

U. S. DEPARTMENT OF LABOR

W. B. WILSON, Secretary

CHILDREN'S BUREAU

JULIA C. LATHROP, Chief

# PROBATION IN CHILDREN'S COURTS

Monograph prepared for the Children's Bureau

By

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THE FEDERAL RESERVE BANK OF ST. LOUIS

MEMORANDUM FOR THE BOARD OF DIRECTORS

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TO: [illegible]

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SUBJECT: [illegible]

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## LETTER OF TRANSMITTAL.

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UNITED STATES DEPARTMENT OF LABOR,  
CHILDREN'S BUREAU,  
*Washington, August 30, 1920.*

SIR: I transmit herewith a monograph on probation in children's courts, prepared for the Children's Bureau by Charles L. Chute, secretary of the New York State Probation Commission and the National Probation Association. This report is one of a series dealing with problems of juvenile-court organization and administration. A previous report of a questionnaire study of courts in the United States hearing children's cases pointed out the rapid growth of the juvenile-court movement in the 20 years that had elapsed since the establishment of the first special juvenile court. However, only one-sixth of the courts having jurisdiction over children's cases were "specially organized" for this work; among those reporting special organization, great diversity in principles and methods existed. It is hoped that the present report on probation—the keystone of the children's court—and other reports that will follow will be of assistance in the development of higher standards and better equipment for the specialized and delicate task of dealing with children in need of the care and protection of the State by reason of delinquency or parental neglect, or other conditions requiring court adjudication.

Respectfully submitted.

JULIA C. LATHROP,  
*Chief.*

Hon. W. B. WILSON,  
*Secretary of Labor.*

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# PROBATION IN CHILDREN'S COURTS.

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## WHAT IS PROBATION?

Probation, as it relates to children, may be defined as a system of treatment for the delinquent child or, in the case of the neglected or destitute child, for delinquent parents, by means of which the child and parents remain in their ordinary environment and to a great extent at liberty, but, throughout a probation period, subject to the watchful care and personal influence of an agent of the court known as the probation officer. From the narrower legalistic viewpoint probation is either a definite disposition which the court may make in the child's case in place of commitment, or it is an accompaniment or condition of an indefinitely suspended commitment. More broadly considered, probation, as its Latin origin implies, is the entire system of proving or examining, investigating, and supervising for a period a child brought to the court for treatment. It is a definite follow-up system for court cases with a developing technique. But it is much more. It is a mission to those in need, actuated by the highest ideals of human helpfulness and social service.

In dealing with probation as it is applied in the children's courts we must necessarily deal with the fundamental purposes and methods of the court itself. The probation service is not a separate feature or branch of the court's work merely, but is an integral and vital part of it; in fact, the children's court operates through the work of its probation officers, and without it could hardly exist. Probation officers are the investigators and after-care agents; they assist in making the diagnosis and they apply the remedy for the large majority of children treated, for whom institutional care is not prescribed.

## THE DEVELOPMENT OF PROBATION.

In the laws of every State in the United States save one, and in most civilized foreign countries, probation is now recognized as a definite method or plan for treating delinquent, neglected, or destitute children. The probation method did not originate in the juvenile court. Long before social workers began to discuss the advisability of establishing a special court for children's cases, various forms of

the probation system were being started in the criminal courts. The first probation law was enacted in Massachusetts in 1878, 21 years before the first separate juvenile court came into being in Chicago. However, the probation method developed first and principally in dealing with children before the courts.

With the growth of humanitarian ideals and the development of social service agencies, probation work began to be carried on in the courts, though not at first under that name. The first organized work was carried on by representatives of philanthropic societies. The children's aid societies, societies for the prevention of cruelty to children, and similar organizations furnished agents for the courts. These and individual volunteers developed the system of probation which was finally recognized by law and by the provision of salaries for probation officers. This probation work, under various names, and the lessons it brought, were influential factors in the movement for separate courts for children. When laws were enacted establishing juvenile courts, probation became the corner stone of their work and probation officers were provided for as a matter of course.

#### THE MEANING OF THE CHILDREN'S COURT.

Let us consider at this point what the development of probation and the children's court has meant to our entire judicial establishment. No institution is grounded more firmly upon tradition and precedent than our judicial system. Governed by laws and procedure inherited from the past, courts constantly tend to be out of touch with new findings and rapidly changing views as to the individual and society. Revolutionary changes and developments have occurred in very recent years both in the conception of the individual as a responsible unit and in the thought of society's responsibility. To say that our system of courts and correction has not been profoundly affected by these changes would be untrue. However, many traditional ideas still govern and outgrown laws and procedure of the past greatly hamper enlightened administrators who would take advantage of the newer and better thought.

The sympathy and the public interest which the child in trouble always calls forth, together with the growing modern conception of the supreme importance of child protection and education, have in recent years forced a modification of the former method of dealing with all law violators by means of punishment supposed to fit the crime. Society is at last beginning to see that there should be substituted for its system of prosecution, trial, and punishment—ineffectual either to prevent crime or to cure the criminal—the system of investigation, diagnosis, and treatment, such as has now been adopted, in theory and at least partially in practice, in the children's court.



In this court the question of guilt or innocence as to a particular act or acts is wholly subordinated, as it should be, to an examination of the character and condition of the child referred for attention. Its underlying conception and dominant practice is to ascertain the individual and social causes of the delinquency and to remove or counteract them. It is not interested in punishment as such. Its purpose is to understand in order that it may be able to cure and prevent. The children's court works entirely through the individual study and treatment of each child. Properly conceived, its work is analogous and, in fact, closely related to that of the physician. In its study of the individual child before a diagnosis is reached, it employs the psychiatric clinic, the psychologist, and the trained social investigator, usually known as the probation officer. In its treatment it utilizes all the helpful and preventive agencies of the community under skilled direction of the probation staff.

The work of the children's court is thus seen to be scientific. While most courts are still largely influenced by the prevailing theological conception of crime or antisocial conduct as determined by character and free will, and hence calling for fitting punishment, the children's court has become a pioneer laboratory in applying the principles of modern scientific criminology based on the study and treatment of the individual delinquent rather than on punitive law.

### THE PRESENT STATUS OF THE CHILDREN'S COURT AND PROBATION.

The recent questionnaire study of courts in the United States hearing children's cases, made by the Children's Bureau of the U. S. Department of Labor,<sup>1</sup> has shown conclusively that effective children's courts, with paid probation staffs, are by no means universally established. Only 321 "specially organized" children's courts were found to be in existence in the entire country. Most large cities have such courts, but a majority of our smaller cities have neither children's courts nor effective probation service. In very few rural areas in the country are these child-saving agencies developed.

In spite of these rather startling facts, it is still true that in the 21 years since the first court was established in this country the extension and development of the children's court and probation has been remarkably rapid. In spite of inertia and reactionary opposition involving many legal attacks upon the soundness of the principles involved, all of which have been met, rapid development has occurred. Nearly every year new laws have been passed pro-

<sup>1</sup> Children's Bureau, U. S. Department of Labor: Courts in the United States Hearing Children's Cases, by Evelina Belden. Dependent, Defective, and Delinquent Classes Series No. 8, Bureau Publication No. 65. Washington, 1920.

viding for children's courts, and probation and better standards have been adopted.

All but two States in the Union now have laws providing for juvenile or children's courts, these States being Maine and Wyoming. Every State, however, with the single exception of Wyoming, now has laws providing for the appointment of probation officers for dealing with children in the courts. Although in many States children's courts are found only in one or two of the largest cities, State-wide systems intended to reach every child are in existence in a majority. The development in the last few years has been notable, especially in certain Southern States. Within the past five years the States of Mississippi, West Virginia, and New Mexico have provided for juvenile courts and probation for the first time, and the States of Georgia and North Carolina have extended their systems to the entire State. The North Carolina law of 1919<sup>2</sup> is especially notable, providing for a special juvenile court and judge and a paid probation officer in every county.

Broadening the work of the children's court to include jurisdiction over negligent and nonsupporting parents, increasing the age limit for hearing children's cases in the first instance (usually from 16 to 18), and combining the work for children with that of the so-called domestic relations court, creating a family court having jurisdiction over all actions affecting the family relation—these have resulted from recent laws in a number of States.

In recent years many cities have secured better trained and larger probation staffs. The work of the probation officer has largely been taken out of the volunteer, unpaid, or partly paid class, and more adequate salaries are now provided, though there is still much to be accomplished in this direction.

## PROBATION METHODS.

### INVESTIGATION.

In a large majority of children's courts the probation officer performs a double function. He is an investigator and a case supervisor. In the first capacity he assists in the diagnosis and disposition of the child. His part is to make a social investigation of every case assigned to him by the court, or, where the best system prevails, of every case as soon as possible after the complaint is received.

The duties and powers assigned to the probation staff vary in dealing with the children before court disposition. In some courts probation officers to a large extent control the intake of the court. Children's cases—and included with these in the best equipped chil-

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<sup>2</sup> Acts of 1919, ch. 97.

dren's courts are cases against parents or guardians in behalf of the child—are brought before the courts either through arrest by a police officer or by the more approved, and in the most successful courts more generally used, method of the filing of a petition in the court and the issuance of a summons to the parents and child. Where the complaint is made to the court, probation officers frequently decide through interviews or investigation whether the case is sufficiently serious to come before the court. When a petition is filed the probation department often has power to determine whether the child shall be taken to the detention home or remain with its parents pending investigation. In the best organized courts the probation staff is given an opportunity in every case to make a thorough social investigation in the first instance, regardless of what the method of starting the action may be and whether or not the child is taken into custody before hearing. In this matter it should make no difference whether a boy is arrested by a police officer for committing a burglary, or is taken to the detention home by a police officer upon complaint of the parents as incorrigible, or whether the child is brought before the court by the method of filing a petition in the court upon complaint duly presented and vouched for by a citizen.

Opinions vary somewhat in regard to this matter and practices differ greatly, but it is generally conceded that the method still used in some children's courts of first arraigning children for trial and then making the investigation is "putting the cart before the horse." Some courts, adhering still to a criminal procedure in part, determine the question of guilt or innocence upon strict rules of evidence before receiving the probation officer's previously prepared report and recommendations. However, even this does not seem to be necessary, for the true purpose of the court is not to punish for a given offense; it is to ascertain all the important underlying facts involved in the case of a child or family displaying certain antisocial symptoms and to decide upon a course of treatment which will remove the causes and best help and protect both the child and society. The court's function is parental. The court should proceed as does a wise parent and should have before it all the information that can be secured before any decision is reached.

When a probation officer receives a case for investigation he has a very difficult and responsible task to perform. The petition or complaint tells him little. Take a concrete case: A mother has come to the complaint department, directed thither by a policeman or social worker; she has made affidavit that her boy of 16 is incorrigible. She has stated that the boy's father is dead; that there are several other children; that the boy stays out nights, will not work, and is beyond her control. The petition is received and the case is

referred to the probation officer to make an investigation. The officer goes to the home, sees the mother, and obtains her full story. He notes conditions in the home and neighborhood. He sees the boy alone. He learns the condition of the other children. By discreetly interviewing present neighbors and neighbors at former addresses, hunting up relatives who are available, and seeing others who know the family, he learns the general reputation, past history, and something of the antecedents of the family. The officer may then visit the employer and previous employers, the school which the boy last attended, the church, and any settlement or other social-service agency which knows the family. The names of any such agencies are secured by registering the case, as soon as the petition is filed, with the confidential social-service exchange of the city.

Many unsuspected facts are revealed by the field investigation; many times, in fact, conclusions are reached which are entirely different from those that would have been reached through merely seeing the entire family in court. Such facts as these are discovered: Bad housing, immoral neighborhood, antagonism and quarrelsomeness between members of the family, lack of discipline, or too much of it, and so on. The probation officer has many things to decide. His written report usually determines whether the judge will give the boy a chance to make good in his own home under probation or whether he will do as the mother may suggest—send the boy away for a long time to the State industrial or reform school.

In such cases as the above, which are common, it is often not so much a question of facts—these are mostly admitted though not always easy to balance; the main questions which both the probation officer and the judge must decide relate to the attitude and latent capacities of the individuals involved, combined with environmental conditions. Much will depend upon the attitude of the mother. Much will also depend upon the real character of the boy. The probation officer in this work must have judgment, psychological insight, and, above all, common sense based on experience. In the absence of psychiatric and medical examination of the boy, which ought to be made at the start in every case but which now is possible in most courts only where serious defect is suspected, the probation officer should ascertain, if possible, whether there are the symptoms of mental and physical disorder. If these are suspected he should arrange for an examination in the clinic available to the court.

Having obtained all these facts, which vary in the infinite range of human complexities, the probation officer must prepare a full written report. This must state all important facts, not overemphasizing any. It must state facts and not opinions, though opinions will undoubtedly color it. It is impossible for any court, even if it were desirable, to get away from the opinions and recommenda-

tions of the probation officer. The essential thing is that these be founded on careful study of the case, fairness, accuracy, and good judgment.

Some children's courts minimize the preliminary investigation on the ground that if in doubt the court will use probation, giving time for continued and more careful subsequent study of the case. Experience seems to show that this theory frequently leads to placing cases on probation which are bound to fail, and also that it may lead to other wrong disposition by the court. The study of this matter in many courts also shows that the same thorough all-around investigation is not made by probation officers after they receive a case on probation as is made before. This is perhaps due to the need of all of us to be held to account, and to the fact that it is human nature to do a piece of work more thoroughly when the results of that work will be reviewed and will count in making a responsible decision. Perhaps this ought not to be the case, but in practice it is so.

In most courts the officers shift from investigation to supervision, following their cases through. The question whether certain officers should be employed to devote their time entirely to investigation, with a special staff of supervising probation officers for the after-care work, is being discussed to-day. It has been tried out in a few courts and there is much to be said for the plan. The work of investigation differs from the supervision of children on probation in certain respects; though the two are similar, they involve different emphasis and systems of work. In the investigation the important thing is to find out facts; in the supervision it is to give constructive help.

There is a peculiar investigating knack. It consists of the ability to grasp facts quickly, possession of a great deal of tact and diplomacy, unusual memory, ability to get around quickly and to "get in." It also requires a sympathetic approach. In any case the investigator, like the supervisor, should be a real social worker, actuated by genuine sympathy and a spirit of service.

Besides the advantages of specialization it would seem that some economy of time might be effected by providing for an investigating staff and a supervising staff, and that the neglect of either branch of the work would be avoided more successfully. The problem also of the necessary presence in court of the investigator when his case is heard would be more easily solved if certain probation officers did nothing but investigate. The principal objection is that a new officer not so familiar with the facts as the officer who made the investigation, must take up the case after probation has begun. However, with a full written report given to the supervisor at the start, supplemented by an interview with the investigator, there is little loss here. The supervisor in any case should see all persons interested in the child after probation has been ordered, approaching them in a some-

what different manner and for quite a different purpose than does the investigator. It is to be hoped that more of the larger children's courts will try the plan of separate officers for investigating and supervising, working in close cooperation.

#### THE PSYCHIATRIC CLINIC AND ITS RELATION TO PROBATION WORK.

As an adjunct to the work of the children's court, developed more recently than the probation staff but now considered indispensable, is the court clinic, where physical, psychiatric, and psychological examinations are made by expert physicians and psychologists. The remarkable developments of the last decade in the study of psychopathology and abnormal psychology, especially in their relation to antisocial behavior, have profoundly affected the work of the modern court. Not only is the clinic operated in connection with the juvenile court of inestimable value as a research laboratory, but it is of practical, everyday importance in the diagnosis and treatment of the cases brought before the court.

It is generally admitted that under ideal conditions expert examination of every child, mentally and physically, should be made periodically. The place for these examinations would seem to be in the school, but the schools have not equipped themselves generally for thoroughgoing work of this kind. With the exceptional children brought before the court a more thorough study is demanded by experts skilled in dealing with the abnormal and difficult child, and a clinic in connection with the court is required. It would be well if every child coming before the court for treatment could pass through the clinic, but in few courts as yet are the facilities adequate for this. The judge or the probation officer, frequently the latter, is called upon to select cases presenting symptoms of abnormality requiring special examination. It is often impossible in connection with the probation officer's investigation to examine all the children who present these symptoms, but this is the time when it should be done rather than after the child has been placed on probation. A clinical examination is often essential to a correct diagnosis and decision.

While recent studies have seemed to disprove the theory that a very large percentage of the children dealt with by our courts are feeble-minded or even seriously psychopathic, yet, according to recent estimates, many of them are definitely abnormal.<sup>3</sup> Among these children are some of the most difficult with whom the court has to deal. Besides the definitely defective are many subnormal or border-line

<sup>3</sup> Healy, William, M. D.: *The Individual Delinquent*. Little, Brown & Co., Boston, 1915. Chs. IV and VIII.

Groszmann, Maximilian P. E.: *The Exceptional Child*. Charles Scribner's Sons, 1917. P. 193 et seq.

children, neurotic, retarded, or with mental conflicts and complexes, often the result of evil environment and mistreatment by those who should have been their guardians and protectors. Here the advice of a trained psychiatrist and psychologist is of immense value both to the court in determining what to do with the child and to the probation officer when probation is tried. Probation can do much for these children when applied with full knowledge and skill, saving many from permanent institutional life. The probation officer's knowledge is practical; he needs the scientific advice of the expert, not only at the start but throughout the treatment of some of his difficult cases. Of course, the more the probation officer can himself learn about psychology and the symptoms of mental abnormality the more valuable he becomes.

Psychological examinations greatly assist the probation officer in understanding children and in dealing with them most effectively. Though a majority are inherently normal, they are abnormal in conduct at least. They are "unbalanced," suffer from emotional instability, mental repression, extreme diffidence or exaggerated ego, have feelings of imaginary superiority or social isolation. These personality defects are often responsible for imperfect life adjustments. There is need for united effort to search out and develop appropriately the basic instincts and deep emotional undercurrents which have so much to do in shaping personality, determining character, and controlling conduct. Every child must be studied and understood. The probation officer must do this, securing all the assistance he can from available experts.

#### THE PROBATION OFFICER AND THE COURT HEARING.

It is not always practicable or possible for the probation officer who makes the investigation to be present in court when the case is being tried, although it is advisable that he should be there. Sometimes another officer must represent him, but in any case his complete written report of the investigation should be in the hands of the judge at the time of the hearing. The probation officer should be present, not as a witness but as an adviser and consulting expert, to give information and suggestions when requested to do so, supplementing his written report.

In several large courts the chief or an assistant probation officer hears cases in the first instance, rendering decisions—to be approved afterwards by the judge—in uncontested cases, and placing children on probation. In this they are more than probation officers, acting rather as referees of the court and performing judicial duties. In several courts the judge appoints a woman probation officer to hear all girl cases. The method appears to have worked well where it has

been tried, but is open to criticism if the officer is not carefully selected and if this sifting of cases is not under close supervision by the judge.

#### SELECTING PROBATIONERS AND PROBATION OFFICERS.

"What is the best way to help this child?" is the question demanding an answer from the children's court judge many times daily. It requires the highest wisdom and finest judgment to decide aright. The child himself and his relation to his home and environment must be considered. In the well-equipped courts, unless the child is found to be definitely feeble-minded, probation is used in the first instance in a large majority of cases. If there is only a fair chance that the child can remain in his home and successful results be secured by probation, that chance is taken. If it turns out that the child must be removed from an unfit home the court seeks to have him placed in another family home. Some courts have well-equipped placing-out bureaus, all placing out and subsequent supervision being performed by probation officers. More often placing-out societies are used. In such cases the children may remain under the probation officer's supervision or the court may commit them to the placing-out society or bureau, which assumes the entire supervision. Almost always the institution either for dependent or delinquent children is properly considered a last resort.

When the judge pronounces probation and the child and his parents leave the court room the probation officer to be assigned to the case arranges, if possible, for an immediate interview with child and parents in a private room. At this time a card is given the child and the requirements explained.

The assignment of probation officers is most commonly on a district plan. Some courts assign every child in a district to one officer, others divide on the basis of sex, some on nationality, and a few on religion. It is agreed that girls, in general, should be placed under women officers, and the older boys, at least, under men. Aside from this, the only practical division in most courts is on district lines. There is undoubtedly some advantage in having probation officers of the same race or nationality and also of the same religion as the child, but in most courts it is not a practical arrangement.

#### METHODS OF SUPERVISION.

After the investigation, diagnosis, and adjudication by the court, when the child is placed on probation and the conditions have been explained, the real work of probation begins. Probation officers have developed various systems for dealing with their charges, but the vital thing is the personal relationship and not the applying of



any system of rules or technique. The relationship created by the decision of the court is largely a psychological one. Certain rules are usually laid down by the court, supplemented by others developed by the probation officer, but rules alone are of little value. It is, of course, requisite that the probation officer should see his young charge frequently. There can be no personal relationship without contact. Hence, most probation officers require regular reports or visits by the child to the probation officer, and all officers visit the children as often as possible in their homes, schools, or places of employment. But probation is not chiefly a system of discipline or surveillance or coercion. It is a spiritual thing. It is based on mutual understanding and mutual trust; on friendship, liking, and gratitude on the part of the child; and on an earnest desire to help on the part of the probation officer.

The probation officer must have the spirit of the artist, working with human clay. He must have what religious workers know as a "passion for souls." He must be human; he must work with his heart as well as with his head. He must be religious in its broadest and best sense. He must have faith in humanity, especially in boys and girls. He must love and understand children. He must be a child himself at heart, not a "grown-up" who has forgotten how it feels to be a child. He must be an expert in child life and child nature.

The probation officer must avoid a sentimental attitude; soft-heartedness breeds contempt. He must appeal to the sense of justice and fairness, found in almost every child, by being just and fair himself. He must at times be severe without being hard; uncompromising without stubbornness. He must show sympathetic interest in all that concerns and interests the probationer. This is the surest road to the child's confidence, without which the probation officer can do nothing.

A practical worker with boys of many years' experience sums up the basic work of the probation officer in these words:

Be sure you don't talk *at* the boys, or even *to* the boys. Talk *with* the boys. Think their thoughts. Get down (if it is getting down, and I'm not sure it is)—get down to their intellectual perspective. Touch them just where they are in their own words and ideas. Never use your own forms of speech if you can help it. Talk slang. Be a boy. Be one of them. Then you have the leverage under them, and you can lift them gently and unafraid just as high as they can go—and no higher. You will probably be surprised how far they will go, however.

This is where high art comes in, this knack of getting the boy with you. He may slip away from you many times, and he will always be unable to go as high as you would like. \* \* \*

Patience is the mother of virtue. "Rome was not built in a day." Neither is character, in a boy or in any of us. How interesting it must be to be a master builder, to plan and erect a great building, or a railroad system, or a manufacturing or commercial enterprise, or a great city. But to build a great or greater man from a slouch and a liar is more interesting, more heartening, and more worthy.<sup>4</sup>

With such equipment and spirit the good probation officer begins his difficult task with the child delinquent. Parents, teachers, respectable people, doubtless it often seems to the child the whole world, has given him up as "bad." He may have had but little chance and small encouragement to be different; he may have had apparently every chance a child could have, yet something somewhere has been wrong in his environment or education which the probation officer must now try to remedy. This is often a complicated process. It requires imagination and ingenuity; machine methods will not do. The officer must stimulate and develop all that is good in the child's make-up, and must counteract bad habits and harmful interests by putting good ones in their stead. He must say "do, do," rather than "don't, don't." It goes without saying that he can not work alone, but will accomplish most of what he does accomplish through the help of others and by cooperation.

Space forbids the quoting of an entire probation record from the many successful records in the possession of the writer, but herewith follow brief summaries of records showing specific methods used by successful probation officers to secure the results they seek with delinquent children:

Case of a boy of 15 twice brought before the children's court for stealing. The probation officer found the boy in a good home, except that there was a decided lack of discipline. The boy had been allowed to stay out late at night, and entirely unknown to his parents had been associating with bad companions. The probation officer found this out and told the father everything. Strict discipline followed. The boy was required to attend a special school until he could secure his working papers. Then the probation officer secured steady employment for him, and he was kept entirely away from bad associates.

Another boy of 15 was placed on probation, having been caught forging an order for goods. He had never been in trouble before. He had no parents and was living with a married sister. Supervision at this home was entirely lacking. He was the victim of bad associates and an evil neighborhood. The probation officer took him out of this bad environment and arranged for him to live with another sister in a distant part of the city. Here he had a very

<sup>4</sup> Fairfield, Frederick P.: *Shall We Train a Boy by Fear or Kindness?* pp. 23-24. Suffolk School for Boys, Rainsford Island, Boston, Mass.

good home. The boy was induced to work steadily and to save part of his earnings. He showed great improvement at the time of his discharge from probation.

A woman probation officer reports the following special services for girl probationers:

Secured medical attention.

Induced probationer to take regular baths.

Secured suitable employment and saw that the girl was regular in her work in spite of an indifferent mother.

Other special services reported by probation officers as frequently rendered are as follows:

Finding new living quarters for the family.

Taking children to places of amusement and libraries.

Sending children to the country.

Teaching mothers how to care for their children.

Helping probationers and their parents to save money.

Placing children in trade schools for special training.

Removing insanitary home conditions by securing the cooperation of the boards of health.

#### THE DETAILS OF SUPERVISION.

While emphasizing personal service and individual work with each probationer as indispensable, the importance of a system of supervision which will insure adequate and effective contacts with each child on the probation officer's list must not be overlooked. The probation officer must distribute his time among his cases, be they few or many, to the best possible advantage. The National Probation Association in its standards has recommended that an average of 50 probationers is the maximum that any probation officer ought to be required to supervise.<sup>5</sup> Even this is probably too large for the best results, and yet a great majority of the probation officers of the country have more, sometimes several times more, than this number to care for.

#### Reporting.

When officers have an excessive number of probationers there is all the more reason why they should adopt methods which will insure regular contact with all their charges. None of the cases must be neglected entirely; some supervision must be maintained over all of them. To this end, requiring children on probation to come regularly to the probation officer at a stated time and place for a "report" or interview is in most courts considered a necessity. Many courts require weekly reporting of a majority of the children on probation

<sup>5</sup> The Social Work of the Courts. Annual report and proceedings of the tenth annual conference of the National Probation Association, 1918. Albany, 1919. P. 95.

for delinquency, except toward the close of the probation period when less frequent reports are often allowed. As the method is disciplinary in nature it is less often used for children classed as "dependent" or "neglected." In the latter class a parent is sometimes required to report. Girls and very young boys are in many courts not required to report but are visited more frequently. Experience shows that in general reporting is the only way to insure seeing the probationers with any degree of regularity or frequency. Visits to the home alone do not insure this result, the child frequently not being there. Reporting followed by the home visit brings the officer into contact with both the child and the home and forms a complete system of supervision which has proved most effective.

Mistakes are very commonly made in connection with the reporting of children on probation, which, unless carefully guarded against, may nullify the whole value of it. In the first place, children should be kept away from the court room or court building as much as possible. The greatest success in reporting has been secured by districting the city and using school buildings, settlement houses, or private offices as reporting centers. In the second place, children on probation should not be congregated. It is possible, by strictly limiting the number of children to be received at any one hour and by the proper arrangement and supervision of the reporting rooms, to avoid all harmful mingling. Perfunctory reporting, which consists of asking a few stereotyped questions and marking a card, is valueless. This can and should be avoided. The writer has observed reporting when it was a living, vital thing, the probation officer obtaining information on the child's conduct, habits, use of time, etc.—afterwards checking up this information; giving a personal word of encouragement or warning to each child; and, above all, cementing the bonds of friendship and mutual confidence by his kindly, heart-to-heart approach.

The question of bringing the child before the judge at stated times during the probation period or only for final discharge at the end of the term is a much mooted one. At one extreme is the court where the judge is in reality a probation officer, receiving regular and frequent reports from the child. At the other extreme are the many large courts where the entire supervision, fixing of the probation term, and the final discharge are all in the hands of the probation staff. It would seem that the best method lies between these two extremes. Doubtless it is best that the judge should not lose all contact with the child placed on probation, even when the child is doing well. On the other hand, bringing the child into the court room, except where a reprimand seems needed or for a change of order, should be avoided. In some courts, the judges maintain close supervision over the work of the probation officers,

reviewing their cases with them regularly but not seeing the child if he is doing well, not even at the termination of probation. This is largely a matter of the preference of the various judges. Whether one plan or the other is used, the child doing well on probation should not be subjected to the court atmosphere and surroundings. If the judge meets the child at the close of probation it should be for a friendly talk, not to awe the child but to encourage and back up the helpful influence and the constructive work wrought by the probation officer.

There is a disciplinary side to the probation plan which can not be lost sight of. The greatest value of reporting is the discipline involved in it. It is something other than the ordinary duties of life which the child must perform regularly, whether he likes it or not. If the probation officer is successful and the child is taking his experience in the right spirit he will like it. In the words of one experienced probation officer: "The child who resents reporting is the very one who needs it most." It gives the probation officer a chance to teach obedience and punctuality. Home discipline is often so entirely lacking, habits of rebellion to all authority, willfulness, and selfishness so strongly established, that the probation officer may need all the power he can command to counteract them, including bringing the child several times before the court for reprimand.

An example of this method and its success is contained in the following probation report made to the judge upon recommending the discharge of a boy from probation:

S. L. has been on probation for eight months. At first the boy did not respond to the advice of his probation officer, which, I believe, was due to lack of cooperation on the part of his parents, but after a severe reprimand and threatening that I would bring him back into court, the boy responded and has conformed to the conditions laid down by me. His school report has improved greatly, until now his principal reports that to date this term the boy has been present in school every day. His conduct is B-plus. His parents now report that the boy is obedient, attends school regularly, and retires early.

#### **Home visits and work with the family.**

That every probationer's home should be visited frequently goes without saying. After all, the unit of society and the unit for probation service is the family. Very frequently, in courts having jurisdiction over adults as well as children, it is difficult to decide whether the child or the parent should actually be placed on probation. So far as the work of the officer is concerned this makes little difference. Practically speaking, the parent is always on probation. As the parent is frequently at fault, although often the victim of ignorance, poverty, and unjust industrial conditions, the probation officer must frequently do his most important work in endeavoring to aid and

educate the parents to their responsibilities toward their children. Parents sometimes need to be taught to understand their own children. Not only neglect but overindulgence is commonly met with. The officer should become acquainted in many cases with every member of the family. He should not confine his assistance to the probationer, but should aid the entire family in every way possible.

Broken and defective homes constitute a distinct and oft-recurring problem. In the Seattle juvenile court for the years 1918 and 1919, 45 per cent of all delinquent and neglected children came from homes in which the parents were not living together due to death, divorce, separation, or desertion.<sup>6</sup> In a study of 131 delinquent girls in the juvenile detention home in Chicago in the autumn of 1917, the parents were found not living together in 69 cases.<sup>7</sup> The probation officer's work in these homes is difficult, but much can be done. Sometimes he can reconstruct the home, bringing separated parents together and causing deserters to return. More often he must find other means of supplying the need. Sometimes he secures a pension or relief for a widow, enabling her to take better care of the children. A "big brother" or "big sister" may be enlisted for friendly visiting and more intensive supervision than the officer can himself give, or he may interest a church, settlement, boys' or girls' club, or other agency in the family. To obtain information, cooperation, and assistance, the successful probation officer must visit every person and agency with which the child comes in direct contact, whenever they can help him. Cooperation is the keynote of success in probation work.

#### THE PROBATION OFFICER AND THE SCHOOL.

The cooperation of the probation officer with school teachers and officials should be a real working together. Many children now passing through the courts could appropriately be dealt with by the public schools if the latter were equipped with sufficient attendance officers or visitors, having approximately the training which good probation officers now have. However, this seems nowhere to be the case. The schools are generally underequipped for handling the normal child, and, though excellent work is done in many cities with truants and delinquents by means of ungraded, truant, and parental schools, most of the school authorities have been only too glad to leave the handling of delinquents outside of the special school to the court. As a large number of the children dealt with in children's courts have already left school, any general turning over

<sup>6</sup> The Seattle Juvenile Court Report for the Year 1919. Seattle, 1920.

<sup>7</sup> Purcell-Guild, June: "Study of one-hundred and thirty-one delinquent girls held at the juvenile detention home in Chicago, 1917," in *Journal of the American Institute of Criminal Law and Criminology*, Vol. X, No. 3 (November, 1919), p. 462.

of the parental function of the juvenile court to the school system will have to await the time when the schools will oversee the education and training of every child at least up to the age of 18 years.

In any case, whether probation work with school children is to be more largely carried on by the schools or is to remain, as now, in the juvenile court, a closer coordination of the two services should be worked out. There is usually good cooperation. Probation officers, as a rule, receive during the school term weekly reports from school-teachers on the attendance and conduct of their charges. They visit the teachers and exchange information. They consult with attendance officers. In many rural districts the probation officer and attendance officer are one. This would seem to be a very desirable combination, provided that too much work is not given to one officer. As dissatisfaction with school is often the cause and accompaniment of delinquency, to secure awakened interest the probation officer often recommends a change of school, a better environment, or a different teacher. Often it is clear that a special class or different kind of education altogether is needed, usually more industrial and less from books. Unfortunately this can not always be secured. In these matters close cooperation and frequent consultations between probation officers and school-teachers is needed.

The special activities now being developed in so many communities in connection with the schools, such as the night school, the social center furnishing evening recreation, and Americanization classes are very useful to the probation officer. All of them are used in certain cases.

#### THE PROBLEM OF EMPLOYMENT.

With the employed boys and girls and those beyond compulsory school age who can not be induced to attend school or whose mentality and circumstances do not justify it, the probation officer has an important task in vocational guidance. In but few communities are there agencies developed to aid every child at that critical period when he or she first seeks a job. In still fewer communities is there available any system of scholarships or allowances to poor parents to prevent children from leaving school because of poverty alone. The probation officer who thoroughly understands his child, its home and environment, is in the best possible position to advise and help in these matters. He must go about it constructively. Labor injurious to the child, physically or morally, can be avoided only by helping to something better. In this the probation officer must have the cooperation of employers.

In some large courts, especially the New York City children's court, a special bureau of vocational placement has been established with

a probation officer in charge. This officer helps boys and girls to get suitable positions, advises with them about their future, seeks to have them leave unsuitable work and secure places with vocational value. He keeps a list of positions and employers with whom he keeps in close touch, especially with those whose interest is not wholly commercial. There are employers, and they are not uncommon, who will employ delinquent boys knowing all about them, not only giving them a chance but seeking to place them under good supervision, helping them all they can. Such employers are frequently consulted by the probation officer and are of great assistance to him in his constructive work. Ordinarily probation officers are very careful about visiting employers who may not know of the child's delinquency, as a very different attitude is frequently encountered.

#### COOPERATION WITH OTHER AGENCIES.

Every agency that can help the child is used, depending upon the individual needs of the child and his home environment. Everywhere the problem of recreation and the use of spare time is of the greatest importance. Undoubtedly injurious recreation and loafing—often caused by the lack of any recreational facilities—are great factors in delinquency. According to a careful study made in 1908 the establishment of municipal playgrounds in certain districts in Chicago reduced the number of delinquents brought into the juvenile court from those districts, with reference to delinquency in Chicago as a whole, 29 per cent, though in the same period delinquency in the whole city had increased.<sup>8</sup>

The probation officer seeks to get his charges interested in all agencies furnishing wholesome recreation, including playgrounds, settlement houses, boys' clubs under proper supervision, and, of late years, especially the Boy Scouts. He follows the plan of overcoming evil with good so far as possible.

Probation officers use the churches, often insisting on attendance at church and Sunday school because of the moral discipline involved. With these, as with other cooperating agencies, the wise probation officer finds the maximum of good results from securing the child's interest and voluntary attendance.

The probation officer secures direct and effective cooperation from private agencies working in the children's court. Relief societies, protective societies, and agencies, such as the "big brother movement" and the "big sisters," which furnish volunteer probation officers, are all utilized. These agencies are called upon for all sorts of special services, such as furnishing relief to destitute families and

<sup>8</sup> Burns, Allen T.: "Spare time and delinquency," in Proceedings of the National Conference of Social Work, 1919, p. 16. Chicago, 1920.



assistance in securing recreation and fresh-air excursions. By acting as friendly visitors they make the work of the probation officer more intensive.

It almost goes without saying that cooperation is had from the police, public relief agencies, and civic and other organizations. As the work of the probation officer touches almost every side of the child's life, even to catalogue all the cooperating agencies is impossible. All this indicates that to secure effective results the probation officer must be a very well-informed and cooperative person.

#### ORGANIZATION OF THE PROBATION STAFF.

One of the most important problems in the large court is the organization and supervision of the probation staff. Principles of efficiency and business management must be applied. In addition to the judge or board of judges—the final authority—there must be a competent chief executive officer, usually known as the chief probation officer. He must have assistants or deputies assigned to special duties or divisions of the court. The work must be divided as evenly as possible among the various officers. To avoid unnecessary travel and overlapping the city or county must be districted. Each probation officer thus becomes familiar with his district, learns the cooperating agencies available, and becomes acquainted with its special problems.

There must be a system of reports and supervision of each officer's work, both as to quantity and quality. Daily and monthly reports by each probation officer to the chief are commonly used. With a large staff, time books for registering hours of work and the time spent by the probation officer in the field are also found desirable.

The periodic review of case records, in a large staff usually performed by an assistant chief probation officer assigned to this special duty, is most important. Suggestions or criticisms of the officer's work, with frequent conferences between the officer and the supervisors, help to promote uniform standards.

General conferences of all the probation officers of a given court, held monthly in a number of cities, are of great educational value to the staff; they also promote cooperation. General conferences of all probation officers in a city, and State conferences of probation officers do much to advance standards.

#### RECORDS.

As in all case work, good probation records are indispensable. There is a great variety in record systems, many of which are defective and inadequate. The essentials for every child dealt with are a record blank containing the previous history and all data se-

cured in the investigation, and a chronological record of all developments, information secured, and work done by the probation officer during the probation period. Folders for filing all data and index cards for ready reference are important. Some courts of late have adopted the family unit for filing records, which seems in many ways desirable. A great fault in many courts is that of requiring probation officers to spend too much time in clerical or office work instead of allowing them sufficient clerks and stenographers. Full and complete case records not only insure thorough work and promote continuity of treatment, but are most valuable for research purposes.

### TRAINING AND SELECTION OF PROBATION OFFICERS.

An eminent British departmental committee reporting in favor of the establishment of the probation system in that country several years ago, said: "The value of probation must necessarily depend upon the efficiency of the probation officer. It is a system in which rules are comparatively unimportant and personality is everything. Probation is what the officer makes it." As has already been pointed out, the personality, intelligence, tact, and character of the probation officer, rather than any rules of procedure, constitute the essence of the probation service. As in teaching, institutional work, settlements or boys' clubs, personal influence and personal work are paramount. More than in almost any other work is this true in probation. There is no apparatus to take its place. Without the personal influence and personal service of the probation officer applied to each individual child, probation becomes nothing but a system of brief surveillance and temporary and ineffectual discipline. Such being the case, the selection and training of probation officers is all important.

Probation officers, with but few exceptions, are now publicly employed and paid. With rare exceptions the societies which at one time selected workers with more or less care and furnished them for social work in the courts no longer do so. Dependence upon a corps of volunteers—a system with theoretical advantages—has proved to be almost a complete failure, even when the volunteers' work is under the supervision of a paid officer. Like most volunteer work, it can not be standardized and effectively supervised or depended upon. The volunteer is not there when he is most needed, nor can the regular performance of his duties be required. Volunteers, "big brothers," "big sisters," as well as representatives of all sorts of cooperating agencies, all render valuable service. Their work, however, in connection with children on probation should supplement the services of the paid officer and should be controlled, coordinated, and under the supervision at all times of the court probation staff. Probationary supervision is so essential a part of the work of the

children's court that it should not be turned over to the control of other agencies. It is so important to have it carried on efficiently, adhering to uniform standards, that it should not be intrusted to volunteer workers.

How shall paid workers with the high qualifications demanded be secured and appointed? In the first place, adequate salaries must be paid. The time has passed for expecting satisfactory service for a pittance. The probation officer must be in the work for the love of it and not alone for the salary; but having found the right sort of officer he must be paid, if not what he is worth, at least a living wage. At this writing salaries are being encouragingly increased. From \$1,500 to \$2,000 per annum is frequently paid at the start, with regular increases; responsible supervising officers receive larger compensation.

A great many States fix the salaries of their probation officers by law. This is not to be recommended, as it results in a lack of elasticity, and amending the law to secure changes is a slow process. In other States salaries are fixed by local boards having control of public appropriations. This means lack of uniformity and frequently the practice of false economy. It would be well if the judges could be trusted with the power, within certain limits, of fixing salaries and determining the number of probation officers required, their action in these matters, as well as their appointments and dismissals of probation officers, to be subject to the approval of a State agency supervising probation work.

The finding and selection of good probation officers is a difficult task. The greatest danger, as in all public work, is in local political interference. Two methods to avoid this have so far been worked out, both of which are in practical operation. First is the placing of probation officers under competitive civil service. Second is the more or less complete control of appointments by a State supervising agency. No method is infallible, but either of the above is better than subjecting appointments to unrestricted local political influence.

The best example of the successful operation of a State-wide civil service system for the appointment of probation officers is in New York State. The methods used have been increasingly successful in bringing out good material and preventing unfit appointments. In this State, however, the obvious dangers and inadequacies of the civil service method have been mitigated to a great extent by the work of the State probation commission, which cooperates with the civil service commissions in a large percentage of the examinations held.

In Vermont, Rhode Island, and Utah the State has complete control through a State agency of the appointment of probation officers.

In Vermont and Rhode Island a State probation officer serving under a State board of charities, and in Utah under a State juvenile court commission appoints all probation officers. In North Carolina the 1919 juvenile-court act makes the county superintendent of public welfare in each county the chief probation officer of the court and requires the State board of charities and public welfare to approve all appointments and removals of probation officers. In Texas, by an interesting statute enacted in 1913, probation officers in juvenile courts must be appointed by the judges from lists of three furnished by a nominating committee consisting of the county superintendent of public instruction and two school principals of the district. In Massachusetts for a number of years the State commission on probation has conducted unofficial examinations for probation officers. Lists of eligibles resulting therefrom are submitted to judges who request them, with information and suggestions concerning the candidates.

All the above methods are attempts to standardize appointments and avoid political interference. Their purpose is also to assist the judges in finding the right material. This is all-important. Experience in New York State has shown that whenever adequate salaries were offered and the opportunities for the work made known through the advertising of examinations, good probation officers, or at least the "makings" of good officers, could always be found.

Little organized effort has as yet been made to train probation officers adequately. Most of the special schools of social work, many of them conducted as departments of universities, have courses preparing in a general way for probation work. Special training courses for probation officers in the service have been inaugurated in several cities. There should be more of these, and in time the taking of such a preparatory course as well as a period of practical field experience under the supervision of a trained officer should be required of every probation officer before entering upon his work.

#### STATE SUPERVISION OF PROBATION.

Reference has been made to the part played by State supervising agencies in controlling or helping to secure fit appointments of probation officers. The many other advantages of State supervision are well recognized. The State probation commissions in Massachusetts and New York have undoubtedly been large factors in the remarkable extension and development of probation work throughout those States. These commissions, having the sole duty of promoting the efficient organization of the courts for social service, have done much to secure legislation, appropriations, and public support for children's courts, domestic relations courts, and probation work generally.

Their work has been even more important in developing better standards and greater uniformity of methods. Probation work is always largely dependent upon local support and interest. There are always backward courts and communities which need State aid to bring them up to standard. The aid rendered by these commissions is not financial but educational. It is found that in general the great need and unquestioned economy of dealing in a kindly and effective fashion with delinquent and neglected children before the courts are recognized when the matter is put squarely before a community.

Besides this work of promoting probation, the State supervising agency keeps in touch with the probation work all over the State by means of investigations and reports. It develops better standards in the work by such methods as making written recommendations to the judges, publishing reports and literature, holding conferences, and prescribing systems of case records and blanks to be used by the probation officers. This work is as much a State function as the inspection and maintenance of public institutions for the dependent classes. Data compiled in both Massachusetts and New York clearly show that a large reduction in the population of the prisons and other State correctional institutions has resulted from the extension of probation work.

Effective State supervision of probation and court work generally has not advanced far in this country. In addition to the two States—Massachusetts and New York—having independent probation commissions, three States—Rhode Island, Vermont, and Utah—have State control of the appointment and work of probation officers. In 1919 Alabama established a child-welfare department having among its duties advising with and receiving reports from probation officers and judges of all juvenile courts. The same year Oregon established a State child-welfare commission, one of whose duties is to approve all appointments of probation officers in the Portland Court of Domestic Relations, which has exclusive jurisdiction of children's cases. Connecticut supervises probation work through its prison association, a semi-official body. In addition, nine States require probation officers to report to some State department, usually a State board of charities and correction.

### PROBATION FOR ADULTS.

Developments throughout the country seem to indicate that the day of the juvenile court as an agency concerned with children only is passing; not that the methods used in the best courts for dealing with delinquent and neglected children are going to be greatly changed, but that these methods are going to be applied increasingly to adults, and that the family is to be treated as a unit. Chil-

dren's courts will become family courts. The best children's court laws have always given the courts jurisdiction over parents and other adults contributing to the delinquency and neglect of the child. Many children's courts are that only in name, as they deal with practically as many adults as children. Where such jurisdiction is given to the court, the parents can be dealt with directly, through placing them on probation, instead of indirectly through the child. By making the responsible adult subject to direct action by the court the protection of the child from parental neglect and adult misconduct is greatly promoted.

The next logical step, one which has been taken in Cincinnati and more recently in other Ohio cities, as well as in Portland, Oreg., is the combination of the domestic relations and the juvenile court into one family court. One probation staff handles all cases. The family is dealt with as a unit and much duplication of effort resulting from separate courts handling family problems is avoided. There should be no relaxation of the standards developed for probation work with children, but to a large extent these methods and standards should be applied to adult cases also. In fact the recent remarkable progress in the study of mental development and the degree of responsibility in relation to crime have shown that a chronological age limit is arbitrary and absurd in dealing with delinquents. The truth contained in the old saying that men are but children of a larger growth should never be forgotten. With discrimination and the right selection of cases, every method and principle developed in the children's court, including those of probation, can be applied to adult offenders.

### THE RESULTS OF THE PROBATION METHOD.

While not enough investigations extending over sufficiently long periods have been made to admit of stating statistically the results of placing children on probation, all the data at hand seem to indicate clearly that the method is very successful when administered properly. If a child going wrong, or in danger of doing so, can be reclaimed by this system of home supervision backed by the power of the court and the personality of the probation officer, there is no question of its advantages and its economies. Stigma is always attached to commitment to reformatory institutions, or even, though in lesser degree, to institutions for dependents. The readjustment of the child from life in an institution to normal social life is always difficult and the results are precarious. Probation is a system of training, of building up good habits in normal home surroundings. If it succeeded in accomplishing its ends in only a minority of the cases, it would well pay. Such statistics as we have, however, show

that it succeeds in a large majority of cases. In all of New York State during the year ended June 30, 1919, 7,647 children finished probation periods. Of these, 6,215, or 81.3 per cent, finished their terms of probation and were reported as successful cases by their probation officers; 417 finished probation but were classed by their probation officers as "not improved"; 882 failed on probation and were committed to institutions; and only 52 in the entire number escaped or were lost from supervision during the year. The results in the remaining 81 cases were unknown.<sup>9</sup> Statistics from other States show similar results. It is extremely doubtful whether any correctional institution can show so large a percentage of successes as can the probation system, though the cost of probation treatment has been found in New York State to be approximately one-eighteenth of the cost of institutional care.

The probation plan of treatment is most valuable as a sifting process, giving an opportunity to study the child in his normal home surroundings over a considerable period of time. In this way, as through no brief investigation or clinical examination alone, the child can be understood and adjusted to an occupation and surroundings in which he can live his life successfully and happily.

#### CONCLUSION.

We have discussed the broad principles and technical methods of the probation plan as extensively developed in the children's courts of this country. Whatever may be the future of this work, its principles will remain and will continue to be applied to the delinquent and neglected child. They are based upon the eternal principles of human helpfulness and understanding and consideration for the weaker members of society. When there cease to be children of defective heredity and retarded natural development, and when, above all, there cease to be broken and imperfect homes which do not fulfill their greatest function in the protection and education of the children given to them, then, and not until then, shall we be able to do away with probation work, for probation work is, in the last analysis, but the partial supplying of the parental function where that is lacking or incompetent.

The probation officer, besides his primary duty of helping to save the children in his charge, has another duty to perform. He should be a factor in developing the still more important and many-sided movements to *prevent* delinquency and child neglect. He should realize, in the words of Ferri, the founder of criminal sociology, that "in the society of the future the necessity for penal justice will be

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<sup>9</sup> New York State Probation Commission, Thirteenth Annual Report, 1919, p. 27. Albany, 1920.

reduced to the extent that social justice grows intensively and extensively."<sup>10</sup> He is engaged in securing first-hand social data of the greatest value showing the causes of the diseases which he treats. The benefits of his experience should be utilized more fully; more research should be done in connection with his work and more publicity given it, using the valuable records which have accumulated in the best children's courts, without, of course, using publicity in such a way as afterwards to become a hindrance to any child. Valuable case studies could be made and information given out to the public and to agencies such as the schools, the churches, and social and civic societies which are working for social betterment in many different fields. Thus may probation work contribute a greater share toward the elimination of delinquency and human waste.

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<sup>10</sup> Hoag, E. B.: Notes on Crime and Delinquency, p. 7. University of California, Berkeley, 1917.

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