

Fourth Edition

JUVENILE DELINQUENCY

A Book of Readings

Rose Giallombardo

JUVENILE DELINQUENCY A BOOK OF READINGS

FOURTH EDITION

ROSE GIALLOMBARDO



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PREFACE

The fourth edition of this book retains the basic structure of the third edition, but the content of the sections has been substantially changed to include new areas of concern in the field of juvenile delinquency. Accordingly, some selections have been added and others have been deleted to update the book, consistent with the significant developments that have occurred in the field over the past six years. The concern throughout has been to present the student with a comprehensive coverage of the major points under discussion today in the field. Among the significant additions to the fourth edition are new materials on self-report and official measures of delinquency; female delinquency; control and labeling theories of delinquency; the group phenomenon of delinquency; the boundaries between gangs and other young groups; a penetrating examination of subcultural theorization; persistent problems of implementing recent Supreme Court decisions; status offenders; diversion, deinstitutionalization; and the implications of the medical model for treatment.

This book introduces the student of juvenile delinquency to some of the most important contemporary literature in the field. It presents a thorough treatment of the basic topics in the field of delinquency, and the organization of the materials should enable the book to fit well into courses in delinquency by sociologists by varying perspectives on the subject. The nature of the selections makes the book easily adaptable to the framework of semester or quarter undergraduate and graduate courses in delinquency. It may be used as the basic text,

or it may be supplemented by one of the general textbooks in the field.

There continues to be a need to bring together in one volume selections from the recent literature on juvenile delinquency that have been published in journals, books, and monographs. I contend that a knowledge of primary sources broadens the student's understanding of the subject matter. The intellectual excitement that is generated by reading the original expression of the scholars in the field cannot be duplicated by a study of the brief and skeletal summaries of source materials that are of necessity the exposition used in textbooks. Moreover, the limited resources of many college libraries today and the increasing class enrollments in the subject area pose problems that the instructor finds difficult and often impossible to resolve. To help meet this difficulty, the articles in this volume have been reprinted in their entirety.

The literature dealing with delinquency is prodigious and the task of selecting articles requires a willingness to compromise in making choices. In a book of this kind, questions about why a particular selection was included and another excluded are inevitable. All subjects and all the excellent papers and pertinent materials in the field of delinquency could not be included in a volume of this size. The selections reprinted here are, for the most part, articles from the professional journals in social science, or are lengthy selections from important books. They have been included because they deal with the sociological aspects of delinquency; and they either are important research contributions or provide valuable theoretical

analyses and description. Nevertheless, even with the use of these restricting criteria in selecting materials, it is not possible to include all the worthy sociological studies in a volume of this size. Also psychological, biological, and strictly historical studies have been omitted because their inclusion would have meant the sacrifice of important sociological papers.

In order not to interfere with the work of the instructor, the introductory comments preceding each section do not impose a particular point of view on the subject. Rather, they are intended solely to suggest connections and to bridge gaps between individual selections. The book has been planned and designed with the hope that it will engage the imagination and

critical thinking of discerning students, teachers, and researchers.

I gratefully thank the contributors and their publishers for generously permitting the selections to be reprinted. It is with considerable pleasure that I express my thanks to all the staff members of Wiley for their customary excellent cooperation. My special thanks go to Carol L. Luitjens, Geraldine Ivins, Genevieve Danser, and Jan Lavin who performed many of the editorial tasks that made completion of this book possible.

ROSE GIALLOMBARDO

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SECTION ONE

THE DATA OF DELINQUENCY: PROBLEMS OF DEFINITION AND MEASUREMENT

The difficulties and confusion in determining the causes of delinquency originate in the extremely ambiguous use of the concept itself. Without a clear awareness of precisely what is meant by delinquency, no delineation of cause is possible. As the term is presently used, it may encompass almost any type of youthful behavior. The problem stems largely, Tappan maintains, from the contrasting views of those who deal with delinquents. Moreover, the problem of measurement is complicated by the distinction made between "adjudicated delinquents," those who have been processed through the courts, and "unofficial delinquents," those who are handled unofficially by the courts, police, and other agencies. Hence, the statistics of juvenile delinquency are unreliable indexes of the amount of juvenile misconduct or of variations in it from one time period to another. Official records are unreliable as a basis for determining the extent or the nature of delinquent behavior.

The problem of measurement is further complicated by the fact that middle-class delinquency is less often processed officially, which serves further to distort the exact dimensions of delinquency. Therefore, the studies conducted by sociologists of self-reported violations are extremely important for the information provided of the distribution of delinquent behavior among categories of social class, sex, and race. The findings of self-reported violations also have important implications for existing theoretical formulations concerning the causes of juvenile delinquency because they indicate clearly the discrepancies

between the distribution of delinquency as reflected in the official record and actual delinquent behavior. In addition, it is only by obtaining a firm empirical base of the extent of juvenile delinquency on all social class levels that effective treatment programs can be developed. Since existing treatment and prevention programs are developed from an assessment of the official records and statistics, they are aimed primarily at lower-class black and white delinquent youth.

In the first selection, the nature of delinquency, defining the conduct itself, and the legal status involved are cogently probed by Paul Tappan. In order that the distinctions between delinquency, unofficial delinquency, and behavior problems may be understood, he contrasts the differing approaches of law and of casework to the youthful offender. In addition, he discusses the compromises that are present in the sociojudicial procedures of the children's court in relation to the general problem of definition and measurement. Throughout, Tappan stresses the importance of understanding the legal and social norms that structure the social processes determining specific forms of behavior as "delinquent" and requiring official and unofficial forms of intervention. The selection by Thorsten Sellin and Marvin E. Wolfgang, "The Legal Basis of Juvenile Delinquency," explores further the broadness of the legal definition of delinquency and analyzes the problem posed by the lack of uniformity from one state to another with respect to juvenile jurisdictions.

The literature suggests that the increase in delinquency rates during the past three decades does not represent a genuine index of delinquent behavior, but, instead, shows that the rates are linked to official policy. More specifically, the rates are related to the variable structures of family and community life, to a description of the volume of cases through selected children's courts, and to the variable nature of the court's function.

The sociological data and theories relating to juvenile delinquency are voluminous, but a review of this literature reveals that almost all the theories that have been propounded about delinquent behavior are focused on males. Sociologists have persistently directed their attention to male delinquency and have overlooked the involvement of females in the study of delinquent behavior. The reason for this presumably lies in the fact that female delinquency is less frequent and serious than male delinquency, hence the delinquent female is criminologically less interesting. In the selection, "Female Delinquency," Rose Giallombardo reviews briefly the literature on the subject of female delinquency and the theoretical concepts that have been utilized to explain female delinquency; recent statistical data on female involvement in criminal activity are presented, and juvenile females and males are compared regarding their relative contribution to total crimes committed. The author maintains that there is a dearth of scientific data necessary to compare the behavior of female and male delinquents. Yet this is precisely what is required if we are to gain an understanding of female and male delinquency. Those studies that have specifically focused on female delinquency have emphasized the importance of biological and psychological factors in explaining delinquent behavior. Giallombardo points out why these approaches are pseudoscientific and have not enhanced our understanding of female delinquency. Consequently, the author maintains that the issue of female delinquency must be systematically reexamined from a firm

theoretical and empirical base. Giallombardo then presents data on patterns of female crime and compares data on male and female delinquents. Finally, she examines the relationship between sexism and the administration of justice and shows how existing delinquency laws clearly discriminate against females and result in differential treatment and processing of females.

As pointed out previously, the data on the amount and distribution of delinquency are neither complete nor known, and this causes much misunderstanding and controversy. The matter of undetected delinquency is explored by Maynard L. Erickson and LaMar T. Empey. Employing official records and interviews with four subsamples, they analyze data on undetected and unacted upon violations by the courts in order to assess the nature of decision making by court authorities as this relates to the volume of delinquency. Their study also explores the implications of the self-reported violations by these groups for court statistics as a measure of youthful delinquent behavior in the community.

The article by Michael J. Hindelang, Travis Hirschi, and Joseph G. Weis reviews the research literature of studies of delinquency that use official records and those that use self-reports of adolescents, paying particular attention to sex, race, and social class, in order to determine whether they produce discrepant results. According to the authors, the notion of discrepant results is largely illusory, because it is assumed that self-reports and official data tap the same *domain* of behavior. They suggest that when the domain limitations of self-reports are taken into account, both official data and self-report studies provide valid indicators of the demographic features of offenders "within the domain of behavior effectively tapped by each method."

THE NATURE OF JUVENILE DELINQUENCY

PAUL TAPPAN

What is delinquency? Certainly there is no more central question in this study and probably none more difficult to answer. Yet it is important to see the nature of delinquency as clearly as possible and to understand the problems that have impeded efforts at definition. It is important, because on the interpretation of the term depend all those vital differences which set off the juvenile delinquent from the adult criminal at the one extreme and from the nonoffender at the other. In theory at least and, to a large degree, in fact, the delinquent child is dealt with differently from the criminal: in the conduct involved; the court and its methods employed; the treatment philosophy, purposes, and methods applied; and in the individual's status, reputation, and civil rights in the community after adjudication.

No less significant but far more difficult is the distinction between the delinquent and the individual who has no conflict with the law. Official delinquency usually implies involvement with the police, detention, court handling, damaging associations, semipunitive correctional treatment, and a role and stigma that are ineradicably injurious—notwithstanding all the idyllic euphemisms to the contrary that

embellish the literature on “rehabilitative therapy.” One must decide to whom these measures need to be applied and also who, in the name of justice, should be exempt from them. Incidentally, the student of the problem would like to know what phenomenon it is that he studies, its frequency, what is being done about it, and what should be done about it. It is a major thesis of the present work that, to a considerable extent, ineffective dealing with young deviants arises from the failure to determine and classify their problems and then to apply treatment that is appropriate to such careful classification.

THE LEGAL VIEW

The problem of definition flows in part from the contrasting views of those who deal with the delinquent. Broadly considered, two chief general types of approach may be observed: the judicial, or legal, view and the administrative, or casework, view. Conceptions of delinquency have been derived largely from these views, and they in turn tend to reflect the two main phases of juvenile court work: the adjudication of cases and their probation supervision. In the legal approach to misconduct, it is customary to describe offenses and penalties in specific terms in order to protect the citizen from arbitrary or unjust acts of police and judicial authority and, at the same time, to secure

the community against those whose conduct has been shown in court to be dangerous. Lawyer and judge are inclined to stress as a precondition of treatment through criminal courts the following requirements: (1) that a specific charge be alleged against the defendant, (2) that it be defined in definite terms by law, (3) that the offense be proved rather conclusively, (4) that protection be given to the accused during trial against conviction by false, misleading, prejudicial, irrelevant, or immaterial evidence. The liberal political philosophy of Anglo-American democracy has evolved and refined these principles in reaction against the arbitrary, tyrannical excesses of political and administrative authoritarianism; they have become firmly embedded in the common law, constitutions, statutes, and institutional practices.

In relation to the young delinquent, as will be shown more fully below, this tradition of juristic liberalism has made for a partly "legalistic" handling of the offender, an attempt to distinguish as clearly as possible between delinquent and nondelinquent and to treat only the former with the sanctions of the state. The offender may be looked upon by the state as one functioning with greater or less freedom of will who has chosen to violate the law and who must be dealt with correctively to discourage him and others from further infractions. The full rigors of the criminal law are mitigated by reason of the offender's youth, but the judicial view would preserve in the hearings of children's courts a real test of the individual's status as a delinquent before applying to him the modern and individualized methods of treatment. The child is not a delinquent unless the court has found him so.

THE CASEWORK APPROACH

In contrast with the procedural and normative formalism of the legal approach, casework brings to behavior problems a distinctly different set of methods and values. Its aims, generally, are therapeutic: to aid in the resolution of the individual's maladjustment by seeking

out the social roots of his difficulties and attempting to mitigate the conflicts that have caused disturbance. Casework, then, essays to deal with a wide assortment of personal and group problems that represent failures in man's personal and social adjustments. Largely these are maladaptations in behavior: dependence, domestic conflict, desertion, drunkenness, unemployment, avoidance of responsibility, delinquency, the whole province of child-welfare work, and many others. Treating presumed causes and symptoms with methods devised to meet the particular needs of the individual situation is the essential function of casework.

The practitioner in applied sociology and casework ideally is nonmoralistic and nonpunitive in approach. His approach is nonmoralistic, because he either denies the freedom of the will or recognizes the profound significance of external forces in impelling conduct over which the individual has little or no control; he observes, moreover, that an understanding, sympathetic, nonmoralistic reaction encourages a more confident cooperation from the client, which facilitates treatment. His approach is nonpunitive, because the attribution of blame and the application of retributive measures are inconsistent with the recognition of causes of conduct extraneous to the individual "will" and, moreover, because experience shows the failure of retaliatory measures to produce the personal reconstruction which is sought. The social worker's approach is less formal than that of the legal mind, since categories and qualities of problem conduct are not so precisely established in the content of casework theory, nor are methods of treatment so definitively organized and equated, in general, to the problems of the case. In social work it is recognized that a given type of conduct may in different cases reflect quite different causes and that the treatment required to deal with the given behavior should depend on the factors that underlie the particular case rather than the behavior itself. It follows from this that there must be a far wider province of

administrative discretion in the practice of casework than is employed by the judge in attempting to allocate responsibility for deviant behavior and to prescribe treatment suited to the subject. Moreover, interpretation and technique may differ considerably from one social agency to another or even, within an agency, from one caseworker to another. To some extent the worker must operate empirically through trial and error to resolve the problems that confront him.

In contrast to the law's preoccupation with miscreants who have violated specific and official legal norms, then, social work is concerned with a multitude of problems of behavior that deviate from psychological, social, economic, and—sometimes—legal normality. Insofar as the caseworker may deal with the law violator, he does so with the same nonmoralistic, non-punitive assumptions that are applied to other deviants. The young antisocial child may be referred to any one of a variety of social agencies rather than to a court. In the agency his statutory infractions, if any, are not viewed separately from the remainder of his conduct but merely as incidents of the total problem to be dealt with for the purpose of improving adjustment. The focus of attention is upon the whole child. His illegalities are commonly interpreted as merely symptoms of the underlying maladjustments from which he suffers. In a proper case, where official authority appears to be needed, law-enforcement agencies may be called into operation, but much of the problem conduct that is handled by the caseworker in the agency is identical with the illegal behavior that confronts the court. The agency, in the fulfillment of its purposes, makes no attempt at a specific definition of the type or degree of law violation or at a carefully controlled determination of the individual's innocence or guilt of the prohibited conduct. Rather, operating within the limitations of its means and purposes, the agency accepts as true the findings and interpretations of social investigation, and proceeds to overall treatment of the case as inferred from the relatively

loose methods (compared with the exacting requirements of legal evidence) of social inquiry. . . .

JUDICIAL-ADMINISTRATIVE BLENDING IN THE CHILDREN'S COURT

In the modern juvenile court there is a compromising of the legal and casework approaches: an effort at sociolegal handling of the child. Legal influences are inevitable and necessary in a court; they may be seen in the age limitations for delinquency, in the statutory specification of particular conduct deemed to be delinquent, in the preservation of some measure of procedural regularity and of due process rights, and in the very effort itself to provide children with special protection. Children were not only given a protected position, as early as the thirteenth century, at common law, before the ordinary courts, but also were considered in later chancery—along with other incompetents (females and imbeciles!)—to be wards of the state, shielded by the king's chancellor from injury or exploitation. The origin in chancery jurisdiction of many of the child's protections established an early informal and administration tradition in the legal handling of children's cases; thus, his contracts, property interests, and his rights and status might be ensured by administrative as well as strictly judicial measures.

In the nature of the juvenile court, casework practices are associated with probation treatment *after* the determination of delinquency. But in the emergence of specialized children's courts, the administrative approach was greatly extended beyond the limits that had been fixed in earlier law and equity. The developing ideology of social work was brought in to an increasing extent, particularly through the channels of a probation system that had already been set up in criminal courts before separate tribunals for juveniles were invented. After the birth of the juvenile court movement, the administrative approach received a great impetus from leaders in the field of juvenile probation who conceived the function of the

court largely in terms of administrative social work supervision, aimed at prevention and rehabilitation of problem cases.¹ Hence, important new influences developed to modify the traditional judicial process as it applied to the young offender. There is an expanded administrative emphasis today on the need to find the underlying social and psychological maladjustments of the child in the court, to see the total problem, and to resolve his difficulties by probation treatment. The specific delinquent act is considered to be relatively unimportant except as a symptom of the real problems. The model juvenile court statute of the National Probation Association neither defines the term "delinquent" nor applies it to court cases.²

The trend noted here has been fostered by the general terms in the provisions of children's court acts, which permit wide discretionary latitude in adjudication and treatment on the basis of vague standards of the conduct and the attitude of the child.³ Thus a child whose behavior shows no specific and serious violation of the law may nevertheless be treated "preventively" if he is found to suffer from problems of social or psychological unadjustment. The growth of administrative process is seen in the effort of juvenile courts today to prevent misconduct through supervision by

probation officers and to deal with children's problems in their early stages before more serious recalcitrance may develop. The large and growing amount of informal work performed by probation departments in cases that are not officially adjudicated is a part of this trend. This work reveals the effort of probation to function as an ordinary casework agency: "The juvenile court in its investigations and casework becomes an administrative social work agency and must follow the example of the best private agencies in the fullest cooperation with others, taking advantage of the resources they offer in helping to work out the complicated and difficult problems often presented."⁴ The significant point may be mentioned here, to be developed later, that in most jurisdictions neither probation staff nor judges are trained for a preventive casework function.

The administrative approach is revealed further by the quite successful resistance that comes frequently from probation officers, sometimes even from the judges themselves, to the legal requirements of proving an offense, excluding hearsay and prejudicial testimony, allowing counsel to the defendant, and permitting appeal. The argument runs that the court

¹Alice Scott Nutt in "The Future of the Juvenile Court," *Nat. Prob. Assn. Yearb.*, 1939, p. 159, said: "... once certain services were begun as part of the court work they were continued as a matter of course and gathered strength through precedent, although the original reason for their initiation, namely, the absence in the community of other agencies performing these services, often no longer existed. The court frequently came to consider itself and to be considered a social agency rather than a socialized court, although strangely enough it often held itself apart from the social agencies of the community, and its probation officers spoke of themselves as a group separate and distinct from other social workers." (Reprinted by permission.)

²*A Standard Juvenile Court Act*, pp. 8-11, National Probation Association, New York, 1943. [The current *Standard Juvenile Court Act*, 6th edition, 1959, National Council on Crime and Delinquency, does not define the term "delinquency." EDITOR.]

³See Gilbert Cosulich, *Juvenile Court Laws of the United States*, pp. 34-47, National Probation Association, New York, 1939.

⁴It is not implied that professional caseworkers in private and public agencies share this view. To the contrary, see Alice Scott Nutt, *op. cit.*, pp. 163-164, where she says, "Because it is a court, the juvenile court has certain functions entirely apart from casework functions and a structure quite different from that of a nonjudicial agency. The court may use a socialized procedure, but because it is the offspring of the legal system this procedure is nevertheless a judicial one operating along legalistic lines. The handling of each official case in the juvenile court follows more or less a fixed routine.... The probation or casework is done under the direction of and within the framework of the law.... Several persons well known to this group have voiced their recognition of the limitations upon the development of the juvenile court as a casework agency and also their belief that instead of continuing to broaden its function it should concentrate on a definite and fairly limited field. They have argued that the court should limit its intake to children in whose cases a real issue arises; that the judicial and casework functions of the court should be separated; that the expansion of treatment services within the court administration should be opposed, and their development, specialization, and coordination in the educational and public welfare system should be encouraged."

exists for the care, protection, and benefit of the child; it is therefore unnecessary to set up safeguards and frustrating limitations on the agency that would help him. There is a marked tendency among many leaders of the juvenile court movement today, in considering the child to be merely "unfortunate" or "unadjusted," to avoid reference to delinquency itself. They sometimes favor the burying of institutional statistics on the juvenile delinquent in some all-inclusive and innocuous category. This whole view appears to overlook the significant point that whatever he may be called, he is in fact treated as an offender through court control, and is himself often buried deeper in the correctional system than his statistics can be. A short quotation from each of two cases famous in the jurisprudence of the children's court will serve to illustrate this central problem of requiring proof of delinquency. How a particular jurisdiction resolves the issue determines to a great extent who may be considered a delinquent there.

The constitutional objections turn upon whether the act [the children's court act of Connecticut] is one for the punishment of crime and therefore subject . . . to the guaranties . . . in the Bill of Rights, or whether it is concerned with the care and protection which every state as *parens patriae* in some measure affords to all . . . who . . . are in some degree abnormal, and hence . . . *entirely of a civil nature* . . . if such courts are not of a criminal nature, then they are not unconstitutional because of the nature of their procedure depriving persons brought before them of certain constitutional guaranties in favor of persons accused of crime. This principle has been recognized in many states where juvenile courts exist; in only one [Texas] has such an act been held entirely void, while in Missouri the validity of the act was based upon the statute in relation to constitutional provisions regarding courts.⁵

The proceeding here is under a widely different statute. . . . The concept of crime and

punishment disappears. To the child, delinquent through the commission of an act criminal in nature, the state extends the same aid, care, and training which it had long given to the child who was merely incorrigible, neglected, abandoned, destitute, or physically handicapped. . . .

When it is said that even in cases of lawbreaking delinquency, constitutional safeguards and the technical procedure of the criminal law may be disregarded, *there is no implication that a purely socialized trial of specific issue may properly or legally be had. The contrary is true. There must be a reasonably definite charge. The customary rules of evidence shown by long experience as essential to getting at the truth with reasonable certainty in civil trials must be adhered to.* The finding of fact must rest on the preponderance of evidence adduced under those rules. Hearsay, opinion, gossip, bias, prejudice, trends of hostile neighborhood feeling, the hopes and fears of social workers are all sources of error and have no more place in children's courts than in any other court.⁶

It should be noted in the above that, holding the children's court and its procedure to be noncriminal, these appellate decisions nevertheless affirm that juvenile cases come under the procedure of the civil law *and its due process protections of fair trial of a real issue.* Nevertheless, again and again in the literature on probation and juvenile courts and, moreover, in the practices of many of these courts, there is an assumption that, since they are "remedial instead of punitive," such safeguards as "appeals, rules of evidence, appearance of counsel, etc., [are] details of jurisprudence from which the juvenile court has been relieved."

This wedding of judicial and administrative process has not produced a wholly compatible marriage. Each strains to dominate the union—with results that are not always beneficial to the child who is subjected to its influence. The special danger is that in an "overle-

⁵*Cinque v. Boyd*, 121 Atl. 678 (June 1, 1923). (Italics not in the original.)

⁶*In the Matter of Arthur Lewis*, 260 N.Y. 171. (Italics not in the original.) See also Paul W. Tappan, *Juvenile Delinquency*, New York: McGraw-Hill Book Company, 1949, Appendix A, pp. 551-553.

galistic" court the experience of trial will be severe and traumatic. The child will less frequently be adjudicated a delinquent, but if he is, the treatment imposed may be based upon a moralistic and punitive ideology. In an "over-socialized" tribunal, on the other hand, there is danger that individuals will be exposed to court machinery and treatment who do not require state sanctions and who may, indeed, be injured by the crude tools to which courts are limited in their treatment efforts.

Modern probation tends to reflect the preventive views and administrative methods of professional casework, meritorious values within the framework of nonofficial casework agencies. But it should be remembered, ideal standards to the contrary, that the probation officer is generally not a caseworker by professional training but rather an untrained, overworked, and undersupervised individual whose ability to carry out effective treatment is limited in addition by the coercive authority that the court setting implies. Also he exercises far more power over the liberty of the child than does any professionally trained private caseworker. The sociolegal compromise of the juvenile court fails when probation attempts to displace law and the courts by becoming an administrative social agency.⁷ The compromise fails, too, when the judge attempts to operate a junior criminal court. Among the more than a thousand juvenile jurisdictions in the United States, both of those perversions of a liberalized justice are prevalent, but the former is becoming an especially common error. Later, consideration will be given to a better division of legal and social functions in the children's courts. Here concern has been only with the two conflicting spheres of ideology that have had so much to do with the determination of the official delinquent through the actual operation of the juvenile courts. The inclination of the court to assume a judicial attitude, on the one hand, or the administrative

approach, on the other, determines to an important extent the probabilities of a child's being found delinquent and may influence as well the type of treatment he receives.

THE OFFICIAL DELINQUENT

The blending of conflicting concepts of delinquency is fully revealed in the definitions of juvenile delinquency that appear in children's court statutes. The disparity may be seen in the provisions for the courts possessing jurisdiction in these cases, in the age level of offenders covered by them, and in the types of conduct (substantive norms) established by law as delinquent.

COURT JURISDICTION

The first juvenile court in the United States was one of equity jurisdiction, exemplifying the protective and noncriminal nature of the proceedings. Yet a majority of children's courts were originally set up as part of the criminal court system, and, despite subsequent enactments, a large proportion of them still remains so. Thus juvenile cases are handled to a great extent today by some term of an ordinary court of original criminal jurisdiction or of general jurisdiction covering both criminal and civil cases; some are trial courts; others are courts of summary jurisdiction; a minority are distinct juvenile courts of separate jurisdiction; a few are probate or common pleas courts. Where special terms of court are established for children's cases, they are generally handled, nevertheless, by the nonspecialized judges, magistrates, and referees who try a variety of other cases. Usually the probation officers, too, are a part of the general system of probation that deals with adult criminal cases. In most juvenile courts there is a preservation of criminal court personnel, ideology, and, to a less marked extent, trial procedure and treatment methods. But the current trend is toward separate children's courts and separate proba-

⁷*Ibid.*, Chapter IX.