

Chapter 2- The History and Philosophy behind the Juvenile Justice System

Multiple Choice

1. The first U.S. reformatory opened in:

- a. 1842
- b. 1824
- c. 1838
- d. 1899

ANS: B REF: 35 LO: 1

2. The first house of refuge was located in:

- a. New York
- b. Pennsylvania
- c. Massachusetts
- d. Illinois

ANS: A REF: 35 LO: 1

3. The child savers were:

- a. foster parents
- b. parishioners
- c. juvenile justice attorneys
- d. wealthy, civic-minded citizens

ANS: D REF: 37 LO: 2

4. The child savers were reformers whose philosophy was:

- a. that children should be held accountable like adults
- b. that the juvenile justice system should provide swift punishment
- c. that children were good and should be viewed as youth with problems
- d. that consideration of special circumstances should not be a primary concern

ANS: C REF: 37 LO: 2

5. The first juvenile court was established in:

- a. Massachusetts
- b. Pennsylvania
- c. Illinois
- d. New York

ANS: C REF: 39 LO: 3

6. The first juvenile courts served _____.

- a. as administrative agencies of federal courts
- b. as authorities who punished rather than rehabilitated
- c. as representatives of the wealthy
- d. a social welfare function

ANS: D REF: 40 LO: 4

7. The primary function of probation within the juvenile court system was to:
- investigate and rehabilitate
 - represent the interest of custodians in court
 - find employment for children who were expelled from school
 - provide evidence to indict adults rather than children in criminal court

ANS: A REF: 40 LO: 5

8. Progressive Era proponents refined the _____.
- medical model
 - economic model
 - educational model
 - anti-social model

ANS: A REF: 39 LO: 6

9. The 1909 White House Conference on Youth established the:
- U.S. Social Services Bureau in 1909
 - U.S. Juvenile Justice Center in 1912
 - U.S. Children's Bureau in 1912
 - U.S. Children's Bureau in 1909

ANS: C REF: 41 LO: 7

10. The act that funded federal programs to aid children and families was the:
- Standard Juvenile Court Act* in 1925
 - Family Court Act* in 1935
 - Juvenile Crime Prevention Act* in 1925
 - Social Security Act* in 1935

ANS: D REF: 42 LO: 8

11. "The Four Ds of juvenile justice" are:
- decriminalization, discussion, due process, deinstitutionalization
 - democracy, due process, diversion, deinstitutionalization
 - discussion, due process, diversion, decriminalization
 - deinstitutionalization, diversion, due process, decriminalization

ANS: D REF: 44 LO: 9

12. The procedural requirements for waiver to criminal court were addressed in:
- Kent v. United States*
 - Morris v. Kent*
 - the Supreme Court because a juvenile's hearing was made public
 - Morris v. Kent* because a juvenile's hearing was made public

ANS: A REF: 45 LO: 12

13. *In re Winship* established _____.
- a. *proof beyond reasonable doubt* as the standard for juvenile adjudication proceedings
 - b. the *Gault* decision was null and void
 - c. law enforcement must treat juveniles as adults when women are assaulted
 - d. the Supreme Court could not hear juvenile cases unless a felony was in question
- ANS: A REF: 50 LO: 10

14. In *Breed v. Jones* (1975), the Supreme Court held that:
- a. a jury trial is not required in California juvenile courts
 - b. a juvenile in the state of California could be tried twice for the same offense
 - c. a juvenile cannot be adjudicated in juvenile court and tried again in adult criminal court for the same offense
 - d. double jeopardy does not apply except in adult criminal court proceedings
- ANS: C REF: 51 LO: 10

15. *Schall v. Martin* (1984) the Supreme Court upheld:
- a. the state's right to place juveniles in preventive detention
 - b. the state's right to probationary hearings
 - c. the state's right to transfer juvenile's to adult courts
 - d. the state's right to allow double jeopardy in certain situation
- ANS: A REF: 55 LO: 10

16. James Q. Wilson theorized that socially isolating juvenile offenders:
- a. might further the development of delinquent behavior
 - b. could be critical to the rehabilitation of juvenile offenders
 - c. should provide institutionalized job training
 - d. would assist in steering juveniles away from a lifetime of delinquent behavior
- ANS: A REF: 47 LO: 11

17. The Uniform Juvenile Court Act provided for:
- a. appropriate medical and psychological labels for juveniles
 - b. procedures for fingerprinting and photographing children
 - c. complex interstate juvenile justice procedures
 - d. decreased rehabilitation in the family environment
- ANS: B REF: 48 LO: 17

18. According to the American Bar Association, juvenile delinquency liability:
- a. should include only conduct that was a felony
 - b. should include only conduct that involved the use of a weapon
 - c. should only include such conduct as would be designated a crime by an adult
 - d. should only include such conduct that showed malicious intent
- ANS: C REF: 52 LO: 15

19. The Puritan Period in the development of Juvenile Justice in the United States:
- was during the years of 1646-1824
 - was during the years of 1824-1960
 - was during the years of 1899-1960
 - was during the years of 1960-1980
- ANS: A REF: 34 LO: 2
20. Ancient Roman culture _____.
- allowed the father to exercise limited authority over the family, but punishment could be severe
 - contributed to the doctrine of *parens patriae* in our juvenile justice system
 - gave adult sons equal rights as head of families
 - allowed fathers to inflict corporal punishment upon children
- ANS: B REF: 31 LO: 2
21. Elizabeth I's reign in England (1558-1603) passed:
- poor laws that appointed overseers to indenture poor and neglected into servitude
 - indenture laws that required medical care for the masses
 - royalty laws that allowed selected children to live as part of the royal family
 - endangerment laws that committed fathers to prison who used corporal punishment
- ANS: A REF: 33 LO: 2
22. The London Philanthropic Society of 1817:
- attempted to reform adult offenders
 - closed English houses of refugees for children
 - provided cultural experiences for the poor
 - reformed juvenile offenders through institutional treatment
- ANS: D REF: 33 LO: 2
23. The Puritan Period believed that children:
- were inherently sinful and in need of strict control and/or punishment
 - allowed children older than 4 years old to receive public punishment
 - did not allow for punishment for disobedience, rebelliousness, and sledding on the Sabbath
 - were inherently good and needed safety and security above all else
- ANS: A REF: 34 LO: 2
24. The Juvenile Rights Period:
- was concerned with significant changes in the American family
 - saw a reduction in divorce rates
 - saw an increase in marriages among youth between the ages of 15 and 17
 - was a time when women stayed at home rather than were actively involved in the labor force
- ANS: A REF: 43 LO: 4

25. In *Nelson v. Heyne* (1974), the Seventh Court of Appeals confirmed that when a state assumes the place of a juvenile's parents:
- it assumes the parental duties, treatment, and care of the child
 - it is a temporary placement, not to extend to a term longer than three years
 - it is not required to provide individual treatment
 - the juvenile must be under the age of 12
- ANS: A REF: 52 LO: 10

26. In 1899 the Illinois legislature passed a law establishing a juvenile court that became the cornerstone for juvenile justice throughout the United States. Key features of this act include all of the following EXCEPT:
- defining a delinquent as any detainee younger than 18 years old
 - separating children from adults in institutions
 - setting special, informal procedural rules for juvenile court
 - providing for use of probation officers
- ANS: A REF: 39 LO: 4

27. The Uniform Juvenile Court provided for the following EXCEPT:
- care of youth
 - protection of youth
 - development of youth
 - criminal labeling of youth
- ANS: D REF: 43 LO: 12

28. The Gilbert Act of 1782 decreed all of the following criteria regarding infants and children being placed in poorhouses EXCEPT:
- all poor
 - aged
 - sick and infirmed
 - healthy
- ANS: D REF: 33 LO: 12

29. The concept of Foster Homes in New York in 1853 failed because of the following issues EXCEPT:
- personality conflicts between foster parents and juvenile clients
 - biological parents interfering with the placement
 - accrediting licenses inadequate
 - monitoring foster home was inadequate
- ANS: B REF: 37 LO: 12

30. The Medical Model noted that the cause of crime was because of the following:
- form of rational adaptation to societal conditions
 - disease of society or of the individual
 - lack of doctors in society
 - lack of hospitals in society
- ANS: B REF: 39 LO: 3

True/False

1. *Parens patriae* was used to justify the state's intervention in the lives of its feudal lords and their children.
ANS: true REF: 36 LO: 3
2. During the refuge period reformers created separate institutions for youths such as houses of refuge, reform schools and foster homes.
ANS: true REF: 35 LO: 1
3. System modification included offering leadership at the neighborhood level to provide and develop a variety of youth assistance programs.
ANS: false REF: 47 LO: 5
4. The Uniform Juvenile Court Act provided for the care, protection and development of youths, without the stigma of a criminal label.
ANS: true REF: 48 LO: 12
5. The American colonists brought with them much of the English criminal justice system, including forced apprenticeship system for poor and neglected children.
ANS: true REF: 34 LO: 4
6. Isolating offenders has been noted to decrease delinquent behavior.
ANS: false REF: 47 LO: 11
7. The House of Refuge was the predecessor of today's training schools.
ANS: true REF: 34 LO: 1
8. A jury trial is a required part of due process in adjudicating a youth as delinquent by a juvenile court.
ANS: false REF: 50-51 LO: 10
9. Some child savers viewed poor children as a threat to society.
ANS: true REF: 37 LO: 2
10. The first probation system applicable to juveniles was instituted in 1900.
ANS: false REF: 39 LO: 5
11. The holding in *Gault* is thought to be the single most important event in the history of juvenile justice.
ANS: true REF: 44 LO: 10
12. The Juvenile Court Period began during the 1950s.
ANS: false REF: 39 LO: 3

13. In 1899 the Illinois legislature passed a law establishing a juvenile court that became the cornerstone for juvenile justice throughout the United States.
ANS: true REF: 39 LO: 3
14. The Juvenile Court Act differentiated between poor and abused children and delinquent and criminal children.
ANS: false REF: 39 LO: 12
15. Illinois Juvenile Court Act marked the first time that probation and probation officers were formally made specifically applicable to juveniles.
ANS: true REF: 40 LO: 12
16. The adversary function of the criminal court was deemed to be incompatible with the procedural safeguards of the juvenile court.
ANS: true REF: 37 LO: 4
17. The first juvenile courts were administrative agencies of circuit or district courts.
ANS: true REF: 40 LO: 4
18. Congress passed the first child labor laws in 1912
ANS: true REF: 42 LO: 6
19. The first federal subsidy program, providing child welfare grants to states for the care of dependent, neglected, exploited, abused and delinquent youths began in 1963.
ANS: false REF: 42 LO: 8
20. *Schall v. Martin* established a due process standard for detention hearings.
ANS: true REF: 55 LO: 10

Short answer

1. Many youth who earlier would have been released were instead referred to the new diversionary programs, this phenomenon is called _____.
ANS: NET WIDENING REF: 50 LO: 14
2. Fathers having absolute control over their children is referred to as _____.
ANS: PATRIA POSTESTAS REF: 31 LO: 2
3. In the 1500s, London's _____ became the first institution to control youthful beggars and vagrants.
ANS: BRIDEWELL PRISON REF: 33 LO: 2
4. One of the guiding philosophies of the _____ was that children were to be led back to conformity, not harshly punished.
ANS: JUVENILE COURT PERIOD REF: 39 LO: 4

5. A juvenile cannot be adjudicated in juvenile court and then tried for the same offense in an adult criminal court was the holding in _____.
- ANS: *BREED V. JONES* (1975) REF: 51 LO: 10
6. The Stubborn Child Law of 1646 created the first _____.
- ANS: STATUS OFFENSE REF: 34 LO: 2
7. The states' authority to send children to houses of refuge under the doctrine of *parens patriae* was upheld in 1838 in _____.
- ANS: *EX PARTE CROUSE* REF: 38 LO: 2
8. The child savers believed that children's environments could make them bad; consequently, these individuals attempted to save unfortunate children by placing them in _____ and _____.
- ANS: HOUSES OF REFUGE, REFORM SCHOOLS REF: 36 LO: 2
9. The 1899 Juvenile Court Act public policy was based on the _____.
- ANS: MEDICAL MODEL REF: 39 LO: 12
10. Probation, according to the 1899 Illinois Juvenile Court Act, was to have both a(n) _____ and a _____ function.
- ANS: INVESTIGATIVE, REHABILITATIVE REF: 40 LO: 5
11. In 1914 diversion from juvenile court began in the _____ to process and treat young offenders without labeling them as criminals
- ANS: CHICAGO BOYS COURT REF: 41 LO: 6
12. The first quarter of the 20th century is often referred to as the _____.
- ANS: PROGRESSIVE ERA REF: 41 LO: 6
13. The progressives further developed the medical model, viewing crime as a disease to treat and cure by _____.
- ANS: SOCIAL INTERVENTION REF: 41 LO: 16
14. The court held in _____ that juveniles do not have the right to a jury trial.
- ANS: *McKEIVER V. PENNSYLVANIA* (1971) REF: 50 LO: 10
15. Since its inception, the juvenile court was guided by a _____.
- ANS: WELFARE CONCEPT REF: 53 LO: 4

Essay

1. Discuss the importance of the Refuge Period.

ANS:

*During the Refuge Period reformers created separate institutions for youths such as houses of refuge, reform schools and foster homes.

*These special institutions for juveniles still housed delinquent, dependent and neglected children together.

REF: 35 LO: 1

2. Discuss the child savers – who were they and what was their philosophy?

ANS:

*The child savers believed that children's environments could make them "bad."

*These wealthy, civic-minded citizens tried to "save" unfortunate children by placing them in houses of refuge and reform schools.

REF: 37 LO: 2

3. Compare and contrast the juvenile rights period with the juvenile court period.

ANS:

Juvenile Court

*Establishment of separate legal system for juveniles

Juvenile Rights period

*Increased "legalization" of juvenile law.

*Juvenile Justice and Delinquency Prevention Act calls for deinstitutionalization of status offenders

REF: 53 LO: 4

4. Discuss the *Gault* decision and the ramifications of the decision on the juvenile justice system.

ANS:

**In re Gault* (1967) elevated the juvenile court process to a national issue:

*"The *Gault* decision is, by far, the single most important event in the history of juvenile justice" (Schwartz, 1989, p.99).

*This case changed the adjudication process almost completely into a deliberately adversarial process.

*The *Gault* decision requires that the due process clause of the Fourteenth Amendment apply to proceedings in state juvenile courts, including the right of notice, the right to counsel, the right against self-incrimination and the right to confront witnesses.

REF: 28-32 LO: 10

5. Discuss the provisions of the Uniform Juvenile Court Act.

ANS:

*Provided for the care, protection and development of youths, without the stigma of a criminal label, by a program of treatment, training and rehabilitation in a family environment when possible.

*It also provided simple judicial and interstate procedures.

*The act described probation services, referees, venue and transfer, custody and detention, petitions and summons, hearings, children's rights, disposition, court files and records, and procedures for fingerprinting and photographing children.

REF: 45-46

LO: 12