

Introduction and Chapter 1: Missouri Juvenile Court

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Although Illinois is credited with creating the first children's court, Missouri quickly followed suit and created its own institution. In 1903 St. Louis established a court system with jurisdiction over dependent, neglected, and delinquent youth. The original juvenile court system assumed the role of the parent. The process was informal, the atmosphere was conversational, and the proceedings were handled as civil matters. Since its inception, the Missouri system has undergone significant changes, from informally focusing on social welfare to a more formal process focusing on a balanced approach methodology incorporating accountability, rehabilitation and community safety. Currently over 72,000 children are referred to the court each year (Missouri Juvenile Court 2005 Annual Report). This chapter introduces the history of the juvenile court in Missouri, discusses the policy that shaped the adoption of the unified family court, and focuses on some of the more significant changes that have occurred throughout Missouri's juvenile court history. Additional chapters in this State Specific Study Site will direct the reader to information pertinent to Missouri that parallels the textbook, *Juvenile Justice: A Guide to Theory, Policy, and Practice*.

Like other states, the treatment of juveniles in Missouri was less than ideal until the late 1900s. Abused and neglected youth were often sent to adult prisons or placed in asylums and poorhouses. Most at risk children were made wards of the state and were treated as children needing protection. Protection would occur under the benevolent auspices of the juvenile court under the *parens patriae* philosophy. The belief was that the court could step in and take custody of the child regardless of his/her status as a victim or offender because of the state's duty as the "parent of the country" to save children from themselves and from becoming criminals.

Due to the industrial revolution, cities like St. Louis were plagued with the influx of poor immigrants and their children. The children often roamed the streets. Housing was cramped and the youth had no place to play so the street became their playground. Poorhouses, asylums, or other houses of refuge were opened and operated as supposedly safe places for confining wild youths whose parents had neglected to raise them properly. These placements were not established to protect kids from being abused, but were used as a form of preventive penology. The child savers movement was led by middle-class women who saw poor and neglected children running wild and thought placement in an institution would be good for them. They would be fed, housed, and trained to enter the workforce. However, the children were trained to occupy only the lowest level positions. They were taught to sweep and do manual labor (Platt, 1977).

The period before the juvenile court was established was also a time when children were often neglected and mistreated. Children were often buried without a tombstone, often another child would get the dead child's name and the other was simply forgotten (Zelizer, 1994). It was not unusual for a child to be buried in the yard – very similar to the treatment of family pets when they die. Children were often left to fend for themselves and find occupations at nine and ten-years-old. Children that brought money into the household provided for their own keep. Those not bringing in money were thought of as burdens. Adoption agencies sought older children who were able to work or clean house. Boys were preferred over girls. Babies were rarely ever adopted, and baby girls were never desired. The costs of having a child were high and the rewards were small for most people during these years (Zelizer, 1994). The early child savers were correct in their belief that unspeakable dangers existed for children left on the streets. Unfortunately many child savers were more interested in removing these youth from the streets so they could no longer rob and steal, than they were in rehabilitating them.

About the same time as the juvenile court was formally established, specific institutions were also designed and opened to meet the needs of children in Missouri. In 1889 the Training School for Boys in Boonville and the Training School for Girls in Chillicothe were established. In 1926 the Training School for Negro Girls at Tipton was opened. The girls' school in Chillicothe was used primarily for girls involved in some form of sexual indiscretion, including those who were sexually active or had a sexually transmitted disease (Abrams, 2003). As the eugenics movement was popular at this time, females were relegated to the institutions with the hope that the girl's immorality or feeble-mindedness would not be passed on to future generations (Bright et al. 2007).

Additionally, in 1915 in St. Louis the nationally acclaimed Children's Building was constructed. The building was touted as being one of the best facilities meeting the needs of young people in the nation (McMillian, 1999). The original Children's Building founded in 1878 by a group of 10 women gathered for an afternoon tea, amounted to a small rented house with 15 beds. Today this building, known as the St. Louis Children's Hospital, has clinical and community outreach programs servicing more than 250,000 patients annually. The facility's first by-laws described its' role as a nonsectarian institution pioneered for the treatment of children from birth to 14 years. Toward that end, in 1894 the institution established an afternoon kindergarten for its convalescent children. In 1907, the institution trained nurses in the diseases of infants and children and through the years it has pioneered significant developments relating to children's health, including, diagnosis of congenital heart diseases, performing pediatric open-heart, cleft palate and cleft lip surgeries, and developing artificial infant formulas.

The guiding principles of the new court were for the state to act in place of the parent, to use non-punitive efforts to save the child, and to employ individualized justice. In the earliest days of the court, the concern centered on removing children from their homes if acts of cruelty were charged against parents; but for the most part, the court preferred to supervise the children within their own homes. It was not uncommon for parents to bring children as young as three to court for 'incurability.' Today, however, there would be no national approval for the treatment of youth in those early years. The publicly acclaimed philosophy of the court, the doctrine of *parens patriae*, allowed the practitioners to act in the best interest of youth pursuant to the sentiments of the community at that time. While it was certainly recognized that youth should be handled differently from adults, and some sort of treatment could turn a wayward child into a reasonable adult, the methods employed to achieve those goals were not ideal or more precisely, the views held appropriate by the early court would be unacceptable in today's society.

For example, on June 25, 1907, the Kansas City Journal reported:

"I'll be good," Dewey Sobbed:
Operation to Reform Boy Who Steals Horses.

Dewey Marcuvitz, an 8-year old boy with a record for stealing horses was operated upon by Dr. J.S. Lichenberg at his office yesterday morning and the lad's tonsils were removed. The operation was at the suggestion of Dr. E. L. Mathias, of the juvenile court, who said that it might mean an improvement in the boy's character.

Dewey did not like the operation at all. He cried before he was placed under the influence of an anesthetic and when he revived he pleaded with the surgeon to send him home quickly. "That's all right, my boy," said David Marcuvitz, his father. "You'll be a fine boy now. But if you get into mischief again, I will bring you up here and let the doctor chop at you again." "I'll be good," Dewey sobbed (Kansas City Journal, 2007).

During the early years encompassing the time of the industrial revolution, Missouri juvenile justice practitioners were struggling to meet the increasing needs of the youth in the larger cities while trying to also service the rural communities. Most often juvenile matters were resolved by sending the youth to reformatories, monitoring their behavior while at home and developing innovative strategies to resolve the appalling social conditions confronting children.

Another article published in the Kansas City Journal dated October 15, 1907 exemplifies one innovative strategy employed by the early court system. This article describes a scholarship fund that was made available to children who worked. Institutions and private individuals agreed to pay pensions of \$3 a week to compensate impoverished mothers for the loss of wages children might earn if allowed to work. The fund would pay children to attend school. The journal reported, that “[A]t the juvenile hearing, the child’s mother tearfully explained that she needed his [her child’s] earnings since her husband died; that he could make \$5 per week, and that he had been a faithful child to her... that only once in years had he missed attending Sunday School, and that was to attend his father's funeral last April.”

Judge McCune’s decision refusing to issue a work permit to little George Galloway was explained therein as follows: “[t]here is a heap in this world that is good. There are any amount of good fellows in it. There is sunshine pretty nearly every day it rains. We hire the boys to work for it by going to school instead of letting them work for somebody else. In that way somebody educates them and helps take care of the mother. We have a long list of big-hearted people who give these scholarships, which really are widows' pensions. Heaps of good fellows in this old world. He must go to school. We can fix him up right. I have a scholarship I can let him have. He will get \$3 a week for going to school.” (Kansas City Journal, 2007).

Despite the optimism expressed by Judge McCune there were not “heaps of good fellows” and “unlimited big-hearted donors”. Funding and services were stretched and limited. Reform schools were thought to be the grand solution. Reformatories in Boonville, Tipton, and Chillicothe were overcrowded and oppressive. These institutions housed approximately 800 youths (Abrams, 2003). Mark Steward, Director of the Missouri Division of Youth Services from 1988 through 2005, referred to these institutions as among the worst in the nation, with murder, mayhem, suicides, and a long history of staff-on-ward abuse dating back to its inception in 1887. He reported that, “a lot of these wards (kids) they sent had been locked up in cells for 23 hours a day. They had been hurting other kids and were the most violent. They had mental-health issues and behavioral problems. They also had the longest rap sheets... one 17-year-old kid from the inner city had 69 court referrals. Most kids left the system worse than when they came in.” Because of the horrible treatment, the public and the legislature demanded changes. Some called for the training school to be shut down and for a new system to be built from the ground up. (James, S. 2007).

While the establishment of the juvenile court was certainly a bright spot in Missouri history, by the 1960s problems became overwhelming. Training schools were overpopulated and did little in the way of rehabilitation. Three boys were killed at the Boonville Training School in 1948 causing Missouri’s treatment of youth to come under national scrutiny. A 1969 federal report attacked the Missouri training schools for lack of rehabilitation, lack of proper education, and use of penitentiary tactics (Abrams, 2003). Meanwhile, the Supreme Court in its decision, *In re Gault* (1967) was extending due process rights to juveniles. These events and this decision brought a great amount of attention to the juvenile court (Cox, *et al*, 2007). It was a confusing time for Missouri’s juvenile court and the public and the legislature were demanding changes. Some called for a new system to be built from the ground up.

Honorable Theodore McMillian (1999, p. 5), U.S. Court of Appeals for the 8th district, recalls the 1960s and the ignorance surrounding those in charge of governing youth -- including himself:

On my first full assignment to the juvenile division in the 1960s, I called a press conference where, out of sheer ignorance, I declared that I was not going to ‘Mollycoddle’ juvenile offenders. Nor was I going to continue slapping them on the wrist. In other words, I suffered from that ‘back to the woodshed’ mentality, that is, I thought ‘you could beat the goodness in and beat the badness out!’ After less than six months, however, having seen and dealt with the myriad of problems presented by the juvenile justice system, I called another press conference and publicly admitted my sheer ignorance in making my earlier statement. It was evident that, at my first press conference, I did not have a clue as to the problems facing our young people, their families and the shameful lack of support and resources to address the problems.

The solution for the overcrowding, lack of rehabilitation, and other problems the juvenile system had been having were again attempted to be resolved by another call to reform in the 1970s and 1980s. Missouri’s problems were not unique. In fact, they were quite similar to problems facing many other states at that time. The reformatories in Missouri, including Boonville and Chillicothe were soon closed in 1981 and 1983 respectively, and were replaced with group style housing. The deplorable state of affairs of Missouri’s juvenile system eventually turned itself around. In fact, today the Missouri Division of Youth Services stands as the current national model. Under its present system, kids (no longer “wards”) live in small units with 20, 30 and 40 bed capacities in one of 32 residential facilities. These smaller facilities are now regionally-based throughout the state so that the treatment process can conveniently involve the family structure. With the new smaller facilities, came a new case management system and community-based services. Family visits are now encouraged and the children are assigned to a facility as close to home as possible. There are no guards, no uniforms, and no mace. The children reside in homelike cottage settings and sleep in regular beds with their own comforters. The environment is treatment-oriented 24 hours a day. Rehabilitation not punishment or retribution is the goal (James, S. 2007).

Legislative changes also served to improve the system. The Juvenile Justice Reform Act of 1995 was one of the most significant reform measures and came only two years after Missouri became one of the first states to create and unify its family courts (MJJA, 2003). Youth violence prevention, the delinquent offender, and the creation of juvenile and family court administration were the key areas addressed within the reform act. Communication between schools, state agencies, and juvenile and family court was made easier through automation allowing services to be expedited. When dealing with youth who are often facing some type of crisis, speed and ease of communication are greatly beneficial. Two divisions within the Office of State Courts Administrator (OSCA) were added: the Juvenile and Adult Court Division and the Juvenile Education Division (MJJA, 2003). Collaboration between agencies and departments at the state and local levels became the driving focus of the latest changes to Missouri juvenile courts.

Other legislative measures have also improved the juvenile system in Missouri. In 1957 the Unified Juvenile Court Act was passed which made the court a treatment center rather than a punishment center. The Safe Schools Act was passed in 1996 and in 1998 the Juvenile Court Improvement Act was passed (MJJA, 2003). The Safe Schools Act made great improvements in multi-agency communication. The schools, law enforcement, and the juvenile court could better track the progress or needs of youth. The Juvenile Court Improvement Act increased the state’s financial investment in the juvenile court by reducing the strain placed on county budgets and by enabling counties to work together. Other acts instituted to reform the harsh treatment of juveniles may not have, in practice as opposed to theory, achieved their intended goals. For example, despite the passing of the Juvenile Justice and Delinquency Prevention Act of 1974 which prevents incarceration of status offenders, females and other status offenders are still almost routinely committed to Missouri’s Division of Youth Services for residential placement (Bright et al, 2007). In fact, Missouri commits a higher percentage of status offenders, than most other states. Although the letter of the law is now followed, in that children are not incarcerated;

they are however, in fact removed from their homes and placed in settings operated or designated by the state of Missouri.

Social policy changes evolved as well, shaping the types and ranges of treatment used and available to youthful offenders. For example in 1970 the W.E. Sears Youth Center opened experimenting with a “Positive Peer Culture” treatment approach. Although the approach was ultimately phased out in the 1990’s, the concept of group treatment is still widely used within the juvenile system. In 1980 a juvenile court diversion program was established and in 1981 family therapy was initiated as a further treatment modality. More recently Community Liaison Councils have been developed as well as some jobs programs.

The purpose of the Missouri juvenile court has remained the facilitator of care, protection, and discipline of youth falling within its jurisdiction. Currently there are 45 divisions of juvenile court in Missouri serving more than 72,000 youth each year. The age of jurisdiction in the court is 16 and younger for delinquency/status offenses and 17 and younger for cases of abuse or neglect. Missouri has been heralded as a national model in corrections for the smaller facilities it adopted in the 1990s. “In 1994, Missouri appropriated funds to construct 200 secure beds with the condition that no facility could exceed a 50-bed capacity. By 2001, no juvenile correctional facility in Missouri contained more than 85 beds, and all except three contained 33 beds or fewer” (Sullivan, 2007; p.27). Gone are the cramped prison-like dormitory housing. They were replaced by smaller houses to foster closer relationships between juveniles, their counselors, the community, and their families.

In 1995 under Missouri’s Juvenile Justice Reform Act, the state created a sentencing system much like the reform initiatives in Connecticut and Kentucky, under which the adult criminal court may levy both a juvenile and an adult sentence. The dual jurisdiction law allows juveniles under age 17 to be transferred to adult criminal court for various felony offenses or if the youth is found to be a habitual offender. The criminal court judge however, may impose simultaneously a juvenile and criminal sentence, with the latter being stayed on the condition that the youth successfully completes the term of the juvenile disposition (Section 211.073 RSMo.).

According to Sullivan (2007), Missouri’s changes in correctional policy for youth have been well worth it. Only about eight percent of youth that enter Missouri’s rehabilitation facilities are now rearrested in the five years after release (Sullivan, p.28). Juveniles benefit by having better facilities for rehabilitation and Missouri benefits by saving almost one-third of what surrounding states pay for operation of their facilities (Mendel, 2001). Missouri can today be proud of its journey in creating a sound juvenile justice system.

Purpose Clause for Delinquency Proceedings

The purpose of this chapter is to facilitate the care, protection and discipline of children who come within the jurisdiction of the juvenile court. This chapter shall be liberally construed, therefore, to the end that each child coming within the jurisdiction of the juvenile court shall receive such care, guidance and control as will conduce to the child’s welfare and the best interests of the state, and that when such child is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which should have been given him by them. The child welfare policy of this state is what is in the best interests of the child. (Section 211.011RSMo.)

References

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Internet links for additional information:

- Kansas City Journal – 100-year-old cases
<Http://www.vintage.Kansascity.com/100yearsago/labels/junveniles%20court.html>
- Missouri Juvenile Justice Association, <http://mjja.org/default.asp?c=02&sc=01>.
- Missouri Revised Statutes
<http://www.moga.mo.gov/statutes/C211.HTM>

<http://www.dss.mo.gov/re/pdf/dys/dysfy06.pdf> Missouri Division of Youth Services FY 2006 Report

National Center for Juvenile Justice
<http://ncjj.servehttp.com/NCJJWebsite/main/html>

Office of Juvenile Justice and Delinquency Prevention
http://ojjdp.ncjrs.org/pubs/reform/ch2_k.html#note272

Safe Schools Act – HB1301 and 1298
<http://dese.mo.gov/schoollaw/LegFolder/HB1301&1298.htm>

St. Louis Post Dispatch – article on differences between Missouri’s reform in having no automatic waivers to adult court, judges have full discretion after having certification hearing. http://www.cjcj.org/press/fewer_juveniles.html

St-Louis Children’s Hospital. 125 Years of Doing What’s Right for Kids – St. Louis Children’s Hospital Celebrates Milestone. St. Louis Children’s Hospital Was Launched During an Afternoon Tea.
<http://www.stlouischildrens.org/tabid/96/itemid/2097/>

Review Questions

1. What were some of the earlier challenges facing the juvenile justice system in Missouri and how were they handled?
2. Discuss some of the changes made within the juvenile system during the last several decades. Describe how these changes have effected the functioning of the overall system and their impact on youth.
3. Discuss the benefits of the early reform schools such as Boonville, Tipton and Chillicothe as compared to the current institutions used today. Did the institutions prior to the 1980s conform to the purpose of the juvenile justice statutes? Do the current institutions conform to the purpose of the juvenile justice statutes?
4. What are some of the difficulties inherent in adopting a *parens patriae* policy?
5. Were the changes made in the juvenile court expensive? Were they worth it?
6. How can the Missouri juvenile justice system become more effective?
7. Discuss the extent to which Missouri’s juvenile justice system has evolved with regard to the treatment of females and minorities.
8. Describe the changes that have occurred concerning the treatment and handling of status offenses.