

Douglas E. Abrams



# A Very Special Place in Life

The History of Juvenile Justice in Missouri



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Justice in Missouri

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On March 23, 1903, Governor Alexander M. Dockery signed legislation creating juvenile courts in the City of St. Louis and Jackson County. The St. Louis court convened in the Four Courts Building on May 4, and Jackson County's followed within days. The "century of the juvenile court" had dawned. By the end of World War I, juvenile courts were deciding delinquency, dependency and adoption cases throughout Missouri.

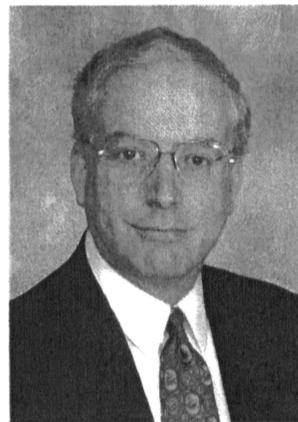
Professor Abrams chronicles the nineteenth century struggle for a special court to rehabilitate delinquent and dependent children and their families. The leaders were dedicated reformers—the "child savers"—who sought to remove children from poorhouses, prisons and other harsh institutions that left little hope for productive adulthood.

*A Very Special Place in Life* traces the twentieth century growth of Missouri's juvenile courts. It discusses the profound changes wrought by the United States Supreme Court's *Gault* decision, which triggered the "due process revolution" in the nation's juvenile courts in 1967. The book examines efforts to reduce disparities between services available to rural and metropolitan children, and between treatment of minority children and others.

By the early 1980s, Missouri began winning national recognition in juvenile justice. When the state replaced its deteriorating reformatories with small regional facilities

stressing treatment and therapy, the new approach to delinquency won national acclaim as "a guiding light for reform."

Justice is a work in progress. Public servants, juvenile justice professionals and private citizens strive to sustain the juvenile court's child protective promise. This book's historical account will help accelerate Missouri's momentum in the quest to serve the best interests of the state's most vulnerable children.



## ABOUT THE AUTHOR

Douglas E. Abrams is a law professor at the University of Missouri—Columbia, where his courses include children and the law, family law and civil procedure. He holds a B.A. *summa cum laude* from Wesleyan University and a J.D. from Columbia University School of Law. He is co-author of *Children and the Law—Doctrine, Policy and Practice* and *Children and the Law in a Nutshell*. In 1994, he received the Meritorious Service to the Children of America Award, presented by the National Council of Juvenile and Family Court Judges to recognize his public service. In 2000, he received a Spurgeon Smithson Award from the Missouri Bar Foundation for outstanding service to the cause of justice. He serves on the Missouri Bar Commission on Children and the Law.

Jacket design by Jennifer Cropp

"Professor Abrams has authored a comprehensive, highly readable history of the juvenile court system of Missouri. His skillful writing newly illuminates the shocking conditions to which some children were subjected. Professor Abrams' book at the same time inspires the reader with the recounting of creative leadership that has enabled Missouri to become a flagship state in addressing issues confronting the problems of children."

—Judge Ann K. Covington  
Supreme Court of Missouri (1989-2001)  
Chief Justice (1993-95)

"*A Very Special Place in Life* is a very special history of the development of Missouri's juvenile courts. Professor Abrams is also a very special advocate for the rights of children."

—Judge Andrew Jackson Higgins  
Supreme Court of Missouri (1979-91)  
Chief Justice (1985-87)

"Professor Abrams has written a definitive history of Missouri's juvenile court system. From the first tenuous legislative enactments in the 1830s designed to protect children from alcohol, gambling and abuses by employers, to the modern computerized family court, the book chronicles Missouri's long trip toward juvenile justice. This historical record allows us to better gauge the juvenile court system's future as we continue to strive to reach the goal of the best interests of each child."

—Judge John C. Holstein  
Supreme Court of Missouri (1989-2002)  
Chief Justice (1995-97)





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To Deans Tim Heinsz and Walt Oberer,  
With gratitude for their influence



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# Introduction

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By Chief Justice Stephen N. Limbaugh, Jr.  
Supreme Court of Missouri

In March of 2003, Missouri's juvenile courts celebrate a century of service to the families and children of our great state. This centennial remembrance invites reflections on the past, and a rededication to the future of this unique and critically important institution. History can help guide Missouri's leaders in addressing the ever-changing needs of children in our society and, as is often said, if the perspective of history teaches us anything, it is that we must learn from our past or be truly destined to repeat our mistakes. To be sure, history's insight is more important than ever in our work with delinquent, abused and neglected children because children from all walks of life form the backbone of our future as a state and as a nation. Indeed, our care and concern and attention to their lives are irrevocably intertwined not only with our own legacy but also with our future.

Missouri's current accomplishments and future successes are a reflection of the historical lessons learned over the past century. As individuals, as leaders and as a state, we must reflect on the past lest we march into the future unaware of our bearings. In this book, Professor Abrams provides a blueprint for understanding Missouri's juvenile justice system today and the need for continued improvements. He leads us through the history of the state's juvenile justice system, setting out the shameful record of children's suffering in the decades before the state instituted juvenile courts, and the gradual yet steady improvements the state has made since that time. Beginning in the nineteenth century, this book chronicles the harsh punishments imposed on

juvenile offenders, and the often inadequate protection of abused, neglected, homeless and abandoned children. It documents the generally unhappy history of almshouses, houses of refuge, private orphanages and state training schools. It explains the due process revolution that produced the modern juvenile courts. And we learn that over the years, Missouri has become a national leader in so many social reforms that served and continue to serve the best interests of children. Today, Missouri boasts a remarkable heritage of leadership and innovation that forms the perfect foundation for our actions today and in the future.

The history of Missouri's juvenile courts is a valuable learning tool for the leaders and policymakers in all three branches of government. It is a valuable learning tool for public officials and private citizens who are devoted to the best interests of children. And it is a valuable learning tool for the young people in our colleges and universities who study criminal justice and law and social science, and who will be the next generation of leaders in the ongoing quest to achieve the juvenile courts' high ideals. Fortified by history's understanding of the system's strengths and weaknesses, we all can continue to make Missouri a national model of excellence.

## Prologue

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*“Children have a very special place in life which law should reflect.”*<sup>1</sup>

This lofty sentiment, written by Justice Felix Frankfurter in 1953, describes the highest aspirations of the reform-minded “child savers” throughout the nineteenth century. Once Illinois created the nation’s first juvenile court in Chicago in 1899, the child savers’ ideal of a special court to hear cases central to the lives of delinquent and dependent children spread rapidly throughout the nation. Missouri became the eighth state to create a juvenile court when Governor Alexander M. Dockery signed legislation establishing the St. Louis City juvenile court on March 23, 1903. By the time America entered the First World War, the General Assembly had created juvenile courts statewide.

Other states quickly followed, perhaps prodded by the special juvenile court exhibit at the 1904 St. Louis World’s Fair attended by thousands. Forty-six states had juvenile courts by 1925. The last two holdouts, Maine and Wyoming, created juvenile courts near the end of World War II, though each had treated delinquent and dependent children specially in the general court system much earlier. Today every state maintains a specialized juvenile or family court.

This is the story of the first century of Missouri’s juvenile court system. As in other states, juvenile courts in Missouri today hear and decide four major categories of cases—delinquency, abuse and neglect, status offense and adoption. A *delinquency* proceeding determines allegations that the juvenile has committed an act that would be a crime if committed by an adult. An *abuse* proceeding determines the state’s claims that a parent or custodian has committed physical, sexual or emotional violence against the child. A *neglect* proceeding determines the state’s claims that the parent or custodian has failed to provide the child a minimal level of support, education, nutrition, or medical

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or other care necessary for the child's well-being. A *status offense* proceeding determines allegations that the juvenile has committed an act that would not be a crime if committed by an adult but is sanctionable when committed by a juvenile; prime examples are truancy from school, running away from home, and incorrigibility (that the juvenile habitually resists reasonable discipline from his or her parents and is beyond their control). Once parental rights have been terminated by consent or court order, an *adoption* proceeding determines whether to create a new parent-child relationship with adoptive parents in the best interests of the child.

Based on nine decades of experience with the juvenile court, the General Assembly in 1993 created family courts in seven judicial circuits (those encompassing the City of St. Louis and Clay, Callaway, Boone, Jackson, St. Louis and Greene counties). The legislation also permitted a family court in other circuits that chose to create one by local rule. Missouri's family courts hear and decide cases within the four juvenile court categories, and also other actions central to family life. These actions include domestic relations suits, actions to establish the parent and child relationship (notably "paternity suits"), support actions, and adult abuse and child protection actions. Family courts recognize that troubled children often come from troubled families, and that frequently the juvenile justice system provides effective treatment most efficiently when one court treats all related domestic dysfunction.

Missouri thus maintains a flexible system of juvenile and family courts, conforming largely to local perceptions of local needs and practices. This book refers to juvenile and family courts collectively as the "juvenile courts." The term "dependent children" is sometimes used to refer collectively to children who come before the juvenile courts because they are abused, neglected, abandoned or otherwise unsupported by their parents or other caregivers.

Missouri's juvenile justice system, the book's broader historical study, extends beyond the juvenile courts and the appellate courts that review their decisions. The Governor and General Assembly, who craft child protective policy and legislation, are also central to the system. Administrative agencies serve delinquent and dependent children and their families. Private organizations monitor these services and advocate for children and their families. Private citizens serve tirelessly on commissions, committees and task forces seeking better lives for vulnerable children. Lawyers, juvenile officers and other professionals selflessly represent and otherwise serve children in the juvenile justice system, frequently as volunteers or for modest compensation in the noblest traditions of their professions. These public servants and pri-

vate citizens marshal their considerable energies to help assure that no Missouri child will be overlooked. The story of the juvenile justice system's quest for justice is their story too.

This book is a periscope to the past. In any field of law, justice is a work in progress and history's lessons help direct the pursuit. If lessons from Missouri's past successes and frustrations enable the juvenile justice system to provide a brighter twenty-first century for the state's children, an historian writing on the system's bicentennial will chronicle our continuing efforts and report that we have served well.