two weeks was necessary. Jury trials have been decreased by the decision in Abbott vs. People, supra, which relieved the court of a number of criminal trials. Requests for jury trials are infrequent upon civil petition. There has been only one trial of a boy or girl for delinquency before a jury in six years. Approximately four or five civil cases are tried before a jury in each jury term. Trials on dependency are often long drawn-out and very cumbersome when tried before a jury. It is rare that a trial for dependency before a jury can be determined in less than three days. Frequently trials to the court on dependency will last an equal length of time, the longest case since 1930 having required six full days of testimony. Attorneys represent parties in these hearings in less than 25 per cent of the cases. The labor of examining ten to thirty witnesses with the sole aid of a case history or the advice of a probation officer is a great burden upon the Judge. Of course, the District Attorney or private attorneys may

be assigned to try the cases where necessary, the latter being employed at public expense at a fee not to exceed $30.00.

On the other hand, where attorneys appear in cases involving family relations and adopt the same attitude of technical obstruction and harassment employed in the civil and criminal courts, a great deal of time is wasted and a bad impression made upon the parties. In spite of the extra labor involved, many cases of dependency, no matter how serious, are handled more expeditiously and efficiently by the court without the aid of attorneys, but in all cases this would naturally depend upon the ability, preparation, and attitude of the attorneys. In cases of contributing to dependency, except where the respondent denies paternity, a lawyer is entirely unnecessary except for the protection of the party from unreasonable orders by the court. If the Judge of the court is conscientious in hearing the evidence and reasonable in his decisions, these cases are always better handled without an attorney and can be tried quickly and without arousing animosity between the parties.

It must be said that the majority of attorneys who have appeared before the Juvenile Court in the past two years have shown a most cooperative attitude and in dependency cases have been most helpful. No matter how conscientious the Judge, there is always danger of his overlooking evidence and possibly ignoring the rights of the parties. In dependency actions, therefore, it is probably better that attorneys appear in behalf of the parties even though the length of trials is thereby increased, and, in some cases, a reactionary spirit developed in the parties. This latter attitude is the natural result of the competitive nature of Common Law trials.

Juries may, of course, be had in any case over which the Juvenile Court has jurisdiction with the possible exception of adoption. It is fortunate and speaks well of the administration of the Juvenile Court since its creation that few demands are made by parties for a jury trial.

In addition to the duties of the Judge already mentioned above, he is required to act in some instances as prosecutor in the sense that he sometimes determines, in cases of contributing to delinquency or dependency, whether a criminal or civil action shall be filed against the party complained of. But his experience in dealing with support cases and in seeing that the interests of the child and the adult parties are protected in all hearings in the court, should prevent him from developing an avenging attitude. He must also maintain connections and close cooperation with a large number of social agencies by personal contact with the executives. Further discussion on this point will be made in the following section. He is frequently called on to make speeches before groups interested in social welfare. In 1932 at least forty speeches were made by the Judge of the court. He is often sought by parties wishing to place in the Judge's ear a few words favorable to their position in advance of the trial and becomes accustomed to receiving telephone calls, letters, and personal conferences with interested parties who seem to feel that justice can better be obtained by a private interview rather than a public trial. The presence of probation officers in the court affords an

excellent buffer to such persons. No reporter is provided to transcribe the testimony in any trials not tried before a jury. For jury trials the court employs a private reporter. For trials to the court, the Judge must either keep comprehensive notes of the evidence for his own advisement and for possible use in case of an appeal, or depend upon the case histories, which, though complete as far as the probation officer's conferences are concerned, do not contain the evidence presented at the trial. If adequate notes are kept by the Judge, however, he will be able to dispose of many problems arising in the course of the trial upon objections, or prepare a statement of facts for an appeal. This, of course, was the method employed in the English courts before shorthand was known and at least has the advantage of brevity.

In 1929 Francis H. Hiller, field secretary of the National Probation Association, completed a case survey of the work of the Denver Juvenile Court and presented the Judge of the court with a well-written analysis of his findings. Although he speaks highly of the personnel of the court, he finds many deficiencies existing in the set-up of the court as compared with the standard of Juvenile Courts drawn up by the National Probation Association. Most of his adverse criticisms are due to a lack of funds in the court budget, including too small a staff, low pay (the maximum wage paid to probation officers being $160 a month, and this year decreased by a cut of 10%), the lack of a chief probation officer, and the quarters of the court in the old courthouse. Some recommendations made by Mr. Hiller have been adopted, but others, such as his recommendation that the maximum age of delinquency be increased and that the court be given jurisdiction over all offenses by minors under 21, have not. Some criticism was made by him of the lack of training of some probation officers in sociology, but unless the court had been permitted to employ trained workers from out of the state at a high wage, this situation could not have been remedied at the time of the survey. The present incumbent has attempted to maintain the staff, so far as possible, in the belief that experience is of more value than academic instruction in this work. The most marked improvements that have been made in the court since the survey include the more efficient keeping of case histories, the policy of obtaining agreements between parties without trial, and a more efficient check to discover failures on the part of respondents in support cases to comply with the court orders. Outside of the Juvenile Court, Mr. Hiller severely criticizes the large number of instances of boys under 18 arrested by the police and held in the County Jail. It is felt that his criticisms in this respect, although in many cases sound, do not take into consideration the character of many older boys.

Continual communication exists between the Denver court and other Juvenile Courts in America regarding cases of delinquency or support which involve a change of residence. The cooperation between courts depends greatly upon the attitude of the individual probation officers or Judge. In some instances, the Denver court receives cooperation from other courts in disposing of certain cases which have been removed from Colorado to the other state, but for the most part there is an unfortunate

lack of reciprocal help on the part of Juvenile Courts. This relationship is somewhat improved through the annual convention of the National Probation Association, to which the Denver court has always sent a representative. This is the only means now existing for conferences among Juvenile Court Judges, probation officers, and psychiatrists.

Comment should be made in regard to the detention home at 2844 Downing Street. This home is a private residence, owned by the city, with ample grounds surrounding it. It is maintained in a clean, efficient, homelike way, though in many instances some disciplinary measures are necessary in the detention of older children. Children involved in dependency cases are rarely detained at this home, because of the possible contact with delinquents. Girls and boys are, of course, segregated and the work of the home carried on by a matron, an employee of the school department, and a young man who assists in the work. There is also a cook and caretaker. Although there have been some criticisms made of the home for lack of cooperation with the Police Department and other agencies, this is in part due to the fact that the staff and building are small. The detention home is used in most instances only for confinement pending a hearing, children rarely being detained there for more than one or two days. It is seldom used as an institution for commitment, and then only for a day or two.

The Mothers' Compensation and Maternity Funds, as previously stated, are administered from the Denver General Hospital under the supervision of the court and in collaboration with the City Charities. The staff consists of a director, two investigators and a stenographer paid out of the fund itself but serving under appointment of the Judge.

Little has been said of the work of the two deputy sheriffs in the Juvenile Court. A great many citations, summonses, and subpoenas are served by these officers annually. In addition, criminal cases and cases of dependency, contributing to dependency and contributing to delinquency call for the issue of body attachments or warrants by the court. These officers are instructed to exercise tact and consideration in arresting individuals for non-support to insure attendance at trials. If arrests are made, as they frequently are, the respondent or defendant is picked up as he is leaving his place of business in such a way that he will not be discharged because of that fact. Although a bond may be required in any case where necessary, parties appearing in the court seldom can afford the cost of a surety bond. Usually, men are released upon their personal promise to appear and rarely violate their word. Jail sentences are infrequent in civil or criminal cases of support and only utilized in cases where the father has shown himself unwilling to comply with reasonable orders without some form of punishment. Deceiving the court in regard to earnings is one ground upon which jail sentences are occasionally executed. In criminal cases involving sexual or homosexual offenses against children, it is the common practice to give a substantial sentence but suspend one-half or two-thirds of the sentence upon good behavior. It is felt that in most cases, the defendant should not be released without some punishment. This view apparently is endorsed in

felonies consisting of similar offenses by the District Attorney, who, under the new adult probation law, has been unwilling to give his consent to probation in sex offenses. One exception to this policy adopted in the court is in cases of indecent liberties taken by men in their senility with children who can scarcely be considered responsible for their acts.

In closing this section of the nature and procedure of Juvenile Court work, some mention should be made of the political danger existing for a court of this kind under the elective system in Colorado. Any court employing nineteen employees is a desirable political plum. Thus far in the history of the court, politics have fortunately played no importance whatever in the selection of a staff for the administration of the court work. However, unless greater interest is shown in the work of the court by intelligent citizens interested in community welfare, it is not at all unlikely that at some future date a candidate will be elected or appointed whose motive in running is purely political and who is personally devoid of interest in the work of the court. Such a choice would result in the use of the court offices for political patronage, and the result to the efficiency of the court and the administration of the delicate work of the court is obvious.

IV. THE RELATIONS OF THE COURT WITH THE SOCIAL AGENCIES, SCHOOLS, AND INSTITUTIONS

The Juvenile Court of Denver in a sense acts as a clearing house for a large number of social agencies and for the schools for the disposal of their more serious and difficult cases. With a few exceptions, the court represents the only connection between the agencies or schools and the various state institutions for the commitment of children from the city population of Denver. In addition to the state institutions, it also has connection with other private institutions maintained by churches or social agencies. The reader must constantly keep in mind the fact that the same jurisdiction is exercised by the County Courts in other counties of the state.

So far as other County Courts are concerned, however, the amount of dependency and delinquency cases tried are not numerous and do not form an appreciable percentage of the total number of cases tried. During jury trials in the Denver Juvenile Court and during the absence of the Judge from illness or on vacation, a Judge selected from one of the neighboring County Courts supplies in court. The ease with which a supply Judge is obtained upon short notice indicates that in most other counties the business of the County Court in toto is not great. Nevertheless, a large percentage of the commitments to the State Industrial Schools and the State Home are made from the County Courts. These commitments, however, are much greater in proportion to the total number of cases of delinquency and dependency tried in such courts than are the commitments from the Denver Juvenile Court. The reasons for this are, of course, the inadequate provision for probation officers in the

County Courts and the inability of the local social agencies to help the courts with the proper disposal of children in family homes.

From this statement it will be seen that much of the important work of the Juvenile Court depends for its success upon the hearty cooperation of social agencies which are financially and personally equipped to assist in the care of problem children or in improving home conditions. Fortunately the court has enjoyed, for the most part, a very cordial relationship with the social agencies and the school officials of Denver, as well as with the state and private institutions. The purpose of this section is to present a brief picture of the existing relationship and of the structure of the social agencies in Denver. With the exception of the School Attendance Department and the City Charities, all agencies concerned in the care of children in Denver receive their endowments, in part at least, through the Community Chest. Many citizens fail to understand that the Community Chest has no authority over individual agencies other than the dispensing of money raised by subscription to the Chest from the public. A few of the agencies have offices in the Community Chest building, but are in no sense under the control of the Chest. The greater number of social agencies in Denver are autonomous.

Unquestionably, the outstanding defect in the structure of our Denver social agencies is the lack of any adequate and authoritative central control. Some of the executives of these agencies, recognizing this defect, have attempted during the past two legislative sessions, to secure the passage of a Public Welfare Bill. Such a bill has been passed in most of the United States providing for a Board of Control, usually appointed by the governor of the state, which shall have the duty of supervising the work of the various social agencies and institutions and their connections with the family court. Without such a board or some central control, the resulting independence causes overlapping in case work and at times, through the arbitrary decision of executives, a total failure of cooperation with other agencies and institutions or the court. In Denver, for example, the Social Service Bureau has been assigned to care for nonresident families who have come to Denver. Some of the laws of the state, and some of the rules established by the agencies, prohibit the expenditure of certain types of relief funds upon families which have not resided in Denver for one year. Once a nonresident family has arrived in Denver, sought charitable aid, and has been cared for by the Social Service Bureau, it apparently continues to receive aid from that bureau so long as it resides in the county. Many exceptions to this rule are found, however, with the result that families which have resided here for several years and are brought before the court in a dependency petition may still be receiving help from the Social Service Bureau or may have been transferred to some other agency, such as the City Charities or the Catholic Charities.

In such a case it may be necessary for the court to keep children on trial in their own home, relief to be provided by a social agency. Perhaps one of the children, for greater safety, may be placed in a Catholic institution with the consent of the Catholic Charities. It may be impor-

tant that a young boy in such a family who has become delinquent shall be placed in a foster home, selected by the Children's Aid Society, the cost of placement to be paid by that agency. In such a situation the court may find that since the Social Service Bureau has once handled the case, the other agency is unwilling to violate the general rule adopted, and it may be that the executive of an agency will not agree with the court that the children should be retained in the home, and therefore will refuse to place provisions in the home to carry out the court's order. Although the money spent by the agency is public money subscribed for charitable purposes, there is no central authority which can pass upon the question of which agency or agencies shall assist the court in carrying out the plan, nor whether an agency executive has correctly refused relief. The result obtained by the court will depend upon the arbitrary decision of the executives of each agency, and in such a situation, at times the court will meet with whole-hearted cooperation, and at times with none at all.

There should therefore be passed by the legislature a bill providing for the complete control over the disposition of public money contributed for charitable purposes and over the scope of each agency. Furthermore, the number of agencies could well be reduced, and the work concentrated in as few organizations as possible.

An equally awkward situation has existed during the past year in the spending of Federal money loaned by the Reconstruction Finance Corporation to the state for charitable aid. A great dispute arose at the beginning as to whether this money should be applied to rent or not. Apparently the various states were divided into districts, and the authorities in Washington sent an agent to each district to explain in what way these funds might be expended. It is stated that in New Mexico the agent in control authorized the expenditure of Federal money for rent as well as food and clothing, but in Colorado, it has been said, the agent has at one time authorized such expenditure and later contradicted himself so that at no time during the past year have the committees (the state committee or the committee for Denver) felt themselves able to allow the expenditure of Federal money for rent in this state.

It would seem at first glance that social work had been carried on sufficiently long to permit the establishment of well defined principles and an efficient structure of social agencies, but such is not the case. One of the reasons for these defects is the fact that many agencies have originated in a voluntary manner in connection with some established church or as a part of a national organization and each feels itself bound in its policies by such connections. Each agency has grown up in answer to some apparent need, but the time has not yet come when the agencies are able to cooperate fully and efficiently. It is unfortunate that the jurisdiction of these agencies and the administration of them was not better defined before the depression had fallen upon the community.

These defects, however, do not seriously effect the cooperation of the agencies with the Juvenile Court, and for the most part, a request by the court for help from an agency receives immediate attention and results.

The court has occasion to deal most frequently with the City Charities, The Children's Aid Society, The Catholic Charities, The Red Cross, The Salvation Army, The Social Service Bureau, The Society for the Protection of Children and Animals, The School Attendance Department, Number Nine Pearl Street, The Central Jewish Aid, The National Jewish Hospital, and The Social Bureau of the Colorado Psychopathic Hospital. A number of other agencies have business in the court either as petitioners in cases filed or when called in by the court to assist in the disposition of a case.

The City Charities is the largest agency dispensing charitable assistance to the Denver population. Occasionally social workers from that agency will file a petition of dependency or contributing to dependency in the court and more frequently will be requested by the court to investigate the home and give such aid as is necessary or report to the court violations of court orders. An even closer relationship has existed between the court and the Children's Aid Society. This society has been foremost in developing the policy of foster home placements for problem children in this state. For many years it has been recognized in Massachusetts, particularly, and in other states, that many delinquent children can be better corrected by placement in a carefully selected private home than in an institution. The standard cost of such placement in Colorado is four or five dollars a week, not including clothing and other expenses. The Children's Aid Society has collected a number of such homes and has placed many children therein at the request of the court for periods of one or two years in some instances. The Catholic Charities has recently attempted, with some success, to utilize family homes more frequently, and some placements of this nature are made by the City Charities. This work has been curtailed by the shortage of charitable funds during the past year. It is most important that this effort should increase in scope as a substitute for institutional care. The Children's Aid Society also assists parents or relatives in caring for children in families where there is a financial shortage or where one of the parents has deserted. It is also active in receiving applications for adoption and placing legitimate children for adoption, but no agency other than the State Home is permitted, under the 1925 Maternity Home Law, to place illegitimate children for adoption. Recently The Children's Aid Society received title to three homes maintained for the care of children and is at present developing these homes for the care of boys and girls over the age of 12 years and under 18.

The Catholic Charities is also engaged in similar work and represents the connection between the court and the three Catholic institutions for the care of dependent children and the Home of the Good Shepherd, maintained for delinquent girls. The relationship between the court and this agency has also been close and cooperative. The Red Cross agents appear in court most frequently in connection with cases of support against disabled war veterans and connects the court with the Veterans' Bureau, which administers Federal compensation for veterans. Many examples have appeared in the court of the allotment of substantial com-

pensation to men who have had no overseas' experience and whose disability is not connected with war service, men who are utterly incompetent and unwilling to care for their families out of such funds. Fortunately, an order of custody from this court is recognized as a ground for dividing compensation between the father and his family .

Many persons are sent to the Colorado Psychopathic Hospital for examination by the court including problem children and adults with psychopathic tendencies. Psychosis, mental deficiency, and feeblemindedness are frequently met with in court cases, and the splendid staff and equipment of the Hospital have been of great service to the court in dealing with such cases. A unique home for boys maintained by the Kiwanis Club and other organizations is Number Nine Pearl Street. The purpose of this home is to enable boys over 15 to attain employment and become self-supporting. Many boys have been cared for at this home at the request of the court and few cases have been refused. The Salvation Army's connection with the court is largely in cases of unmarried mothers cared for at the Salvation Army Hospital, but more cases of this kind tried in court originate at the Florence Crittenton Home, a maternity home maintained as a part of a national organization.

A large number of other agencies occasionally appear in the court but too infrequently to require mention here. It is important, however, for the reader to understand the relationship of the court with the various public and private institutions of the city and state. Over two hundred children are committed annually to the State Home for Dependent Children by the Denver Juvenile Court. As will be seen from the succeeding section on statistics, the greater number of these commitments are the infants of unmarried mothers committed for adoption. It is occasionally necessary, however, in trials of dependency where the parents are obviously incompetent in mind or character to care for their children properly, to commit such children to the State Home. After commitment the court loses control over the child, which is then subject to the control of the board of that institution. Children under five or six years of age are usually placed for adoption by the home and later adopted through the court, unless in the opinion of the board there may be a reformation in the child's home. Other children are maintained at the home and subsequently placed out by indenture in working homes or upon farms and carefully supervised therein by the agents of the institution. The State Home makes an investigation of each case of adoption in the court of children committed to the institution, and adopting parents must file an application with the home and receive the written consent of the president of the board to the adoption. Without such consent, the court cannot decree the adoption of any inmate of the home. Owing to the interest and public service of the Board of Control, which receives no compensation, but serves with even greater interest than a paid board, and to the character of the present superintendent, Mr. John McMenamin, the

State Home is splendidly maintained and the work well done, in spite of the small financial provision made by the state for its maintenance.

Delinquent children are committed by the court to the Boys' Industrial School at Golden or rarely to the State Reformatory at Buena Vista, to the Girls' Industrial School at Morrison, to the Home of the Good Shepherd, a Catholic institution for delinquent girls, to the supervision of the Children's Aid Society, or to Number Nine Pearl Street. The State Industrial Schools are splendid institutions, standing very high in comparison with similar institutions in other states. Under the present superintendent, Mr. Poxson, the Boys' Industrial School has made remarkable progress in the development of equipment, training courses, and morale. The success of the Girls' Industrial School with its inmates, apparently owing to the nature of girls' delinquency, but in greater part to the character of the superintendent, Miss Cooley, and the Board of Control, is most remarkable. Many of the girls, upon leaving the school, continue to write to the superintendent and occasionally to visit the school with their husbands and children, an illustration of the attachment existing between the school and the children which it trains. The Reformatory at Buena Vista is in no sense a training school, as it has been maintained since its creation. It most closely resembles the State Penitentiary, and few commitments are made to the Reformatory for that reason. In many instances a sentence to the county jail seems preferable to incarceration in an inadequate institution of this kind. Splendid work has been done at the Home of the Good Shepherd in the care of delinquent girls committed by the court. Commitments to the State Industrial Schools are indeterminate and after commitment the court loses all control over the child, who is then subject to the control of the boards of those institutions until it has reached majority. Since the Home of the Good Shepherd is a private institution, however, commitment is for a definite period or subject to further order of the court. The Home has the advantage of an excellent course in commercial stenography, and occasionally, with the consent of the parent, Protestant children are also received at the Home to take advantage of this course. The equipment of the Home is contained in one excellent building but the facilities for outdoor exercise and play are not as good as at the Girls' Industrial School. Children are required to remain at these institutions not less than one year and frequently for two years.

A very large number of the complaints made to the Juvenile Court come from the Police Department of Denver. The bicycle detective, Officer Dillon, has for many years cooperated closely with the court and has evinced the greatest interest in his work and in the welfare of the children he comes in contact with. Approximately 1,000 bicycles are stolen annually in Denver, such thefts constituting the basis for a large number of delinquency petitions against boys. As a whole, the police department has shown excellent cooperation with the court and is made up at this time chiefly of younger men who show less antipathy than used to be the rule to the purposes of the court. Many cases are

also filed by the officers of the Humane Society, a state society consisting of a secretary, paid and volunteer officers, the purpose of which is the protection of children and animals. The paid officers are frequently called on to help in investigating cases in the court and have done their work thoroughly. As with certain individuals in the police department, these officers occasionally attempt to include in their responsibilities the disposition of a case made by the court, protesting at the failure of the court to order jail sentences in certain types of cases. Occasionally also, as with the police department, they have been careless in holding parties, against whom complaints have been made, in the county jail for many days prior to a hearing. One defect of the Humane Society is the fact that it is not subject to the control of any external authority, and this perhaps was one of the reasons why the legislature, this year, seriously considered the abolishment of this society.

In addition to the Home of the Good Shepherd, the Catholic Church maintains in Denver three large and well equipped dependency homes: St. Clara's Orphanage, The Queen of Heaven Orphanage, and St. Vincent's Home. Without the aid of the Catholic Church, the City and County of Denver and the State of Colorado would both be greatly handicapped in the care of dependent children. For the past year the State Home has been filled to capacity and the work of the Catholic institutions has served greatly to relieve the strain upon the home. These institutions have been most liberal in accepting Protestant children at the request of their parents or under order of the court, though commitment of Protestant children to Catholic Homes is not made without the parents' consent.

An orphanage for younger children is maintained at the Denver Orphans Home and many placements in that home are made by the court or at the request of the Children's Aid Society which appears to select most of the placements made at the orphanage. The Denver Orphans Home is also endowed by the Community Chest as well as by private subscription, and is well maintained and managed by volunteer directors.

The court's work with the School Attendance Department is largely concerned with truancy problems among delinquent children. This department has a larger staff of officers than the court and at the request of the court, the department, with the help of principals, boys' advisors, visiting teachers, and teachers, has taken care of its own truancy problems, except in more serious cases which require a placement of the child. It will be seen from the statistics in section six that very few cases have been filed in court in recent years by the department. It is, of course, desirable that such children should not be brought before the court except in necessary cases. The court also has connection with the superintendent's office in certain special dependency hearings filed by Denver residents to obtain guardianship of non-resident children whose parents in other counties or states are unable to care for them. Without such an order of guardianship, tuition must be paid for non-resident children. During the past year approximately 750 children

made their homes in Denver to attend Denver schools gratis. At the request of the superintendent's office, the court interrogated the guardian carefully to be assured that the real purpose of the child's making its residence with the guardian was lack of proper care at home and not the avoiding of school tuition alone.

V. COMMENT UPON STATISTICS OF THE COURT

The purpose of this section is to include a brief comment on the court statistics set up in the sixth and final section. Although no adequate picture of the court work can be obtained from a statistical analysis nor in any way other than from constant attendance at court hearings and probation work, some elements of these statistics require explanation.

It will be noted from a review of the introductory pages of the statistical report that the total number of cases under various divisions are set forth therein. In compiling the statistics, the clerk of the court has divided the cases into three main headings, and this is the method which has been employed since the first year of the court. Adult cases include (a) criminal informations and (b) civil petitions of contributing to delinquency or dependency. Of the sixty-one criminal informations filed in 1932, reference to subsequent pages of the statistical report will show that forty-eight consisted of felonies, including fifteen cases of felonious non-support, seven of grand larceny (against minors), three of burglary, larceny, and receiving (against minors), fourteen of statutory rape or assault with intent to rape, nine of indecent liberties. The balance include the misdemeanors known as contributing to delinquency and dependency, the former including cases which might have been filed against as statutory rape or indecent liberties, and the misdemeanors petty larceny and receiving, and joy riding (against minors). Of the felonious charges filed, those of statutory rape and indecent liberties (totalling twenty-three informations) were filed, and for the most part tried, prior to the decision of People vs. Abbott, supra. Because of the decision of the Supreme Court in that case, holding that the court has not jurisdiction to try adults for these crimes, there will be no further informations tried in the Juvenile Court upon these charges. The result will be to lighten the jury trial load of the court, but the probation officers in the girls' division have continued to assist the Police Department and District Attorney in these prosecutions now tried in the District Court.

The balance of the cases under the heading Adults includes 179 actions based upon non-support or other lack of care, the balance for the most part consisting of petitions for contributing to delinquency in minor ways, as by keeping a child out of school or encouraging violations of the law, the largest class numbering twenty-four representing the taking of indecent liberties with children by men so old as to have become senile. These individuals, because of their age and mental condition, should not, in the judgment of the court, be punished by jail sentences, but must be placed in the custody of responsible relatives to prevent subsequent similar actions. For the most part, the parents of the child

involved have shown an intelligent spirit in consenting to a civil petition being filed rather than a criminal information, although the information known as contributing to delinquency, because of the probation provisions in the statutes, would enable the court to accomplish the same result.

A second major division is entitled "Dependency," but it will be noted that the clerk has included under this heading cases which do not fall under dependency, namely: adoptions, appointment of the guardian of the person, and mothers' compensation and maternity cases. The actual number of dependency petitions filed in 1932 was 621. These actions include the most serious and difficult cases tried by the court. By reference to the detailed analysis of the dependency statistics, it will be found that 181 of these cases were relinquishments by unmarried mothers of their infants for adoption, 101 of these mothers being under 21 years of age. There has been considerable discussion by the Child Welfare Committee of the Community Chest, of which the writer was chairman last year, of the large number of relinquishments in the Denver court. In a survey by Dr. Kaplan of the dependency statistics in Colorado it was claimed that the number of illegitimate dependent children in Colorado was proportionately far above that of other states. The writer questions the accuracy of this statement. The fact is that statistical reports on illegitimacy in all cities are very incomplete and it is possible that the control of the situation in Denver is better than in most cities. But, granting the truth of the statement, an obvious explanation of the large number of illegitimate children born in Denver is the fact that Denver contains the only competent maternity homes in an area of approximately four hundred miles in any direction. These unmarried mothers who relinquish their children for adoption in the court range in age from 13 to 25 in most cases. Most of the girls are uneducated and ignorant and are the products of poor families. For that reason little effort is made in the court to persuade these mothers against relinquishment, since unquestionably the welfare of the child in most instances is much better provided for by an adoption than by persuading the mother to retain her child with charitable aid. The Children's Aid Society, however, has made some efforts, and in some cases with success, among girls in this situation. In other instances, however, the infant might be retained by an agency for several years without the mother showing an ability to care for the child until the child has passed beyond the desirable age for adoption. Results of this kind are most unfortunate and agencies should exercise the greatest care and control over a situation of this nature. Owing to the 1925 statute governing maternity homes, all of these relinquishments must be committed to the State Home for adoption. A total of 133 cases of adoption passed through the court in 1932. The great majority of these represented illegitimate children who had been committed to the State Home six months before or more.

The balance of the dependency cases were filed upon allegations included in the dependency law of 1923 defining dependency. There were 400 children involved in dependency actions of this nature in 1932. The statutory definitions do not show clearly the nature of these cases. Each

petition, in addition to the statutory definition of dependency, recites specific allegations which are typewritten in by the probation officer who files the case. It is to these allegations that references must be had, and to the case history, to discover the true causes leading to the filing of the petition. These causes fall into several different groups: insanity or mental deficiency; immorality and indecency; cruelty, neglect, and incompetency; poverty, resulting from chronic inability or unwillingness to obtain employment; drunkenness and addiction to drugs; prostitution and inhabiting houses of ill fame; controversy between parents or relatives over custody; and school cases of guardianship by residents of Denver to avoid the payment of tuition.

Perhaps the major cause of dependency in the Juvenile Court, outside of cases of extreme neglect, are those involving insanity or some psychopathic condition in one or both parents. The great majority of parents in the Juvenile Court are ignorant, many of them unbelievably so, and of low standing in the economic structure, but in addition to these factors, the court must struggle with subnormal mental conditions which make the parties difficult to handle at the trial and difficult to obtain obedience from regarding matters ordered by the court. Insanity, under the statute on adoption, is one of the grounds for decreeing adoption without the consent of the parents. Unfortunately, children over six years of age are seldom taken for adoption, and many children of insane or mentally deficient parents must be kept under supervision of the court. In every year of the court a large number of cases are filed in which one or both parents of children are found living in adultery or otherwise conducting themselves in an immoral manner detrimental to the children. The court has sought to treat these cases with lenience providing subsequent orders are obeyed, the attitude of the Judge being that when he is convinced that the moral degradations are irremediable, the children shall then be committed to the State Home. The danger of State Home commitments, of course, is the assurance that any child under five or six years of age will be placed for adoption very shortly after commitment. For this reason, many children are left in their homes under supervision who would receive better care at the State Home. Of course there is the alternative of placing the children in the Catholic institutions, where there is no religious prejudice, or of utilizing the Denver Orphans Home for younger children, or of making placements in foster homes in limited numbers. Cases of dependency involving a controversy between husbands and wives often present a tense emotional situation but less commonly involve serious environmental defects. Reference to the section on the court laws will inform the reader that where divorce has been filed, the divorce court is competent to pass upon the custody of children involved. Many parents who have separated, however, are not willing to seek divorce, or are financially unable, or prevented by some cause, and the Juvenile Court in these cases is the only court in Denver having jurisdiction to determine a controversy over custody. The statutory definition refers to controversies that are of such a nature as to warrant the state, in the interests of the child, in determining guardianship. It

would seem that any controversy between parents which cannot be adjusted without a court order is sufficient to warrant the Juvenile Court in determining custody, unless an action in divorce has been filed, when the reason is less urgent; and in such cases the court is stricter in examining the facts before finding a child dependent.

The most serious element in these cases of controversy is the freedom with which each parent discusses the defects of the other parent in the presence of the child. A situation of this kind has a serious effect upon children, sometimes resulting in extreme delinquency. Where the parents, however, show a decent regard for the children in this respect, the court's policy is to allow frequent visitations by the parent who has failed to obtain custody.

Under the major division "Dependency" a few cases of "guardianship" are shown. In previous years and for the first few months in 1932 the court handled school cases involving tuition by means of a guardianship petition in equity, but this practice has been discontinued. This petition is now used only in cases where orphans are applying for admission to the Army or Navy, and in cases where parents by deed have conveyed custody of a child to another person during minority under section 5542 of the Colorado Laws of 1921. Orders for support and the care under the Mothers' Compensation and Maternity Acts are not entered upon the filing of a petition but merely upon a written application, investigation by the proper officers, and approval of the director of the fund. They are not properly listed under "Dependency."

Collection for the support of children under order of court decreased in 1932 to $34,310.69. In the year 1931 the court collected $47,260.73, and in the preceding year over $53,000. These figures reflect the ravages of the depression, but, of course, with the help of Federal relief, many families have been in better condition in 1932 and 1933 than prior to that time.

The third major division in the report is "Delinquency." It is a matter of interest to the public whether delinquency and crime have been increased by the depression and unemployment. The statistics of 1932 show only a slight increase in the total number of delinquency cases accepted by the court. A reference to the statistics upon boys' delinquency will show a total of 743 cases accepted of which 206 were filed under new petitions and 208 representing violations of probation or complaints against probationers. In the preceding year there were 656 cases accepted by the boys' division, with 217 new petitions filed and 200 violations of probation and complaints against probationers. In 1932, 290 cases were accepted unofficially and in 1931, 231 cases. Further reference to the statistics on boys will show that the major cause of delinquency is parental neglect. It is frequently said that broken homes are the chief cause of delinquency, but of the 206 new cases filed in 1932, the parents were living together in 120 instances. Reference to the reasons for referring cases of boys' delinquency to the court will disclose that stealing of some form was the cause in the great majority of cases. There were 83 instances of bicycle and other thefts in the 206 new peti-

tions filed, 30 cases of automobile theft, 31 of burglary, 1 holdup, and in several of the other subheadings stealing was an element considered in the trial. Under the subheading "Disposition" it will be noted that 54 boys were committed to the Industrial School in 1932 as compared with 32 for 1931. In spite of this marked increase in commitments, it cannot be said that the depression has resulted seriously so far as delinquency among boys is concerned, since the number of petitions filed in 1932 was less than in 1931.

It will be noted under the subdivision "Referred By" that over 75% of the boys' cases are filed by the Police Department. The statistics for the boys' division are divided into two categories, the first referring to new filed cases alone and the second to all cases, whether official or unofficial. Fewer acts of delinquency by girls are referred to the Juvenile Court, as will be seen from the section of statistics on girls' delinquency, but this department has shown an increase in its cases over 1931, perhaps caused in part by the depression. The major cause of girls' delinquency is sex offense, probably the basis for at least 80% of the cases filed. This is not shown under the subdivision "Reason Referred," because in order to protect a girl's record petitions frequently allege merely "running away," "incorrigible," "truancy," or "stealing" as the cause, whereas sex offense might have been included in the same allegation. It will be noted under the subdivision "Complainant" that the Police Department does not play as large a part in filing these cases as do the parents and relatives. In 1932 a total of 468 complaints were accepted by the girls' division, of which 134 were filed as new petitions, 334 representing cases accepted unofficially or violations of probation. In 1931, 125 new petitions were filed in that department. The subdivision "Disposition" will show as in the boys' division that the greater number of cases are taken care of by the probation officer supervising the child rather than by commitment. Of the 134 new cases against girls, 29 resulted in commitment to the State Industrial School in 1932 and 9 to other institutions, usually the Home of the Good Shepherd. In 1933 there appear to have been a greater number of commitments to the Industrial School than in former years for the treatment of venereal disease. Until 1933 the United States Government and the state maintained a clinic in Denver for the treatment of venereal disease. The state having withdrawn its financial support in 1933, the Federal Government also withdrew and the city found it necessary to set up another clinic in the City Hall. Partially owing to the unwillingness of delinquent girls to report to the clinic faithfully and partially to the inadequate hospital facilities for treatment of such cases, it is frequently necessary to commit girls to the Industrial School to insure a permanent cure in such cases.

Returning to the total statistics, it is noteworthy that in 1932 there were 1,134 new petitions filed in the Juvenile Court involving 1,444 children. In addition to the new cases it must be borne in mind that cases of dependency or contributing to dependency may continue until the eighteenth birthday of the youngest child involved. Many cases, therefore, are reheard time and again. In some instances the case histories

will show 15 to 20 orders entered under a single petition. The total number of hearings to the court in 1932 was 1,596, of which 247 involved delinquency, 917 dependency and 432 either criminal cases or contributory civil cases. Under the new policy adopted in the court many of the new petitions filed were continued indefinitely, a written agreement having been effected between the parties.

In spite of this policy the number of cases filed in 1932 is only 24 less than in 1931. In 1931 there were 2,055 hearings to the court and in 1932 only 1,596, these figures showing the value in reducing the court docket of the policy of urging reconciliation or agreement between the parties.

Some brief mention should be made of the statistics of the court for former years. In the year 1910 to 1911 there were 907 cases filed in the Juvenile Court, of which 651 involved delinquent children, 182 dependency cases (including mothers' compensation and adoption), and 74 adult cases (including criminal cases and contributory civil cases). It is noteworthy that approximately three-fourths of the cases then tried represented children's delinquency. In 1920 to 1921, 1,059 cases were filed of which only 308 were delinquency petitions, 584 involved dependency, mothers' compensation and adoption, and 167 adult cases of crimes or civil contributory cases. In the same year the court collected $14,000 for the support of children. In 1927 to 1928, 1,762 new cases were filed in the court, of which 448 were delinquency petitions, 773 involved dependency, mothers' compensation, and adoption, and 541 were adult cases for crimes or non-support. The court collected in that year $58,000 for the support of children. These statistics appear to show that the court in the year 1927 was more frequently utilized to settle controversies regarding the welfare of children than in the years since that date. It is more likely, however, that the work of the court during that time has increased and with it the number of complaints filed, and the decrease in filed cases is due to a growing policy in the court to handle cases outside of the courtroom. This policy has been strenuously applied in some of the eastern courts, notably in the court in Cincinnati. Unquestionably, in many cases better results are arrived at by the efficient work of a probation officer in his office than can be attained after a bitter and emotional trial in court. Reference to the statistical report on the Mothers' Compensation and Maternity Funds will show that in 1932 the ⅛ of a mill levy applied by law to this fund resulted in the sum of $49,938.91. In addition to this amount the city also appropriated $61,000 to be expended under court order by that department. The cost of administration and service for dispensing this fund under carefully planned budgets and supervision amounted to $7,040. Two hundred twenty-one families, including 700 children with no other adequate means of support, were well maintained by this fund. One hundred forty-one of the mothers of these families were widows, 35 had been deserted by husbands, 25 were divorced, 17 had lost their husbands through commitment to an insane asylum or penal institution, and in 3 instances other relatives were raising the children.

Only a small amount of money was expended under the Maternity Fund Act to care for the mothers of 10 unborn children. The importance of the Maternity Fund Law has been lessened by the establishment of adequate Maternity Homes such as the Florence Crittenton and Salvation Army Homes for the charitable care of such cases.

In closing the comment upon the statistics, some mention should be made of the cost of the court to the city. The largest amount ever expended in one year by the city in the Juvenile Court was in the year 1927, which, as has already been stated, was the year showing the greatest number of filed cases in the court. In that year $46,394.73 was expended by the court. Of this sum, $37,419 was expended for salaries of employees. The greatest care has been exercised in keeping down office expenses and the payment of jurors' and witnesses' fees and other items. Owing to the necessity of the administration's balancing its budget for 1933 and effecting every possible economy in each department, the court reduced its budget to $43,100. Since there was no reason to expect any great decrease in the number of cases filed in such a period of depression, it was apparently essential to maintain the staff of employees at the full number. Some economy was effected, the estimate for jurors' fees from $3,400 to $1,200, and by increasing reductions in the amounts appropriated for supply judges and assignment of attorneys to parties unable to afford the services of a lawyer. The total amount expended for salaries in 1933 will approximate $35,000. Owing to reduction in the City's income for 1934, Juvenile Court salaries have been reduced to $25,380, and the total budget to $35,442, less than was expended for salaries alone in 1927, and the lowest budget requested since 1922.

It has already been stated that the salaries of the court employees are low as compared with the employees in other courts of Denver and employees in juvenile courts in other cities. The statute provides that the clerk of the court shall receive a minimum of $2,500 and a maximum of $3,500. The present clerk, who has faithfully given her full time and has spent many evenings at the court for many years, has been employed by the court since its creation in 1907. She is still receiving the minimum salary of $2,500 a year. The deputy clerks in the court are paid a maximum of $150 but in most cases $140. Their assistants receive but $100 a month. The probation officers are paid a maximum of $160 but in most instances $150 or less. The bailiff of the court receives $150 a month and the stenographers $100 a month or less. It will be found on examination that these salaries, in comparison with the salaries paid in other courts and considering the strenuous and difficult work accomplished, are quite inadequate. All salaries have been cut 10% for 1934.

The Detention Home, operated under the supervision of the court, does not include its budget with the Juvenile Court budget, the finance of this institution being under the control of the Manager of Health. In recent years the expenses of that institution have varied between $5,500 and $7,000. In 1933 it is probable that the expenses will not exceed $6,000. The matron of that institution receives $1,200 a year and resides at the home.

The Juvenile Court unfortunately is unable to contribute funds to the city as are the District Courts, from fines and fees, because the law prohibits the taxing of fees and the parties are unable to pay in any event. For this reason, perhaps, it has been difficult to improve the work of the court by employing better paid and better trained probation officers or by increasing the staff to full efficiency. A recent article in The Denver Post estimated that out of every $100 collected from taxes in the city of Denver, $52 went to the support of schools and of the $48 remaining $0.23 to the maintenance of the Juvenile Court, $5.50 representing the portion expended for the Police Department. It is natural that any court created in answer to new ideas and primarily concerned with the poorer element in Denver should receive less consideration in the appropriation of funds. In spite of this factor, with the cordial cooperation of the agencies and institutions and the devoted services of the officers of the court, many of whom have served for five years or more, the court is achieving the result for which it is created as efficiently as possible under existing conditions.

The transfer to the new courthouse has provided the court for the first time with satisfactory quarters in which to carry on its work. But the character of the cases has not changed and it appears from the statistics that the court has reached the standard level of its services to the community, since in the past eight or ten years the number of cases tried has remained approximately consistent. In no other court is there to be found as much sordidness, misery, and appealing conditions of human suffering as exist in the Juvenile Court. Although the court in recent years, through the policy of the judges presiding, has been kept out of the newspapers and other publications, it is still effectively performing its work, and merits the closest interest of the community. It was due to the feeling that the public required some education in the present condition of the court that this extensive report has been prepared and printed. Since no funds are provided from the court budget for the costs of printing, it will be necessary to sell copies at cost.

VI. STATISTICS OF COURT WORK FOR 1932

The sixth and final section following contains the full statistical report of the court for the year 1932 without comment. Subdivisions are numerous and aid in explaining the statistics.

STATISTICAL REPORT

OF

THE JUVENILE COURT

OF

THE CITY AND COUNTY OF DENVER

FOR

the Year 1932

STANLEY H. JOHNSON, Judge
VERNE L. CAPRON, Clerk of the Court
MERLE H. PITCHER, Referee

CASES FILED

	No. Cases	Involving Male	Female	Total
Adults:	267			
	Male	Fem.		
(a) Criminal Informations	60	1		
(b) Civil Petitions, for Contributing to Delinquency and Dependency	210	16		
	270	17	270	17 287
Dependency	607			
(Including Adoptions, Appointment Guardian of Person, Mothers' Comp. and Maternity Cases)				
Dependents	423	280	302	582
Adoptions		63	70	133
Appointment Guardian of the Person		6	4	10
Mothers' Compensation Cases (Filed 1932)		43	39	82
Maternity Cases (Unborn)				10
Delinquency	246	206	134	340
Total Cases Filed	1,134	868	566	1,444

UNFILED CASES

Domestic Relations Department	191		316
Delinquent Children		290	334 624
Total Unfiled Cases			940

HEARINGS TO THE COURT DURING THE YEAR

Adult cases		432
Dependency cases		917
Delinquency cases		247
Total hearings to the court		1,596
Jury Trials		
Under criminal informations	16	
Under dependent cases	3	19
Total hearings		1,615
First hearings girls' delinquent cases before referee		126
Amount collected for support of families from husbands and fathers during the year 1932		$34,310.69
Attorneys representing petitioners		34 cases
Attorneys representing defendants		119 cases
District attorney in criminal informations		56 cases

ADULT CASES

Charges

Contributing to Dependency								
By Parents:	Male	Fem.	Male	Fem.	Total	Male	Fem.	Total
1. By failure to support								
(a) By legitimate parents	126	2						
(b) By illegitimate parents	14	....						
(c) By legitimate parents unborn	9	....						
(d) By illegitimate parents unborn	16	....						
2. By cruel treatment or neglect	1	....						
3. By immorality of parents	2	9						
Total parents contributing to dependency			168	11	179			
By Other than Parents:								
By immorality with parent or child			4	....	4			
Total contributing to dependency			172	11	183	172	11	183
Contributing to Delinquency								
By Parents:								
(a) By keeping out of school, encouraging to fight, etc.	2	....						
(b) By immorality, indecent liberties, etc.	1	3						
Total parents contributing to delinquency			3	3	6			
By Other than Parents:								
(a) By encouraging to steal or buying stolen goods	6	....						
(b) By encouraging child to run away from home	1	....						
(c) By engaging minors to traffic in intoxicating liquors, or drink	5	1						
(d) By immorality, taking indecent liberties, etc.	23	1						
Total other than parents contributing to delinquency			35	2	37			
Total contributing to delinquency			38	5	43	38	5	43
						210	16	226

	Male	Fem.	Male	Fem.	Total	Male	Fem.	Total
Total adults under civil petitions, carried forward						210	16	226

CRIMINAL INFORMATIONS

	Male	Fem.	Male	Fem.	Total			
1. Failure to Support:								
a. by legitimate parents	15	....	15	....	15			
2. Contributing to Dependency by Failure to Support:								
a. Legitimate children	2	....	2	....	2			
3. Contributing to Delinquency:								
a. By Parents:								
By immorality, indecent liberties, etc.	1	1						
b. By Other than Parents:								
By immorality, indecent liberties, etc.	5	....	6	1	7			
4. Grand Larceny and Receiving			7	....	7			
5. Petit Larceny and Receiving			3	....	3			
6. Joy Riding			1	....	1			
7. Burglary, Larceny and Receiving			3	....	3			
8. Statutory Rape and Assault to Rape			14	....	14			
9. Indecent Liberties			9	....	9			
Total criminal informations filed			60	1	61	60	1	61
Total adults						270	17	287

SOURCE OF COMPLAINT

Under Petitions

		Total
Wife of respondent	116	
Mother of child, or children involved	16	
Mother of unborn child	16	
Other relative of child	11	
Mother of illegitimate child	14	
Social agency	2	
Father of child involved	5	
Officers of Juvenile Court	4	
Other	2	
Officer State Bureau Child and Animal Protection	11	
Police officer	11	
City detective	1	
School attendance officer	2	
Owner of stolen articles	2	211

Under Criminal Informations

Wife of defendant	15	
Mother of child involved	15	
Father of child involved	5	
Other relative of child	1	
Officer of State Bureau of Child and Animal Protection	5	
Police officer	12	
City detective	1	
Owner of articles stolen	2	56
Total		267

DISPOSITION OF ADULT CASES

	Male	Female	Male	Female	Total
Ordered to Make Payments for Support:					
(a) For legitimate children	60	....			
(b) For illegitimate children	1	....	61	....	61
Ordered to Pay Maternity Expenses:					
Illegitimate children (unborn)	4	....	4	....	4
Committed to Institutions:					
(a) State Penitentiary	5	1			
(b) State reformatory	2	....			
(c) County jail	10	1			
(d) State industrial school	2	....			
(e) House of Good Shepherd	....	1	19	3	22
Probation:					
(a) Under suspended sentence to state penitentiary as long as payments for support are made as ordered	6	....			
(b) Under suspended sentence to state reformatory	7	....			
(c) Under suspended sentence to county jail	8	....			
(d) Under suspended fine	....	1			
(e) As long as no further complaint	8	2			
(f) Continued indefinitely upon defendant making payments for support	19	....	48	3	51
Nolo Contendere:			3	....	3
Continued Indefnitely:					
(a) Defendant having been sentenced to federal penitentiary by federal court	1	....			
(b) Defendant serving jail sentence from another court	1	....			
(c) Reconciliation	2	....			
(d) As long as no further complaint, or pending further investigation	25	2			
(e) Pending service, defendants not apprehended	29	4	58	6	64
(Forward)			193	12	205

	Male	Female	Total
Carried forward	193	12	205

	Male	Female			
Dismissed:					
(a) On court's motion—Supreme Court having held Juvenile Court without jurisdiction	4	....			
(b) On court's motion—respondent and child involved having married	2	....			
(c) On court's motion, with prejudice	2	....			
(d) On court's motion, respondents having left the country	1	1			
(e) On court's motion—evidence insufficient to sustain charge	11	2			
(f) Petition in dependency having been filed	1	....			
(g) On motion probation officer	2	....			
(h) On motion district attorney, reconciliation	3	....			
(i) On motion district attorney, evidence insufficient	1	....			
(j) Defendants under delinquent age and petitions in delinquency to be filed	5	....			
(k) Defendants found not guilty by jury	4	....			
(l) Defendants making payments for support through another court	1	....			
(m) On condition defendant leave the country	1	....			
(n) On motion of petitioner	8	1			
(o) On motion respondent, non-suit	1	....	47	4	51
Pending Hearing at End of the Year:					
(a) Pending first hearing to the Court	19	1			
(b) Pending jury trial	9	....			
(c) Pending hearing on motion new trial	1	....			
(d) Judgment reserved as long as no further complaint	1	....	30	1	31
Total disposition of adult cases			270	17	287

DEPENDENCY CASES

	Boys	Girls	Boys	Girls	Total
Dependents:					
a. Family cases	197	204			
b. Relinquishment by unmarried mothers under 21	47	54			
c. Relinquishment by unmarried mothers over 21	36	44	280	302	582
Adoption			63	70	133
Guardianship			6	4	10
Mothers' compensation			43	39	82
Maternity cases			....	....	10
Total			392	415	817

SOURCE OF COMPLAINT:

(As to straight dependency cases)

Catholic Charities	14
Mothers	140
Fathers	52
Relatives	109
Humane officers	25
Police officers	4
Both parents	2
Court officers	16
Social agencies	27
School attendance officers	5
Foster parents	2
Other sources	17
Total	413
Attorneys for petitioners	42
Attorneys for respondents	36

DISPOSITION OF CASES

	Boys	Girls	Boys	Girls	Total
State Home for Dependent Children	108	109			
Other Institutions:					
a. Byers Home	1	....			
b. No. Nine Pearl Street	1	....			
c. Children's Aid Society	17	11			
d. Catholic Charities	7	11			
e. St. Vincent's Orphanage	1	....			
f. Queen of Heaven Orphanage	....	1			
g. Father Flanagan Home, Omaha, Neb.	1	....	136	132	268
Custody mother	37	46			
Custody father	9	15			
Custody both parents	5	9			
Custody other relatives	20	45			
Custody prospective adoptive parents	....	1			
Placed in boarding home, support paid by father	4	1	75	117	192
Continued indefinitely	16	11			
Continued indefinitely, to be reset on notice	10	9	26	20	46
Cause dismissed	20	13			
Cause dismissed with prejudice	1	1			
Cause dismissed without prejudice	2	2	23	16	39
Mothers' compensation	43	39	43	39	82
Guardianships	6	4	6	4	10
Pending	20	17	20	17	37
Adoptions:					
a. With consent of Colo. Children's Aid Soc.	2	....			
b. With consent of parents	12	14			
c. With consent of relative	2	3			
d. With consent of next friend	1	4			
e. With consent of Melford, Neb., Industrial Home	1	....			
f. With consent of Child Saving Institute, Omaha, Neb.	1	....			
g. With consent of president of State Home for Dependent Children	44	49	63	70	133
			392	415	807
Maternity allowances granted					10
Total			392	415	817

	Male	Female	Total
Mothers' Compensation cases, filed 1932, involving	43	39	82
Maternity cases, filed 1932 involving unborn children			10

STATEMENT CONCERNING MOTHERS' COMPENSATION CASES

Financial

Amount of appropriation for 1932	$ 61,000.00
Amount raised by one-eighth of one mill levy	49,938.91
Amount expended for 1932 (grants)	105,834.30
Cost of administration	1,125.00
Cost of service	5,915.00
Total expended	$112,874.30
Deficit	1,935.39

Social

Total number of families receiving allowances in 1932	221
Number of children under sixteen years of age	700
Number of families receiving aid January 1, 1932	196
Number of children under sixteen years of age	613
Number of allowances granted during 1932	25
Number of children under sixteen years of age	87
Number of allowances dismissed during 1932	19
Number of children under sixteen years of age	38
Number of families receiving aid on December 31, 1932	202
Number of children under sixteen years of age	662
For total number of families aided from January 1, 1932, to December 31, 1932:	
Owning their homes	63
Average number of children per family	3.1
Children who have attained the age of sixteen during 1932	69
Social status of mothers receiving aid:	
Mothers being widows	141
Deserted by husbands	35
Divorced	25
Husbands insane	13
Husbands in prison	4
Grandmothers	2
Guardian	1
Total	221

Nationality of Mothers:

American	141	Russian Jew	4	Negro	9
Italian	19	Russian German	4	Dutch	1
Swedish	9	Slovanian	1	Norwegian	2
Spanish	9	English	2	Scotch	3
Croatian	1	German	4		
Swiss	1	Irish	11	Total	221

Religious Affiliations of Mothers:

Protestant	146	Catholic	71	Jewish	4
				Total	221

BOYS' DELINQUENT CASES

Cases accepted for disposition during the year	743
New filed cases	206
Further hearing on petition	19
Contributing to delinquency	14
Criminal information	6
Violation of probation	53
Complaints on probationers	155
New unofficial complaints	290

Analysis of 743 Cases

1. Whereabouts of child when referred:

a. With both parents	481
b. With mother and stepfather	53
c. With father and stepmother	19
d. With mother only	100
e. With father only	37
f. In other family home	26
g. In institution	19
h. In other place	8
Total	743

2. Status of child's own parents when referred:

a. Own parents living together	490
b. Mother dead	54
c. Father dead	90
d. Both parents dead	14
e. Parents divorced	52
f. Mother deserted by father	28
g. Parents living apart for other reasons	14
h. Other status	1
Total	743

3. Child legitimate	741
Child illegitimate	2
Total	743

4. Country of birth of child:

a. United States	735
b. South America	1
c. Canada	1
d. Mexico	6
Total	743

5. Country of birth of father:

a. United States	616
b. Germany	5
c. Russia	21
d. Italy	31
e. England	5
f. South America	2
g. Greece	3
h. Poland	3
i. Sweden	7
j. Denmark	3
k. Mexico	21
l. Austria	7
m. Switzerland	1
n. Hungary	1
o. Scotland	1
p. Wales	1
q. Roumania	1
r. Holland	2
s. Canada	3
t. Manila	2
u. Norway	1
v. Not obtained	7
Total	743

6. Country of birth of mother:

a. United States	625
b. Germany	5
c. Russia	23
d. Italy	32
e. England	5
f. Sweden	4
g. Ireland	9
h. Mexico	20
i. Austria	6
j. Switzerland	1
k. Hungary	1
l. Canada	3
m. Wales	1
n. Manila	1
o. Holland	1
p. Poland	1
q. South America	1
r. Not obtained	4
Total	743

7. History of delinquency cases:

a. Never previously dealt with in delinquency case	432
b. Last dealt with in a previous calendar year	188
c. Last dealt with during this calendar year	123
Total	743

8. Referred by:

a. Parents or relatives	89
b. Probation officer	11
c. Police	429
d. Other court	2
e. School department	91
f. Social agency	16
g. Individual	105
Total	743

9. Reason referred:

Automobile stealing	51
Burglary or unlawful entry	70
Holdup	2
Other stealing	239
Truancy	72
Running away	44
Ungovernable	71
Sex offense	38
Injury to person	11
Acts of carelessness or mischief	125
Use, possession or sale of liquor or drugs	3
Other reason	17
Total	743

10. Place of care pending hearing:

a. No detention care, disposed of on day referred	75
b. No detention care, not disposed of on day referred	255
c. Detention care overnight or longer	413
Detention Home	323
Other institution	3
Police station	1
Jail	86
Total	413
Total	743

11. Race:

a. White	696
b. Negro	47
Total	743

12. Religion:

a. Protestant	492
b. Catholic	227
c. Jewish	18
d. Greek Orthodox	1
e. Not obtained	5
Total	743

13. School status:

a. Kindergarten	2
b. Grade school	257
c. Junior high	302
d. High school	81
e. Working	32
f. Not in school—not working	76
g. No information	3
Total	743

14. Disposition:

A. Child to remain under supervision of the court	
a. Probation officer supervising	347
b. Agency or individual supervising	42
c. Under temporary care of an institution	6
B. Child not to remain under supervision of the court	
a. Dismissed, or dismissed after warning	167
b. Committed to State Industrial School	54
c. Committed to Buena Vista	2
d. Jail sentence	1
e. Referred to institution	16
f. Referred to agency or individual	41
g. Referred to other court	4
h. Restitution	25
i. Runaway returned	12
j. Deported to Mexico	1
k. Other	6
C. Case held open, but no further disposition anticipated	19
Total	743

15. Children of Foreign Descent:

a. Russian	23
b. German	4
c. Greek	3
d. English	6
e. Swedish	7
f. Danish	3
g. Spanish	89
h. Italian	35
i. Austrian	10
j. Swiss	1
k. Hungarian	1
l. Irish	9
m. Polish	3
n. Scotch	1
o. Welsh	1
p. Dutch	3
q. Norwegian	5

GIRLS' DELINQUENCY CASES

Merle H. Pitcher, Referee

New filed cases	134
Criminal informations filed vs. adults concerning girls	55
Commitments to S. I. S. on cases filed previous to 1932	14
Hearings before referee on filed cases	126
Unfiled complaints	334

Analysis of Filed Cases

Complainant:	
Parents or relatives	54
Probation officer	2
Police	30
Other court	1
Schools	19
Social agency	9
Individual	6
Other Source:	
1. State Home for Dependent Children	2
2. Humane officer	11
Total	134
Charge or Reason Referred:	
Automobile stealing	1
Other stealing	15
Truancy	17
Running away	8
Ungovernable	24
Sex offense	65
Use of liquor	3
Other reason	1
Total	134
Whereabouts of Child When Referred:	
With both parents	42
Mother and stepfather	7
Father and stepmother	3
With mother only	27
With father only	6
In other family home	20
In institution	11
In other place:	
Detention Home	6
General Hospital	1
County jail	1
City jail	6
Working home	2
Unknown—runaways later recovered	2
Total	134

Status of Child's Parents When Referred:

Own parents living together	48
Mother dead	14
Father dead	20
Both parents dead	12
Parents divorced	26
Mother deserted by father	3
Parents living apart for other reasons	11
	134

Country of Birth of Child:

United States	130
Other	4
Total	134

Country of Birth of Father:

United States	116
Other (Language spoken in old country)	18
Total	134
Spanish	2
English (Canada)	3
French	1
Russian	2
Italian	5
German	5
Total	18

Country of Birth of Mother:

United States	117
Other (Language spoken in old country)	17
Total	134
English	3
Spanish	3
Russian	2
German	4
Italian	5
Total	17

Race:

White (including Mexicans, 14)	127
Negro	7
Total	134

Religion:

Protestant	99
Catholic	32
Jewish	3
Total	134

History of Delinquency Cases:

Never previously dealt with in a delinquency case	102
Last dealt with in a previous calendar year	11
Last dealt with during this year	21
Total	134

Place of Care Pending Hearing or Disposition:

No detention care, disposed on day referred	4
No detention care, but not disposed on day referred	84
Detention care overnight or longer:	
1. Other family home	1
2. Detention Home	30
3. Other institution	9
4. Jail	4
5. Hospital	2
Total	134

Disposition

A. Child to Remain Under Supervision of Court:

1. Probation officer supervising	67
2. Agency supervising	1
3. Under temporary care of institution	19

B. Child Not to Remain Under Supervision of Court:

1. Dismissed after adjustment	1
2. Committed to State Industrial School	29
3. Referred to institution without commitment	2
4. Runaway returned	2

C. Case Held Open but No Further Disposition Anticipated:	12
1. Referred to Holton, Kansas, court	1
	134

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