The father assured her that the child was thriving in the nurse's care, when in fact he knew that the nurse had turned over the child to an orphanage for adoption because she had not received her monthly payments from him. The adoption petition stated that the child's parents had absconded from the state, and the juvenile court decreed the adoption after ordering that they be given notice in a newspaper column. In 1929, when the child was about three years old, the Supreme Court vacated the adoption order on the grounds that the mother had not received notice required by the adoption act and had not consented to the adoption.[30]

The state Supreme Court also reaffirmed the vitality of the equitable adoption doctrine, which had existed during the old adoption-by-deed regime. The doctrine enables courts to enforce agreements to adopt where the adult failed to complete the adoption process through negligence or design, and thus where no court order ever decreed the adoption. A claim might arise where the child continued to live in the adult's household, and the adult raised and educated the child and held him out as a member of the family. The doctrine does not confer adoptive status but, in accordance with the maxim that equity regards as done that which ought to be done, merely confers the benefit the claimant seeks, usually the right to inherit from the adult.[31]

"Closed Adoption" Legislation

After scrapping adoption-by-deed in 1917, the General Assembly left adoption law virtually untouched for more than twenty years. The lawmakers returned to the adoption arena in 1941 with legislation that formally sealed adoption files and records and prohibited release to anyone, including adoptees themselves, except by court order for good cause. Without good cause, the birth parents could not learn the identity or whereabouts of the child or adoptive parents, and the adoptive parents and the child could not learn the identities or whereabouts of the birth parents.[32]

Missouri was a latecomer to closed-adoption legislation, which other states had begun enacting in the early 1920s. Confidentiality legislation was grounded in the policy, much debated ever since, that closed records serve the best interests of all parties to the adoption. The birth parents can put the past behind them, free from embarrassment caused by the adoption itself and perhaps also by out-of-wedlock pregnancy. The adoptive parents can raise the child as their own, free from outside interference and fear that the birth parent might try to "reclaim" the child. The adoptee avoids any shame from out-of-wedlock birth and can develop a healthy relationship with the adoptive parents. By serving these interests, confidentiality is also said to serve a state interest in encouraging

persons to adopt children, but confidentiality provides little solace to adoptees seeking to learn their heritage.

The good-cause requirement distinguishes between identifying and non-identifying information. Missouri's adoption act permits disclosure of identifying information (that is, the birth parent's name, birth date, place of birth and last known address) only where the adoptee demonstrates urgent need for medical, genetic or other reasons. Mere curiosity about one's heritage is insufficient. Even without a showing of good cause, however, an adopted child may have disclosure of his or her health and genetic history, without revealing identifying information.[33]

Confidentiality legislation complicates the efforts of many adoptees to locate their birth parents, but cannot extinguish the desire of many adoptees for disclosure. Adoption records are exempt from the state freedom of information law, and adoption agencies and other intermediaries face criminal sanction for making unauthorized disclosure. Despite these barriers, recent years have witnessed the growth of advocacy and support groups to assist adoptees' efforts to locate their birth families, lobby for legislation easing confidentiality standards, and challenge the constitutionality of sealed-records statutes.

Constitutional challenges have failed, but most states have enacted registry statutes, which permit release of identifying information where the birth parents, the adoptive parents and the adult adoptee all state their desire for release. Passive registry statutes allow parties to state their desires, and active registry statutes authorize the appropriate state agency to seek out parties' desires when one party expresses a desire for disclosure. Missouri enacted an active registry statute in 1986, administered by the Division of Family Services.[34]

Enhancing Adoption Information

In 1948, the General Assembly enhanced the information available to the juvenile court as it determines the best interests of the child. First, the lawmakers precluded the juvenile court from approving an adoption before considering a written report prepared by a public or private agency that investigated the parties and the prospective adoptive home. The 1948 legislation also precluded the juvenile court from entering a final adoption order until the child had been in the prospective adoptive parents' custody for a probationary period of at least nine months.[35]

The report, which can be made by the Division of Family Services, helps the court determine whether the parents would be suitable for the child, helps the parents probe their capacities to be adoptive parents and the strength of their desire to adopt, and helps reveal factors about the parents or the child that

might affect the adoption. The probationary period is designed to help the court ascertain whether the new arrangement would actually work out.[36]

Before 1948, reports and probationary periods had proved their worth in several other states, but their use in Missouri had depended on local practice. In St. Louis County, an informal administrative agreement between the juvenile court and the county Child Welfare Services unit had provided for written investigations and reports in child adoptions since 1938, though juvenile courts normally did not enforce a probationary period. Elsewhere public or private adoption agencies had sometimes prepared reports, but Missouri courts sometimes proceeded without in-depth information about petitioners and the adoptee. The 1917 adoption act guaranteed the child a guardian ad litem who helped avoid technicalities that might later upset the adoption, but guardians often made no investigation of the child, the natural parents or the adoptive home.[37]

Still to be overcome after the 1948 legislation were the superficial adoption investigations and follow-up that prevailed in some places where agency staff were overworked and had to travel long distances to do in-home supervision. In 1948, one researcher concluded that Jackson County social investigations remained superficial because the growing volume of adoptions overwhelmed court staff, whose individual caseloads remained too high to permit careful investigation that could help inform the juvenile court's best-interests determination.[38]

The Unified Juvenile Court Act

Missouri's new administrative agencies had changed the face of child protection by mid-century, but the juvenile courts still operated under a dual system resulting from historical happenstance. The 1911 juvenile court act still applied to first and second class counties and St. Louis city, while the 1917 act still applied to third and fourth class counties. The two acts were quite similar, but dualism had little evident child protective purpose.

The General Assembly enacted the state's first unified juvenile court act in 1957. The act was off to a good start because the primary drafters included four sitting juvenile court judges who held the abiding respect of bench and bar—William R. Collinson of Greene County, Theodore J. McMillian of St. Louis City, Henry A. Riederer of Kansas City and Noah Weinstein of St. Louis County. Judge Andrew Jackson Higgins has called them "pioneers in the development of the unified juvenile court system."[39]

Judge Collinson ascended to the federal district court bench in 1965 and served until his retirement in 1991. Former Greene County chief deputy juve-

nile officer Jane Wilhite remembers him as "kind and compassionate with children and their parents," a judge who "never talked down to anyone." Judge McMillian became the state's first African American juvenile court judge in 1956 and sat on the circuit court bench until 1972, when he joined the Missouri Court of Appeals in St. Louis. President Jimmy Carter named him to the United States Court of Appeals for the Eighth Circuit in 1978. Years later, chief juvenile probation officer Betty Conyers Patton remembered that Judge McMillian "had a keen mind, demanded the best of the staff and was always trying to find ways to help the staff improve."[40]

Judge Riederer was elected the first president of the Missouri Council of Juvenile Court Judges and later served as president of the National Council of Juvenile and Family Court Judges. Judge Higgins called him a "mentor" whose "commitment to the work of the juvenile court and the best interests of the children was infectious."[41]

Tradition had it that a judge would sit in the St. Louis County juvenile division for only a year or two at most, but Judge Weinstein was the county's juvenile court judge for more than ten years. After nearly a half century, former St. Louis juvenile court social worker Dave Barrett recalls Judge Weinstein with a string of adjectives, including "brilliant, fearless, courageous, inquisitive and challenging."[42]

The new unified juvenile court act, codified in chapter 211 of the revised statutes, did much more than simply meld two historically similar acts into one. The comprehensive act codified decades of judicial interpretations and reflected the substantial progress that had been made in treating delinquent and dependent children. Former St. Louis County juvenile court judge Robert G.J. Hoester called the new act a bold "social experiment" that made the court a "treatment center rather than a punishment center." The act heeded medical and social learning that most children were indeed capable of rehabilitation with creative treatment.[43]

Judge Weinstein explained that the 1957 act granted juvenile courts needed authority to "re-form the personality and character of juveniles brought before it . . ., prevent[] the development of children into hardened criminals and enabl[e] them to play a useful part in society." The act has undergone periodic amendment ever since, and was fortified in 1976 when the state Supreme Court adopted rules of juvenile court practice and procedure. The rules are generally consistent with the act, though they prescribe procedures in greater detail.[44]

The 1957 juvenile court act conferred original exclusive juvenile court jurisdiction over the four traditional categories of cases—delinquency, abuse and neglect, status offenses and adoption. Provisions such as these produced meaningful reform that established a blueprint for further development:

The least restrictive alternative. The new act required juvenile courts to provide each delinquent or dependent child care, guidance and control, "preferably in his own home," that would serve the child's welfare and the best interests of the state. When the court removed a child from the parents' control, the court was required to "secure for him care as nearly as possible equivalent to that which should have been given him by them."[45]

Continuing jurisdiction. Once the juvenile court secured jurisdiction over a child, the court could retain jurisdiction until the child reached twenty-one, except where the child was committed to the Boonville, Chillicothe or Tipton training schools. The court could modify its decree on its own initiative, and a parent or other interested adult could request the court to modify an order committing the child to an agency or institution.[46]

Custody. The new act required that a child taken into custody be taken immediately before the juvenile court or delivered to the juvenile officer. Taking a child into custody was not an arrest. The child's parent must be notified as soon as possible, and juvenile court jurisdiction attached when the child was taken into custody. A child in custody could not be fingerprinted or photographed without the juvenile court judge's consent.[47]

Pre-hearing detention. Unless it was "impracticable, undesirable, or has been otherwise ordered by the court," a child taken into custody must be returned to his parent on the latter's promise to bring the child to court. A child could be detained only by court order, and only in a county detention home, a foster home supervised by the court, or a suitable place of detention maintained by a child protective association. The child could be detained in a jail or other adult detention facility only "if the child's habits or conduct are such as constitute a menace to himself or others and then only if he is placed in a room or ward entirely separate from" confined adults.[48]

Hearing and confidentiality. Equity practice and procedure would prevail in juvenile court hearings, which meant that the court no longer held jury trials. The general public was excluded from hearings, children's cases were heard separately from cases against adults, and a transcript or recording was kept. Juvenile court records could be inspected only on court order by persons having a legitimate interest in them. Materials other than the official court file could be destroyed by court order when the child reached twenty-one.[49]

Disposition. The juvenile court could, among other things, (1) place the child under supervision in the parent's home or that of a relative or other suitable person, (2) commit the child to a public or private agency or institution that cared for or placed children, (3) place the child in foster care, or (4) order, at

> county expense, a physical or mental examination for consideration in disposition of the case. If appropriate, the court could commit the child to a public or private hospital, clinic or institution for treatment and care. A juvenile court adjudication did not constitute a conviction, did not create any disability ordinarily resulting from convictions. Evidence given in juvenile court was inadmissible in any other proceeding except another juvenile court proceeding.[50]

In 1959, the General Assembly authorized the juvenile court to terminate parental rights to a child for gross abuse or gross neglect. The 1950s closed with widespread satisfaction about Missouri's new juvenile court act, and juvenile justice professionals began applying its provisions. The act would soon share the stage, however, because the United States Supreme Court was on the verge of constitutionalizing juvenile court practice and procedure from coast to coast.[51]