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August 1972

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### Citation Information

Corrigan, Michael. "The Juvenile Court and Community Involvement." *Osgoode Hall Law Journal* 10.1 (1972) : 221-224.

DOI: <https://doi.org/10.60082/2817-5069.2308>

<https://digitalcommons.osgoode.yorku.ca/ohlj/vol10/iss1/12>

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## The Juvenile Court and Community Involvement

# The Juvenile Court

*An American and Canadian Judge Offer Some Different Views on  
Reform and Change in the Juvenile Court*

## THE JUVENILE COURT AND COMMUNITY INVOLVEMENT

By JUDGE MICHAEL CORRIGAN\*

More than three generations ago, the founders of Juvenile Courts created a system in which they envisioned competent and dedicated juvenile judges who would take the time to delve into the problems of each case. Under this system hearings were informal and relatively confidential. The judge, the child and his parents and the probation counselor were usually the only ones that would attend these hearings. It was felt that these people, with the help of a concerned community, would effectively deal with delinquent children. It was also felt that since these hearings were informal and attended only by those truly concerned with the child's best interest, there would be no need for the child to be accorded certain protective rights granted to adults.

The founders assumed that as a result of the informal hearing, the judge could properly diagnose the child's problem and apply effective remedies.

It is unfortunate that many of the founders' assumptions have not as yet been proven. Many juvenile judges have not been competent. Most juvenile court staffs are undermanned, undertrained and underpaid. Most jurisdictions have not been able to provide adequate facilities in the community to accomplish rehabilitation.

There can be no doubt that the United States Supreme Court considers the juvenile court system in the United States an experimental one whose fate is as yet not determined.

The United States Supreme Court in *Kent v. United States*<sup>1</sup> stated that "The theory of the District's Juvenile Court Act, like that of other jurisdictions, is rooted in social welfare philosophy rather than the *corpus juris*. Its proceedings are designated as civil rather than criminal. The Juvenile Court is theoretically engaged in determining the needs of the child and of society rather than adjudicating criminal conduct. The objectives are to provide measures of guidance and rehabilitation for the child and protection for

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<sup>1</sup> (1966), 383 U.S. 541.

society, not to fix criminal responsibility, guilt or punishment. The state is *parens patriae* rather than prosecuting attorney."<sup>2</sup>

Mr. Justice Fortas writing the majority opinion *In Re Gault*<sup>3</sup> stated that the juvenile court system was not living up to the expectations of its founders nor in many cases was it providing basic fairness, (i.e., notice of the charge, right to counsel, privilege against self-incrimination, right to confrontation and cross examination.)

With these decisions as a challenge, the Juvenile Court in Wichita, Kansas, has initiated a number of experimental programs over the past year. These programs are dependent upon the adherence to the Juvenile Court's protective, rather than penal, aspects.

The Volunteer Program began in June, 1970, as the first protective alternative program of the Wichita Juvenile Court. The Volunteer Program involves individual volunteers working on a one-to-one basis with youth who come through the Juvenile Court. Since the Program's inception, it has grown to over 200 trained volunteers who give their time and talent as volunteer probation counselors; plan recreational programming for detention facilities; investigate state facilities that might be utilized by the court for placement of youth; provide a Speakers Bureau for foster homes; work with families of troubled youth and work in the Court's tutoring program.

The recidivism rate of those juveniles working with volunteers has been cut in half. The Volunteer Program has also opened up the Court to the public and in turn, the public has become more aware of the problems facing this Court and the youth of our city.

Within the framework of the Volunteer Program is the Family Project, which is funded in conjunction with the Department of Health, Education and Welfare and grew out of an increasing awareness of the futility of working intensively with many juvenile offenders when no significant efforts were being made to alter the home situation in which the seeds of the behaviour of the offender had been sown. A basic assumption of the Program has been the idea that when a juvenile comes to the attention of the Court, the community is receiving a signal that a family is in difficulty and needs help. In light of this assumption, the basic objective of the Program has been to discover ways in which the focus of the Court and of the community can be placed on the family that is having trouble, as against just focusing on the juvenile who needs external control and punishment.

Since the Court has defined a juvenile offense as basic evidence of a family problem, the Court has addressed itself to finding ways of creating an atmosphere and a structure in which the family can be given the help it needs. This process of developing such a structure has been conceptualized as building a "support system" for the family that involves all of their contacts with the Juvenile Court. There are three sub-projects within the overall Family Project. The first of these is an in-service training project for all of the pro-

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<sup>2</sup> *Kent v. United States* (1966), 383 U.S. 541 at 553.

<sup>3</sup> *In the Matter of the Application of Paul L. Gault* (1966), 387 U.S. 1.

bation counselors. This training program has been instituted with the objective of developing an understanding of what is happening in the families of the juvenile offender and developing a set of attitudes and methods that will make working with the families more effective. The corollary objective of this project is to develop attitudes that call for seeing the probation effort as an attempt by the Court to assist this family in dealing more responsibly and more effectively with the common problem that exists, namely, a child who is in trouble with the law.

The second project within the Family Project, the wayward group, is based on the assumption that the families who would be most cooperative and most eager for assistance would be those where the juvenile's behaviour is clearly related to family functioning. These are the families where a juvenile has run away from home or has been referred to the Court because of incorrigibility. With these families an attempt is being made to have them voluntarily agree to become involved in regular group sessions for the purpose of attempting to find ways of bridging the communication and understanding problems that exist between parent and child. This particular experimental group begun in September, 1971, involves about 12 families and has held approximately 24 voluntarily attended group meetings.

Thirdly, the Family Volunteer Project involves a group of families with two major characteristics; large families and low incomes. The purpose of this particular project is two-fold. The major thrust is to train a group of family volunteers who have been carefully selected to work closely with each family in helping them to recognize and find resources to deal with many day-to-day problems which exist in these homes. The corollary thrust is to involve these parents in groups discussions for the purpose of seeing more clearly their role and the difficulties that are evidenced in the behaviour of their children. The clear objective is that if the family can learn to deal more responsibly and effectively with the first child who becomes a juvenile offender, then other children in that family who would normally end up before the courts will be helped at home.

Another protective alternative of the Wichita Juvenile Court involves family discussion meetings and is called the Social Conscience Seminar Project.

This program involves both parents and child in group interaction. The group design is unique in that in each group, which includes six to eight juveniles, care is given to ensure that no minor sits in the same group as his parents, and vice versa. Youth and their parents are given the option of participating in the family discussion meetings in lieu of prosecution when the youth is before the Court for the first time. To support mandatory attendance, a contract or agreement is signed by the youth and his parents in which they agree to provisions requiring attendance in each of four consecutive meetings.

The Juvenile Court Clinical Program, developed in conjunction with the Sedgwick County Mental Health Clinic, functions as a liaison with the entire Juvenile Court system. The Clinical Program operates on behalf of the child so that his particular offense can be better understood in relation to his

psycho-social development, level of personality functioning and the environment with which he must cope.

The professional psychologists assigned to the Court by the Clinic formulate recommendations for treatment. The psychologists work closely with probation counselors in presenting case recommendations to the Juvenile Court Judge.

Initiated in October, 1971, the Student Intern Project provides the Juvenile Court with a resource of qualified correctional personnel capable of handling the probation process and, at the same time, serves to stimulate interest in and understanding of the juvenile correctional process on the part of university students planning a career within the juvenile justice system. Supervised by professional Juvenile Court staff, the program enables the student intern to become involved in all facets of the daily operation of the juvenile justice system.

Begun on August 1, 1971, the Community Based Probation Counselors Project, known as the Storefront, was conceived as a permanent part of the Court operation in its desire to localize the probation effort. The Storefront provides Juvenile Court with a staff which lives and works in the area they serve and is involved in community activities. This allows the probation counselor to be more actively involved with the probationer and his family in a probation program.

In August of 1971 our Juvenile Court joined with a local television station in the televising of a Juvenile Court hearing involving a 15 year old girl who had run away from home. A film of this proceeding was shown on a 15 minute segment of that station's evening newscast.

The purpose of the film was not to expose or ridicule this young lady or appeal to sensationalism. Rather it was our hope that we could create a greater awareness of the tremendous increase in the number of runaways in our community. We also attempted to show the court's view of the problem, its approach and its philosophy.

The acceptance of the film resulted in the addition of many new court volunteers and the united effort by the citizens of this area to resolve the problem.

By providing alternative approaches, gathering and disseminating pertinent data and training the persons dealing with young offenders, we hope to improve the local juvenile justice system. While our efforts will not resolve the entire chain of complex problems associated with troubled youth, they should be and are part of a broader program to change the juvenile justice system so that it may function in the best interest of society and the young people it is trying to serve.