The Court Archive:
Juvenile Courts

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On July 3, 1899, the Illinois Juvenile Court Act took effect, marking the beginning of a separate court experience for children 16 and under. The new court focused on rehabilitation and differed from criminal courts by treating the child as a person in need of assistance rather than punitive justice for the crime. The Illinois Juvenile Court was the first of its kind, and soon after, other states passed similar laws. Within a few decades, every state and a number of other countries had juvenile court systems.

Prior to the passage of the 1899 act, there was no mechanism for dealing with children accused of a crime, and children were charged, jailed, and punished as if they were adults. Progressive era reforms viewed modernization in science, technology, and education as solutions to societal problems. The 1899 act followed this reform model with the idea that children can better rehabilitate and re-enter society within a different a court environment. Juvenile court proceedings were confidential so that children could attempt a normal life without the stigma of a criminal record.

Illinois Supreme Court Chief Justice Walter Schaefer noted in *People ex rel. Houghland v. Leonard*, 415 Ill. 135 (1953), that the "Juvenile Court Act is a codification of the ancient equitable jurisdiction over infants under the doctrine of *parens patriae*. Historically, courts of chancery have exercised jurisdiction over the person and property of infants to insure that they were not abused, defrauded, or neglected."

Schaefer relied on one of the first Illinois Supreme Court cases to deal with the Juvenile Court Act, *Lindsay et al. v. Lindsay et al.*, 257 Ill. 327 (1913), in which the plaintiffs contended that the Act was unconstitutional. After the plaintiffs received a favorable judgment in Cook County, Supreme Court Justice William Farmer overturned the lower court's decision, writing that there was "no doubt of the constitutional power of the legislature to pass an act of the character here involved for the protection of dependent, neglected, or delinquent children." The plaintiffs argued the Juvenile Court was a new unauthorized court, while Farmer explained that it was not a new court—it was sitting as a circuit court, with a circuit court judge, and had the power to make binding decisions.

Created with good intentions, the Juvenile Court had mixed results. Criticisms against it were primarily that it dealt with low-income, immigrant children and that it treated boys differently from girls. Boys were more likely to be sent to reformatories and girls were overwhelmingly treated for "morality" infractions. However, there were many instances in which children were able to turn their lives around, as one child from Chicago named Stanley was arrested several times for running away from home and theft. He ended up becoming a salesman and credited the Juvenile Court for his success. He noted that "society can force children into correctional institutions, but it cannot force them to reform. In order to reform a boy, you have to change his spirit, not break it."

This model has carried over to the present day with specific Drug Treatment Courts and Veterans Courts that seek to rehabilitate and not to punish. Their existence and success can trace their roots to the ground-breaking, Progressive-era idea of creating Juvenile Courts in Illinois in 1899.