

**THE JUVENILE COURT LAWS OF
THE STATE OF COLORADO, AS
IN FORCE AND AS PROPOSED,
AND THEIR PURPOSE, PP. 1-76**

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BEN. B. LINDSEY

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Juvenile Court Literature

So many inquiries have been made regarding the Colorado Juvenile laws that the following pamphlet, containing a copy of such laws, together with a copy or explanation of any amendments, pending before the legislature of Colorado in January, 1905, are also added, with brief comments thereon by way of explanation.

In addition to this pamphlet, persons interested in the passage of some practical and enlightened laws for the care, protection and correction of children, and especially for the placing of a greater legal responsibility for the moral as well as physical welfare of children upon the parent and the home, are referred to a pamphlet upon "Juvenile Courts" containing the material portions of the Illinois and Colorado juvenile laws, as published and issued by T. D. Hurley, Editor of the Juvenile Court Record, 625 Unity Building, Chicago; price 50 cents; also a booklet entitled "The Problem of the Children," which may be had by addressing the Juvenile Court, Denver, Colorado; price 25 cents. The philanthropic magazine "Charities," 105 East Twenty-second Street, New York City, has issued two helpful numbers, one in November, 1903, and one in January, 1905 (price 10 cents), devoted to the juvenile court laws and work. These numbers contain excellent papers by various judges, probation officers, and others, dealing with various phases of work for dependent and neglected children in various parts of the United States. The prices of such literature are as follows: Each number of "Charities," 10 cents; The subscription price to the "Juvenile Court Record," devoted to Juvenile Court work, is \$1 per year; "Charities" of New York, \$2 per year. Every probation officer or other worker in the cause of childhood should certainly have these publications. "The Problem of the Children," being a description of the work in the Juvenile Court of Denver for the last four years, sells for 25 cents a copy to those who care to pay it, to help defray a part of the expenses for its printing and mailing.

Two things are necessary to the success of the "Juvenile Court." First, the necessary laws; second, the people who will do the work required by these laws. What these laws are, what they ought to be, what the work is and what it ought to be, can only be understood by those interested thoroughly familiarizing themselves with the literature upon the subject, and that referred to herein is recommended for this purpose.

THE COLORADO JUVENILE LAWS.

Section 1 of the Juvenile Delinquency Act should be read in connection with section 1 of the Adult Delinquency Act.

This section defines "delinquency" and determines the class of things done by a child which, under section 1 of the adult delinquent act, any adult person may be responsible for by any act causing, encouraging, or contributing thereto. For instance, it will be noted that if a child merely *enters, patronizes, or visits* certain places, no matter how innocent the purpose of the child may be, any person who directed the child to go to such place, or even sent it there upon an errand or message, contributes to its delinquency. "Delinquency" is simply a condition into which the child enters innocently or purposely, but it is presumed to be a condition which, if continued in, may make the child a criminal or otherwise bring evil to its life. "Delinquency" is not intended to be a term of opprobrium or reproach, as "criminality" would be, and so the child is not charged with being a criminal, but, as will be noted by section 12 of this act, as needing aid, help, assistance, etc. The Juvenile Court, in dealing with a "delinquent" child, acts rather in the capacity of a chancery court and not as a criminal court. The petitions or complaints are filed in the interest of the child and not to degrade or punish it. The state is simply acting in its capacity as *parens patriae*—for the welfare of its ward.

Section 12 provides that the act shall be "liberally construed" in order that the care of the child may approximate as near as may be the care which should be given it by a wise and just parent. It thus follows in construing this section in connection with section 1 of the adult delinquent act, that the court may adopt a liberal construction where it is in the interest of the child. If a child smokes cigarettes on the public street or about the school house, or if it uses profane or obscene language on the public street, it is "immoral conduct," and any person contributing thereto

or encouraging such conduct is guilty of a misdemeanor under section 1 of the adult delinquent law. The court has ruled—under the liberal construction—that the mere giving or sale of tobacco or of cigarette paper to a child is an "act causing, encouraging or contributing to the delinquency of the child," and such person is therefore responsible since the smoking of tobacco injures the child and is therefore immoral conduct. In addition, Colorado has a positive law, passed in 1891, forbidding the sale of tobacco to any child under 16 years of age. If a child wanders on the railroad tracks more than once or "hops" the cars, it endangers both its life and limb as well as its morals, because it is a short step from stealing coal to stealing out of the box-car and the corner grocery, and finally tapping the till. The first acts of delinquency in the case of a young murderer—who shot a man when caught in the act of robbing the cash drawer—have been traced back only five or six years to running on the railroad tracks and stealing from the cars in which he was either encouraged by his parents, or what is the same thing, where the parent made no determined effort to correct him. Such a man has been known to have served a short sentence in jail for such offenses at the age of 12 or 13. It was simply the beginning of a criminal career. And so in Denver we have brought in the parents of such a possible future criminal when he is a mere child, and fined them \$25 and costs, or sentenced them to thirty days in the county jail. We do this when the efforts of the officer fail to keep children from going on the railroad tracks, stealing coal, or entering the box cars, or playing about the trains. Such a case is only an illustration of many. This fine is generally suspended on condition that the parent look after the child and keep it off the tracks. In quite a number of cases, however, in Denver, fathers have been sent to jail on Saturday and released on Monday night, under a thirty days' sentence in jail, upon condition that three days be served and twenty-seven days suspended, so long as the child is kept off the tracks, not sent to the saloon for beer or liquor, not sent to any gambling house or house of ill-fame upon any message or otherwise—the conditions of the suspected sentence against parents varying according to the form of delinquency of the child sought to be corrected. There have been but about two children out of a hundred who have returned to the juvenile court in the course of two or three years' work under this law, where the parent was thus dealt with, and the exceptional case is

generally where there is no father and some poor mother who works all day and simply cannot look after the child, and therefore parental responsibility does not really exist. The child is without a home. It is such children that are generally sent to institutions.

Of course the definition of "delinquency" in other laws may be either broadened or made less severe. One objection—though really never seriously urged—to this definition of delinquency in Colorado was that it was putting too great a power in the hands of the court, and that it would be abused by the probation officers and the courts because the definition is so broad that almost any child in any community could be brought within the terms thereof. Such fears have proved entirely groundless, since out of hundreds of cases brought to the juvenile court no such charge has ever been made and no exception has ever been taken to, or appeal from, a single judgment. On the contrary, as delicate as the relation between the parent and child is conceded to be, and as ready as people naturally are to resent any unwarranted or unjust intrusion, under this law in Colorado we do not know of a single case where any such abuse has been charged, and there have been several thousand cases under the law in the state. Such has been the real experience under these laws. The whole *spirit* and *purpose* of the law is to *help* and *assist* the child in the home, where it needs assistance, and to *compel the parents* to perform their duty where they are neglecting the child. It stands to reason that neither the court nor the probation officers are desirous of bothering with a child whose parents can and will take care of it. The parents of an offending child are generally first given a warning of their *legal responsibility* for its *moral welfare* and given a chance to correct it. It is rather the wish and effort of probation officers to obtain the assistance of the parents and in all proper cases to be relieved of the burdens of cases which properly belong to the home. It is intended—and in practice has demonstrated, that it strengthens and preserves the home. Its purpose is to compel parents to perform their duty where they are neglecting it and to help those parents who need help. Parents who are true to their own home and children are entitled to have the benefits of a law that will insure the performance of such duties by other homes, for the sanctity and security of each home, depends a great deal on how well neighboring homes are also conducted, for you cannot prevent children associating together, and they are often influenced

by their associates and the character of that influence depends on how well each child is reared and this of course depends largely on its home and parents. It thus follows that this court is an effort at character building in dealing with the child and at home building in dealing with the parent. The practical operation of this law in Colorado has more than demonstrated that such is its effect. Responsible parents are given every opportunity to correct the faults of their children, on the theory that such correction should be made by the parent, and the court simply sees to it that the parent is performing that function and that duty. It has no desire to usurp it. The trouble is, especially in the large cities of this country, that there are thousands of fathers who have deserted the mother, or through divorce, drink, or some other fault, have deprived children of their birthright—the care and control of a wise, kind and firm father. The lack of this in the home is one of the most potent causes of the great increase of crime in this country.

We must recognize that over half of the criminal inmates of prisons and institutions are from the youth of the nation, who arrive at the prison through neglect in childhood, and bad habits formed at the formative period of life, between eight and sixteen years of age. The purpose of this law therefore is to make a *broad definition of delinquency* and thus give the court and its officers power to aid, help, assist, and otherwise firmly and kindly deal with the children and their parents, especially in the large cities, where the intervention of the state is necessary. In this way and by this system, wisely operated, we are positively preventing crime. It is much better that the state should perform this function wisely, humanely, and well, *while there is an opportunity to prevent crime*, than to be compelled to postpone the evil day until the child has become a criminal, for the state is today taking care of tens of thousands of its young men after they have become criminals when they might have been saved from lives of crime by sane, sensible and sympathetic interest by the state in boyhood. From one-fifth to one-fourth of all arrests in cities (excluding common drunks and disorderlies) have generally been among boys under seventeen years of age and in proportion to ages of our population, by decades, this means that more boys are being arrested in cities than any other class of citizens, and these boys are mostly the criminals of tomorrow unless wisely corrected and protected today.

The cost of detecting and convicting criminals for a period of three years, in the city of Denver, through the criminal courts, was \$1,020,000, as appears from the tables in the booklet on the "Problem of the Children." The saving to the people in actual dollars and cents during three years under the juvenile court system was over \$250,000 cash. The governor of Colorado, in his message to the Assembly two years ago, declared that in a period of eighteen months the juvenile system in Denver alone had saved to the state and county over \$80,000, and this statement was made after investigation set on foot by the governor.

WHAT IS NECESSARY.

The juvenile law is a good thing, but there can be little chance for its entirely satisfactory operation unless it be accompanied by the following: *A law holding parents and others responsible for delinquency and dependency of children, as such laws now exist in Colorado; a wise child labor law; a good compulsory school law; a detention school in cities in place of the jail; the enforcement of all laws relating to children in one court before one judge, and a corps of paid and efficient officers who are sincere and earnest in their work.* The best work can never be accomplished by depending entirely upon voluntary probation officers. Whatever degree of perfection may be credited to the juvenile court system of Denver, Colorado, is largely due to the fact that the law permits three paid probation officers for the city of Denver, and that these paid probation officers are not politicians and never were and never will be, and were never known to take any part in politics, but were selected because of the fact that they were educators and heart and soul interested in the problem of the children, knowing and understanding it, and because of a compulsory school law which permits us to keep children in school and thus out of idleness and consequent crime upon the streets. All of these things did not come at once, nor is it claimed that they are yet perfected in Colorado, but they will never come unless the fight is made. Even if the fight shall only win one at a time and the progress has to be gradual and in the face of difficulties, disappointments and misunderstandings the gaining of one will merely demonstrate in time the necessity of the others and thus convince the sceptical. The press, pulpit, schools, and all the people in Colorado are thoroughly convinced of the wisdom of the juvenile court laws and juvenile court system as one of the most potent

factors in the solution of the great problem of crime, and while the saving to citizenship is the most important thing, at the same time, nothing has saved to the state more of its wealth as well as its men and women of tomorrow.

PRESIDENT ROOSEVELT ENDORSES JUVENILE COURTS.

"The District of Columbia Government should be a model for the other municipal governments of the nation in all such matters as supervision of the housing of the poor, the creation of small parks in the districts inhabited by the poor, in laws affecting labor, in laws providing for the taking care of children, in truant laws and in providing schools.

In the vital matter of taking care of children, much advantage could be gained by a careful study of what has been accomplished in such states as Illinois and Colorado by the juvenile courts. The work of the juvenile court is really a work of character building. It is now generally recognized that young boys and young girls who go wrong should not be treated as criminals, not even necessarily as needing reformation, but rather as needing to have their characters formed, and for this end to have them tested and developed by a system of probation.

Much admirable work has been done in many of our commonwealths by earnest men and women who have made a special study of the needs of those classes of children which furnish the greatest number of juvenile offenders, and therefore the greatest number of adult offenders; and by their aid, and by profiting by the experiences of the different states and cities in these matters, it would be easy to provide a good code for the District of Columbia."—From the message of President Roosevelt to Congress, Dec. 6th, 1904.

"While President Roosevelt promises a report on the Colorado labor troubles from the bureau of labor, he honors the state by recommending to congress the adoption of Judge Ben B. Lindsey's Colorado juvenile laws. It would have been a nice thing, wouldn't it, if the local politicians had succeeded in pulling down Judge Lindsey and destroying that juvenile court just in advance of its honorable mention in the message of the president of the United States to congress? The Post feels proud that it was the newspaper medium of the campaign to resist that blow to civic pride, and it believes that, in the battle to prevent the ignomy,