

Legislative History for Connecticut Act

SB 530	PA 336	1921
Judiciary	120-126	(7)

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## JUDICIARY COMMITTEE

✓ Hearing on Senate Bill No. 530

Concerning Juvenile Courts.

Wednesday, February 23, 1921.

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Bishop John G. Murray: As I understand from the explanation of this measure, its prime purpose is to save the child from the odium of being classed with criminals. But if you examine the powers of the bill, it brings in quite a group of persons who are violators of established laws that affect the welfare of children. Now under those circumstances I understand that there are certain modifications to be made in the criminal law. It is set down as a fundamental principle of the law that any child, a person up to eighteen years of age, is considered not as a delinquent primarily, but as an unfortunate, inasmuch as society has not done what is just by the child. Consequently certain fundamental changes are to be made in regard to the criminal law. Under the present legislation any person who is guilty of the crime of rape upon a female sixteen or over that age, is subject to the penalty of thirty years in prison; and any person attempting to carnally know a child ~~six~~ under the age of sixteen is also subject to thirty years in prison. Under this present legislation the person committing those crimes is considered rather mentally defective. Also a person under eighteen years of age committing crimes of that nature - rape or carnal knowledge - if they have violated children under ten they are subjected to institutional care for a period of ten years. If they have violated children between ten

and fourteen, they are subjected to institutional care for a period of seven years. Between fourteen and eighteen they are subject to institutional care for a period of only four years. So that any little girl who might be a victim of this unspeakable crime - any little girl between the ages of fourteen and sixteen, would simply find that her violator was subjected, to a term in state prison, but institutional care for a period of four years. I do not feel that I can stand for the ethical principles.

Mr. J. M. Ives: It is not in the Juvenile Court bill.

Bishop Murray: May I call your attention to the page? I don't know whether the members of the committee have a copy of this printed report. I haven't a copy of the bill.

Mr. Ives: "Additions to Laws Relating to Crimes against Children."

Bishop Murray: This is all on page 115. I understand this is cognate to the whole legislation. Mr. Ives insisted on one point. You are opening the door wide in this matter of juvenile courts. Under this legislation the first case that enters is a little child of four years that has lost father and mother by an epidemic, is a dependent child, and needs nursing and care, possibly from the State of Connecticut, from every citizen with a heart. Immediately following that child is a child of seventeen years and a half that has murdered its father. Under this legislation the child of seventeen and a half that has murdered its father cannot be taken into any other ~~court~~ court, because this legislation declares exclusive jurisdiction; all children up to eighteen. That child of seventeen

and a half that has murdered father or mother cannot be sent to state prison, cannot be punished for the crime. If it is a male child it may be sent to the School for Boys at Meriden; if it is a female child it would be sent to the Industrial School for Girls. The fundamental principle of this thing naturally leads to this, that the third case we will say will be a delinquent father, who perhaps has been guilty of a crime against his child. That case comes under the jurisdiction of the juvenile court. The fifth case is perhaps one of some little child whose mother has been taken to the insane retreat - the father is dead. We have five different cases absolutely different -- a little child dependent at the age of four, the child of 17 and a half that is a murdered, the father of perhaps forty who is guilty of a crime against his child -- all these lines up together in the juvenile court.

I know everybody in this room is just as anxious as I am to look out for the children. I feel that the members of the Judiciary Committee are just as concerned as I am about the welfare of the children. It is simply a case of calling their attention to the practical operation of this legislation. What we started out to do was to protect children from association with evil influences, but by the powers given to the juvenile courts you force into the same group of people who are simply guilty of the crime of poverty or misdemeanor, to be associated with people who are guilty of the most unspeakable crimes. In an ordinary police court you might have cases of theft or drunkenness, but we know that the most abhorrent cases

are those concerning the violation of children, and all those cases are grouped together under the jurisdiction of the juvenile court. It is all on the principle that whatever affects the child ~~xx~~ must go in the juvenile court. I am sure the women of this meeting, if they had to go to a court of equity, perhaps in a matter involving an estate, or seeking a guardianship for some dependent, that they would not want to be herded together with people who are guilty of the most unspeakable crimes. Why they should be herded in the same court as children -- I think the thing is infinitely more odious, hence I cannot consent to this kind of legislation, because I think that while it starts out with very good intentions, the practical working will be absolutely vicious and contrary to the whole purpose of these people gathered together in regard to this matter.

That is only one phase. Another thing is, it takes for granted that the state is primarily the custodian of the child. Under American law the state is always simply an assistant to the parent; if the parent becomes unable or unfit to take care of the children, then the state comes in. It is only when a condition becomes a menace to the welfare of the state that under legislation the courts intervene. I don't see why it should be necessary to take every case that came into the probate court, of guardianship affairs, into an atmosphere where you have to examine criminals. I don't feel that the psychology underlying this piece of legislation is at all correct. It is taken for granted that a man who is guilty of an unspeakable crime is simply an unfortunate. I am not yet ready to admit that in

a matter of legislation we should consider every man who is guilty of a crime as simply mentally defective. I think there are some people guilty through malice.

I appear in the name of the child. Out of 35,000 born in Connecticut last year, I am here representing 22,000, --in other words, about two thirds of the children born in this state. I would like to say a word for them. I am not objecting to any measure that may be for the welfare of the children, but I do object to this as decidedly vicious. Mr. Ives said that everybody can file a petition, but everybody is not prosecuting attorney. Everybody may become prosecuting attorney if he sees fit because there is not an adequate force at hand to investigate the petition. In some cases no person should be brought into the juvenile court until adequate investigation is made. That is left to the discretion of the judge. He may send a probation officer and investigate if he wants to. He does not have to.

What ought to be done in this matter is to realize that the state ought not to intervene in any case until it has evidence that there is a menace to civilization. If a child is placed out that has to be followed up. We have placed out children from St. Agnes Home, which has taken care of about 1,390 children, children born under all kinds of physical disadvantages, and children who are left to us as a legacy from the "flu." In every instance we try to place out children. We placed out 900 children out of 1,390 that came to us in the last six years. We feel that we are going to be so sure of the

home that we don't have to go near that home again. Under this legislation we could not place out that child without feeling that every self-respecting, decent person with whom we place a child is going to be subjected to the annoyance for the rest of his life of having somebody come in from time to time to investigate the condition of his home. I say that decidedly works to the disadvantage of the child. It does not want to be reminded that it does not belong to that man; that that is not its home; somebody coming in and he begins to say: "Why am I here; it is not my home?" It is emphasizing in the mind of the child that it is really a ward of the State of Connecticut, and not at all in any sense a child that is going to find any protection in its home.

The powers that are demanded in this legislation are a menace to the welfare of the community, because they don't do what they attempt to, and what I am sure no person in this room wants to have them, in regard to dependent children. Suppose I have a partner and he dies, and his wife dies and leaves three children. They may be as dear to me as my own children would be. I cannot take those children into my home unless I go to the Bureau of Welfare and get a license and renew that every year as long as I take care of those three children. There may be reasons why it would not be prudent or wise to adopt those children. I have got to get the approval of the State of Connecticut. I say that if I have got to go through all that red tape, it will end by my not wanting to bother with the children. They are going to be thrown on other people's

hands. I started to read this over last night at eight o'clock; I worked on it till halfpast eleven. Perhaps there are other matters just as ~~more~~ detrimental. I am not opposed to child welfare, but I am opposed to this bill with its general principles.

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