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OPERATIVE RELATIONSHIPS AMONG VARIOUS COURTS, LAW ENFORCEMENT AND WELFARE AGENCIES IN THE CITY OF DETROIT

Maxine Boord Virtue*

Introduction

This article is the seventh chapter of a book, Survey of Metropolitan Courts: Detroit Area, which is being published this year by the Michigan Legal Series. It was prepared by this writer as a Research Associate in the employ of the Law School of the University of Michigan, under the supervising editorship of Professor Edson R. Sunderland. The study was undertaken at the request of the Committee on Judicial Administration in Metropolitan Trial Courts, appointed by the Section on Judicial Administration of the American Bar Association, of which committee Ira W. Jayne, Presiding Judge of the Circuit Court of Wayne County, is the chairman. The completed study carries the official endorsement of the section of Judicial Administration of the A.B.A.

The object of the survey was to make a detailed factual study of the organization and operation of the trial courts in the Detroit area in order to find a basis for determining in what respects the problems of metropolitan trial courts differ, in substance as well as in extent, from the problems of courts in non-metropolitan areas. Work was begun in January of 1948. The year 1948 was devoted to field work. Final revision of the manuscript was completed as the year 1949 ended. The base period is the year 1948, although some statistical material for 1947 has been retained.

The chapter here presented constitutes an analysis of detailed factual material which appears in the preceding chapters, in which general characteristics of metropolitan districts are discussed, jurisdiction of the

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present complement of courts in the Detroit area is described, the or­
ganization of each court is set out in detail, and machinery for han­
dling dockets and caseloads is examined. Heavy caseloads, large court
staffs, judicial administrative problems connected with multi-judge
courts, and the more frequent occurrence of special types of cases such
as mental, traffic, criminal, chronic alcoholic, and domestic relations
cases, are characteristic of all metropolitan areas.

In particular, large and specialized administrative agencies have
grown up in the courts operating in the City of Detroit, through the
investigatory and supervisory services of which the court extends con­
tinuous control over large numbers of cases over long periods of time.

I

Overlapping, Defective and Conflicting Jurisdiction over Subject
Matter and Person

A. Small Claims

In most civil actions where the matter in controversy is between
$100 and $1,500, action may be brought in the Court of Common
Pleas or in the Circuit Court of Wayne County, with the exception
that until a statutory amendment which postdated the assembling of
this material, all actions against a municipality were specifically ex­
cluded from those over which the Court of Common Pleas has juris­
diction.1 To ascertain the number of cases brought in the Circuit
Court which might have been brought in the Common Pleas court, all
the law judgments entered by the Circuit Court in the year ending
November 30, 1947, were examined. Although jurisdiction is based
on the amount prayed for, these figures were based on the amounts
recovered, since in a large group of cases the judgments are thought
more accurately to reflect the actual value of the claims than the
amounts asked, which are often, if not usually, higher than the sum
regarded even by the plaintiff’s attorney as the real value thereof.2

Of the 1,231 judgments entered during the year, 50.3% were for
amounts less than $1,000 and 75.1% for amounts less than $1,500—

altered the statute to permit the Court of Common Pleas to entertain actions against certain
municipal corporations.

2 See Fourteenth Annual Report of the Judicial Council of the State of New
York 64 (1948) reporting the results of a similar study using the same technique.
that is, more than three-fourths of the work done by the Circuit Court on the law side was done within the area concurrent with Common Pleas. A further analysis of the same list of judgments showed the same predominance of small claims in both jury and nonjury cases: of 347 jury trials, 81.1% resulted in judgments for $1,500 or less and 56.7% in judgments of $1,000 or less. Of 994 nonjury trials, 56.6% were for $1,000 or less; 71.1% for $1,500 or less.

In a recent article, the Presiding Judge of the Wayne County Circuit Court analyzes this group of cases in detail, and concludes that the widespread bringing of small claims in the Circuit Court "has contributed heavily to jamming its dockets." He has recommended that the legislature empower the Common Pleas Court to try the large number of cases against the City of Detroit, and that legislation similar to that of New York be enacted so as to discourage the bringing of small claims actions in the Circuit Court by preventing the plaintiff from recovering costs in any case in which the judgment is below the maximum jurisdiction of the lower court.

Of 196 judgments for plaintiff rendered on July 20, 1948, a day taken at random, in the Court of Common Pleas, 158 were default judgments. In amounts, 2 of the 196 were between $1,001 and $1,501 and 3 were between $500 and $1,000; all five were default judgments. There were 42 between $100 and $500. Thus 23.4% of this group were for amounts within the area of concurrence with the Circuit Court.

Of 100 contested cases ready for trial on July 21, 1948, in Common Pleas, 10 plaintiffs asked between $1,001 and $1,500; 17 for amounts between $501 and $1,000; 50 for amounts between $100 and $500, so that of this group, 86% were within the bracket of concurrence. As to type of case, 50 were actions in trespass, 1 trespass on the case, 1 conversion, and 48 assumpsit.

Here, then, is an important area of overlapping jurisdiction and one which affects a large portion of the caseload. It is very interesting that despite the relative speed with which cases are disposed of in the two courts so many cases are filed in the Circuit Court. Many liquidated claims are filed in the Court of Common Pleas, more than ninety percent of the caseload of which is defaulted. However, a random explo-

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8 Jayne, "The Mouse in the Mountain—Small Claims Actions Cause of Crowded Circuit Court Docket," 16 Detroit Lawyer 237-239 (Dec. 1948). The 1949 amendment cited in note 1 was a result of this article.
ration of the calendar record of some of the Circuit Court judgments indicates that some of the small claims actions filed in the higher court also represent actions on notes, past due accounts, and other liquidated claims. Other factors in the choice include the desire of certain attorneys to earn a bigger fee by putting on an elaborate trial, consciously exaggerated amounts alleged for bargaining purposes, and the desire to seek that alternative which is regarded as having more prestige, or in which the attorney reposes a higher confidence. These factors all together seem to outweigh the fact that a case filed for trial in the Court of Common Pleas may reach trial within three weeks after it is at issue, as compared to the far more lengthy period in the Circuit Court.4

B. Landlord-Tenant Cases

There are a great many rent disputes in Detroit, where the housing shortage is acute. Although the Common Pleas Court can determine and collect amounts due for rent, such possessory actions as eviction are the exclusive prerogative of the Circuit Court Commissioners. Since nonpayment of rent is a frequent cause for seeking eviction, the fact that control over the amount due and the eviction are in different tribunals results in much duplication of court effort. The extent of the problem may be indicated by the fact that in 1947, 17,300 eviction cases were started in the office of the Circuit Court Commissioners in Wayne County.

C. Trials De Novo on Appeals

Cases appealed from lower courts to the Circuit Court of Wayne County are tried de novo.5 Of the 1,231 law judgments for plaintiff entered in the Circuit Court of Wayne County in the year ending November 30, 1947, 84 represented dispositions of appealed cases, and of this number, only 13% were reversed. Of the 84, 5 judgments were for less than $50, 3 between $50 and $100, 78 under $1,000 and 6 between $1,000 and $1,500. The practice of conducting two trials of such small claims actions seems extravagant.

4 EIGHTEENTH ANNUAL REPORT OF THE JUDICIAL COUNCIL OF MICHIGAN 53, Table X (1948) shows an interval of 20 months and 5 days as of January 1, 1948, between the date when the oldest cases in the Circuit Court of Wayne County were noticed as ready for trial, and the date of the actual trial. In chancery cases, the same interval as of that date was 19 months and 0 days.

5 Mich. Comp. Laws (1948) §678.1 et seq.; Mich. Stat. Ann. §27.3481 et seq. After the period of the survey, this was changed by Pub. Act 149 (1949) which provides that appeal or certiorari shall lie from a decision of the Court of Common Pleas "but not for trial de novo, where the case shall be reviewed in the same manner...as cases appealed from the circuit court are now reviewed in the supreme court..."
D. Mental Cases

The Probate Court, which has jurisdiction over the commitment and release of the mentally afflicted, handles all petitions alleging that children are mentally afflicted and praying for their commitment to institutions for the insane—although it would seem that the Juvenile Court, with its plenary jurisdiction over children and with its special facilities for diagnosing the mental condition of children, would be better able to dispose of these cases. The Circuit and Recorder's Court, in the exercise of criminal jurisdiction, have authority to inquire by Sanity Commission into the mental condition of a defendant, and to commit him, if insane, to a state institution. Criminal sexual psychopaths, diagnosed by court-appointed psychiatrists, may also be committed by courts exercising criminal jurisdiction over those accused of criminal offenses. This authority is frequently used by the Recorder's Court and by the Circuit Court of Wayne County.

E. Chronic Alcoholics

Unlike the mentally afflicted criminals described in the previous paragraph, the alcoholic criminal defendant whose addiction is of such a nature as to constitute a mental affliction may not be committed for institutional treatment by the court exercising criminal jurisdiction, but only by the Mental Division of the Probate Court. The requirement that such petitions be signed by the personal guardian of the alleged chronic alcoholic, instead of by someone with knowledge of the facts, precludes the hospitalization of chronic alcoholics who appear before other courts on the petition of probation officers, psychologists, or psychiatrists who have knowledge of their condition. Such persons may not be appointed personal guardians, and hence cannot sign petitions for commitment.6

The resulting inability of courts other than the Probate Court either to provide for the treatment of chronic alcoholics or to refer such cases to the Probate Court has a tremendous effect upon the probation caseloads of the Recorder's Circuit and Juvenile Courts, and upon the Misdemeanor Division caseload of the Recorder's Court. Many domestic problems are affected by the uncontrolled drinking of some member of the family. This may result in a criminal nonsupport case, a divorce case, or a case arising out of failure to provide support as ordered by a divorcing court. Such drinking may be the reason for abandonment,

neglect or delinquency of a child before the Juvenile Court. Children may themselves come before the court as alcoholics—19 boys were found guilty of delinquency consisting of drunkenness by the Juvenile Court in 1947, and uncontrolled drinking was involved in the delinquency of many other delinquent children handled by the court.\(^7\) The Traffic Court often encounters alcoholism: for instance, there were 1,003 cases of drunk driving there in 1947, and many other cases in which this condition was an operative force in the offenses disposed of.\(^8\)

A majority of the persons arrested as intoxicated in Detroit never reach court. How many of those weeded out—on the basis of their docility—are in critical physical and mental condition is not known. There are over 1,400 men in Detroit, however, who are known to Recorder's Court as hopeless alcoholics who have been in court on charges of drunkenness from 5 to 150 times. There are over 25 court dispositions a day at Recorder's Court on charges of drunkenness.\(^9\) Over 30% of those disposed of by the Misdemeanor Division in October, 1948, were found guilty of drunkenness. In 1947, 8,783 persons were found guilty of drunkenness by the Recorder's Court.\(^10\) Yet, although the Recorder's Court is the tribunal which encounters the weight of the caseload of chronic alcoholics, its authority to deal with them is limited to sentencing each convicted defendant to a maximum of 90 days' imprisonment in the Detroit House of Correction.

Courts other than the Probate Court do what they can to control the chronic alcoholics who come within their jurisdictional orbits by making sobriety a condition of probation, by diagnosis and recommendation of voluntary application for medical treatment, and by such cooperation with local social and medical facilities as probation officers or clinic employees are able to arrange. The Probate Court, in 1947, committed 50 persons\(^11\) as alcoholic, and dismissed 19 chronic alcoholic petitions.

**F. Criminal Cases**

The gradual growth of the Recorder's Court into a tribunal with jurisdiction over all felonies and misdemeanors committed within the

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\(^7\) Information supplied by the Detroit Police Department.

\(^8\) Information supplied by Chief Deputy Clerk, Traffic Court.

\(^9\) Information supplied by Probation Department, Recorder's Court.

\(^10\) Information supplied by the Clerk of the Recorder's Court for the year 1947. Information for the month of October was computed directly from the court sheets for that month.

\(^11\) Information supplied by the Head of the Mental Division, Probate Court of Wayne County, Michigan.
City of Detroit has been described.\textsuperscript{12} This growth has left the Circuit Court with a small criminal caseload consisting of felonies committed within Wayne County outside the city limits. It disposed of 500 such cases in 1947. By a similar historical accident, the Court of Common Pleas, designed as a civil tribunal for small claims, conducts preliminary examinations of those accused of felonies committed outside the city limits but inside the county. In 1947, 50 such examinations were conducted. Relief from their small criminal caseloads would free both the Circuit and Common Pleas courts to concentrate on their large civil caseloads. If, however, the Circuit Court were also relieved of its small claims caseload, as has been suggested,\textsuperscript{13} it would be left with only a few controversies involving large amounts of money on the law side of the court, and would spend most of its time in chancery cases, most of which are divorce and similar domestic relations cases.

G. Cases Involving Minors

1. Machinery for waiver of jurisdiction to cure overlap. The Juvenile Court has exclusive jurisdiction over children under seventeen.\textsuperscript{14} Where a child under 17 but over 15 is accused of a felony, the juvenile judge may waive jurisdiction upon motion of the prosecuting attorney and after investigation and notice to parents.\textsuperscript{15} This provision is currently construed by Recorder's Court as jurisdictional, so that a waiver signed by the Juvenile judge must precede the issuance of a warrant on any complaint against a child between 15 and 17. In Detroit, such waivers follow investigation by a juvenile court probation officer and full examination and hearing in Juvenile Court, and contain as part of the order waiving jurisdiction a finding that it is to the best interests of society and the defendant that the trial take place in the court of criminal jurisdiction. In 1945, the Wayne County Juvenile Court waived a total of 67 of its 1,990 official delinquency cases. In 1947, so far as information was available, only 1 such waiver took place.\textsuperscript{16}

\textsuperscript{12} See 1 Burton, History of Wayne County 575 (1930); O'Hagan, Detroit Recorder's Court 1-4 (1942).
\textsuperscript{13} Jayne, "The Mouse in the Mountain—Small Claims Actions Cause of Crowded Circuit Court Docket," 16 Detroit Lawyer 237-239 (1948).
\textsuperscript{16} Juvenile Court of Wayne County reported that it had no information recorded on this point for 1947. The 1945 figure is from the First Annual Report of the Michigan Juvenile Reporting System, issued by the State Department of Social Welfare for Juvenile Institutions Commission, at p. 33. The 1947 information given was supplied by the statistical department of the Detroit Police Department.
Where the chancery court has obtained jurisdiction of children under 19 in proceedings concerning the divorce of the parents or the custody of children following the divorce, the juvenile court obtains exclusive jurisdiction over such children where the chancery court waives its own jurisdiction. During 1948, there were only 77 waivers of jurisdiction by the Circuit Court of Wayne County to the Juvenile Court of Wayne County, although during that year 4,539 new cases involving minor children were taken up for supervision by the Friend of the Court as a department of the Circuit Court of Wayne County.17

2. Wayward minors. Juvenile Court jurisdiction of children over 17 is limited to wards of the court over whom jurisdiction has previously been acquired, and to children between 17 and 19 of the group formerly known as “wayward minors”—late adolescents beyond parental control and in danger of drifting into criminal behavior, who should be helped and rehabilitated by the specially trained workers at Juvenile Court and protected from contamination by the hardened criminals with whom they would associate if tried and sentenced under the court of general criminal jurisdiction. The Juvenile Court is given concurrent jurisdiction with the court of general criminal jurisdiction over children falling within this group, although the present juvenile statute no longer defines them as “wayward minors.”18

According to Juvenile Court and Recorder’s Court officials, the original “wayward minor” act was passed in order to correct a situation which is prevalent only in metropolitan Wayne County. There large numbers of late adolescent marauders, operating in gangs, constitute a threat to the public peace by stealing automobiles, molesting and attacking passersby, terrorizing small restaurants and drug stores in sparsely policed neighborhoods, and by committing other vandalisms. Unlike other children within the Juvenile Court jurisdiction, these wayward minors may be detained in the county jail for 30 days, and after commitment to the Michigan Corrections Commission pass within the authority of that commission rather than that of the Juvenile Court. It is provided, however, that such children are to be confined separate and apart from persons committed by courts of criminal jurisdiction.

17 Information supplied by the Friend of the Court, Circuit Court of Wayne County.
18 The present juvenile court statute has eliminated the definitions of different types of children who come within the jurisdiction of the Juvenile Court. The designation of one child as “delinquent,” another as “dependent,” and so on, was called “the branding law” by juvenile court officials and social workers in child welfare. Under the present statute, any child coming within the jurisdiction of the juvenile court is, officially, simply a child within the protection of the juvenile court. The purpose of the change is to prevent children from acquiring criminal records, and reputations, from juvenile court contacts.
The present machinery, then, providing for concurrent jurisdiction, leaves the prosecutor and police with the choice of tribunals: a wayward minor may be charged as such in Juvenile Court, or may be charged in Recorder’s Court under the specific offense which makes him a wayward minor. In operation, the current statute is unsatisfactory to all, not only because the Juvenile Court is given responsibility for a group of children over whom it loses control after commitment, but because many persons in this age group are already confirmed criminals who have committed several serious offenses. During observation, habeas corpus proceedings were brought on behalf of twelve girls described on the Circuit Court docket as “12 Mary Roes.” The writs were granted when it was found that these girls, having been committed by the Juvenile Court to the Corrections Commission under the wayward minor provision of the present Juvenile Court Act, had been confined by the Commissioners in the Detroit House of Correction, an institution to which persons committed by courts of criminal jurisdiction are committed. During the investigation which followed the publicity with which the cases were attended, it was found that the House of Correction contained a total of 34 girls who had been committed as wayward minors through the Juvenile Court. In other words, 34 persons determined by the Juvenile Court to be substantially uncontaminated were illegally confined with adult criminals.

After the release of the first twelve, the present writer checked their records with the Circuit and Recorder’s Courts, but was unable to obtain information from the Juvenile Court owing to the policy of “protected record” which prevents the disclosure of information there. At least four of the girls were shortly apprehended and brought before the Recorder’s Court for fresh violations of the law: these four were found, in August of 1948, to be on probation to the Women’s Division of the Recorder’s Court. One girl had been arrested for shoplifting in a Detroit store within thirty minutes of her release on the habeas corpus writ. From this it seems that at least some of the wayward minors routed through Juvenile Court are already hardened criminals who cannot be rehabilitated by mere isolation from adult criminals.

The City of Detroit has recently passed a curfew ordinance, under which many unruly late adolescents are currently appearing before the ordinance referees of the Traffic Court. Many others, charged with loitering, are disposed of by the Misdemeanor Division of Recorder’s Court, where 36 youths were convicted of that offense on October 4, 1948, a day picked at random.
Aside from the unworkability of a statute which is so drawn as to deprive the Juvenile Court of control over children whom it is desired to rehabilitate through specially trained supervisory personnel attached to that court, the present difficulty arises from the fact that the police and prosecutors, who make the selection of the tribunal which is to dispose of late adolescent offenders, are channeling many serious offenders into Juvenile Court, and many misguided but not yet thoroughly contaminated adolescents into the Recorder's Court. While there is clearly a need for the specialized functions of both tribunals, the choice of tribunal might better be made after investigation, diagnosis and recommendation by those equipped to deal professionally with the legal and social aspects of each case, as might have been done in Michigan had the legislature not abandoned the recently established Michigan Youth Commission. In New York, a local Youth Board, organized under the state commission, is said to review each youthful offender arrested in the city, and after expert investigation and recommendation to select the tribunal most appropriate for each. Under the present Michigan statutes, there is no means whereby such selection of tribunal can be made.

3. Domestic cases. Cruelty to children, abandonment of children, and contributing to delinquency of minors are all criminal offenses cognizable by the court of general criminal jurisdiction, and in all of these cases a separate procedure in Juvenile Court for the child may be used. Furthermore, any or all of these offenses may be encountered by Assistant Friends of the Court in supervising children of divorced persons, and may be handled by the Friend through exertion of the control of the Circuit Court over care and support of such children.

Many observed cases displayed domestic discord which had first reached court action as criminal nonsupport cases in the Recorder's

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10 Mich. Stat. Ann. §§25.243(1)-(4) expired by its own terms on July 1, 1947. Of it, Professor Lowell Juilliard Carr, of the sociology department of the University of Michigan, says: "...Michigan created a State Youth Commission. ... With a change of administration, however, the legislature changed its mind about a centralized agency for planning prevention, and abolished the Youth Commission, which had never had an adequate budget in the first place. The result was a state spending upwards of half a million dollars annually on delinquency prevention services of one kind or another without any guiding, over-all philosophy of delinquency prevention, and without any central agency capable of drafting one or of applying it if one existed. All this, of course, in striking contrast to the situation in California, Minnesota, Wisconsin, and Massachusetts, and especially in contrast to the situation in New York." "Organization for Delinquency Control," 261 ANNALS 66 at 66 (Jan. 1949).
Court, which had resulted—sometimes after several years and after repeated nonsupport convictions—in divorce action in the Circuit Court, and in anywhere from one to a dozen contacts with the Juvenile Court for delinquency, abandonment or dependency of the children of the same families.

Paternity out of wedlock cases can be handled in any one of the following ways, in the City of Detroit:

1. The parents may be united under the Secret Marriage Act in either the Probate or Juvenile Court, depending on the age of the parents; 20

2. A certificate of acknowledgment of parenthood, which constitutes a basis for legal liability for the support of the child, may be filed in the Probate Court by both parents, or—if the Probate Court deems it necessary to protect the privacy of the mother—by the father only; 21

3. Civil proceedings in chancery may be had in Circuit Court, wherein the father acknowledges paternity and submits to an order whereby the Circuit Court determines the amount of support which the child is to receive; 22

4. Bastardy proceedings in the Misdemeanor Division of Recorder's Court originate as criminal proceedings with the mother acting as complainant. After examination, and finding by the justice that there is sufficient evidence to establish the prima facie guilt of the alleged father, the case is bound over—not to the Felony Division of the Recorder's Court, but to the Circuit Court—for further proceedings in the nature of a chancery inquiry leading up to the determination of the amount of support which the father is required to contribute to the child's support and to the medical and lying-in expense of the mother; 23

5. Where the father is unknown, out of reach, unemployable, or where no suitable home for the child can be supplied by the mother, the child may be placed for adoption. Adoption proceedings involve both Probate and Juvenile Courts. 24

24 In Wayne County, the Juvenile Court investigates adoption cases. At the completion of the investigation, the files are sent to Probate Court for final action.
The duplication of jurisdiction as to these domestic cases is very significant, because the number of such cases is relatively large in metropolitan area, and for the further reason that such cases are most often disposed of by placing the offender on probation and extending family supervision over a long period of time. Thus, it often happens that probation workers from several different courts are trying to rehabilitate the same family.

II

Extent of Cooperation among Courts

The six courts in Detroit exist independently of one another. There is no organizational integration; instead, the impetus toward specialization has resulted in transforming what used to be four courts into what are now six. In two instances—the Juvenile Division at Probate Court and the Traffic Division at Recorder’s Court—the specialized division has become structurally and operationally distinct from the parent. Two others—Recorder’s Court Misdemeanor Division and the Court of Common Pleas—represent widely divergent results of an early cleavage between the civil and criminal duties of Detroit justices.25

This tendency to specialization and to the growth of special tribunals, coupled with the lack of adequate machinery for integration from court to court within the metropolis, makes cooperation difficult.

A. Exchange of Personnel, Facilities, Records and Information

1. Exchange of judicial personnel. Statutes provide that a circuit court judge may act for either branch of the Recorder’s Court,26 for

25 When Detroit was incorporated in 1806, each ward was made equivalent to a township. An 1832 local act gave Detroit constables the same powers over minor civil and criminal cases that township justices had. There were, at that time, 4 justices, or constables, in each ward. SMITH, PRACTICE AND PROCEDURE IN THE COMMON PLEAS COURTS IN DETROIT (1938), introduction and chapters I and II.

In 1850, one Detroit justice was designated to act as Police Justice, and took over all duties of all city justices relating to minor criminal offenses within the City of Detroit. O’HAGEN, DETROIT RECORDER’S COURT, p. 2. L. 1850, Act 301 (1942). In 1885, a Police Court for the City of Detroit took over the jurisdiction of the Police Justice. Id., L. 1885, Act 161.

This Police Court became the Misdemeanor Division of the Recorder’s Court when, in 1857, that tribunal was created and given jurisdiction over all criminal offenses committed within the city limits of Detroit. O’HAGEN, CHARTER OF THE CITY OF DETROIT (1857), c. VI, §§ 5,50.

The justices who had been left with exclusively civil jurisdiction when in 1850 the police justice was given specialized criminal work, were later consolidated into the present Common Pleas Court.

an absent or disabled probate judge,\textsuperscript{27} or in place of the judge in a juvenile case.\textsuperscript{28} Another statute provides for assignment of a Recorder’s Court judge to Traffic Court, and the machinery providing for statewide exchange of circuit judges supports the assignment of Recorder’s Court judges to Circuit Court.\textsuperscript{29} In Wayne County, the same result may be obtained by assigning civil transitory actions in Detroit, under Circuit Court control, to individual Recorder’s Court judges.\textsuperscript{30}

In practice, the machinery by which judges may be exchanged is very little used in Detroit. Circuit judges from outside Detroit visit the Traffic Court about once or twice a month, according to the Presiding Judge of the Traffic and Ordinance Division. No judges visit the Recorder’s Court, and judges from Wayne County Circuit Court do not visit the Traffic Court. In 1941, 142 civil cases were referred by Circuit Court to Recorder’s Court. We are informed by both courts that the practice was discontinued in 1943, and it is interesting to note that the practice of assigning Recorder’s Court judges to the Circuit Court of Wayne County was discontinued in the same year.\textsuperscript{31}

In practice, there is no interchange of personnel between circuit and probate courts in Wayne County. Since the Probate Court and the Juvenile Division are operated as separate courts, it may be noted here that one of the five probate judges was spending a day and a half a week at the Juvenile Court, at the request of the Juvenile Judge, during the field period of observation.

2. Exchange of other personnel. The jury panel at Recorder’s Court serves the Traffic Court, the Probation Department and Psychopathic Clinic at Recorder’s Court are shared by the Traffic Court, and

\textsuperscript{28} Ibid.
\textsuperscript{30} Mich. Comp. Laws (1948) §725.23. This statute, Act 24 of 1933, is not included in Mich. Stat. Ann., because it is applicable only to the Recorder’s Court, a municipal court.

\textsuperscript{31} EIGHTEENTH ANNUAL REPORT OF THE JUDICIAL COUNCIL OF MICHIGAN, Table VII, p. 50, shows 436 court days spent in 1933 by Recorder's Court judges assigned to the Circuit Court of Wayne County; 298 days in 1938, 154.5 in 1942, 57 in 1943, 0 in 1944, 0 in 1945, 1946 and 1947.
the Clerk of Recorder’s Court is an ex officio Clerk of Traffic Court, which in practice means that he acts as liaison officer between the two courts.

Aside from the foregoing, there is no machinery for the exchange of non-judicial personnel.

3. Exchange of facilities. The Psychopathic Clinic at Recorder’s Court accepts references from other courts and from public and private social agencies when its work permits. During 1947, .48% of its total load of 1,924 cases were referred by sources outside the court. These sources were chiefly social agencies and institutions in the area; references from other courts occur very seldom.

The Child Study Clinic at the Juvenile Court receives references from public and private social agencies, and is willing to accept references from other courts. During 1947, although one-fourth of its load had been referred from outside the Juvenile Court, no cases had been referred by other courts. The Juvenile Court investigates adoptions for the Probate Court, and the Detention Home at the Juvenile Court acts as a shelter for children detained by other courts. For instance, during 1947, 27 children were held as police witnesses at the Detention Home.

The Probation Officer at the Circuit Court of Wayne County supervises probationers from Wayne County justice and municipal courts; in 1948, 538 such probationers were served.

The foregoing comprise all the instances of exchange of facilities in Detroit which the writer was able to learn of. Attention is called to the fact that all of them represent the extension of diagnostic and supervisory services by heads of specialized administrative agencies within courts as a matter of departmental courtesy to persons and agencies outside the court, rather than as a matter of judicially-determined court policy or as a matter of right.

4. Exchange of records and information. There is no provision for the exchange of records or information from court to court within Detroit. The obtaining of such information depends on the relation-

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32 Information supplied by Clinic.
33 Information supplied by Clinic.
34 Information supplied by Detroit Police Department.
35 Information supplied by Probation Officer, Circuit Court of Wayne County.
ships of individual members of the various court organizations. The policy of most of the court personnel appears to be that records are confidential, and the practice is that such cooperation is rarely sought and even more rarely given.

There is occasional cooperation of an unofficial and voluntary kind between individual employees who aid one another in spite of the lack of official channels for exchange of information. Also, court employees are sometimes able to obtain information or cooperation from another court indirectly by appealing to the police or to a public or private social agency.

For instance, the Women’s Probation Department at Recorder’s Court, when it learns of cruelty, neglect or abandonment of a child by one of its probationers, makes it a policy not to notify the Juvenile Court, but to notify the Women’s Police Division which in turn takes steps resulting in Juvenile Court action. In the same manner, the Juvenile Court, when one of its employees learns of behavior which constitutes violation of a Circuit Court order to support and care for children of divorced persons, notifies the Women’s Police Division instead of the Friend of the Court. The 1948 report of the Friend of the Court shows no cases referred by other courts, but shows 117 cases referred by the Women’s Division of the Police Department, which is used by all probation departments as an unofficial clearing house for domestic relations cases which involve more than one Detroit court. In this connection, it is notable that when any law enforcement or court agency learns of a seduction or rape which has resulted in pregnancy, the case is referred to the Public Welfare Department, which chooses one of the five court procedures which may be instituted.36

These techniques, however, from the point of view of judicial administration, have serious disadvantages: they occur mostly outside the orbit of direct judicial control and hence imperil the control by judges of the operation of their courts; they take place among individuals within a highly departmentalized court personnel, hence are not likely to harmonize with court policy determined in the light of judicial grasp of the problem in its entirety; and at best they consist, in sum, of mere amelioration of the disconnectedness of the various courts, rather

than comprising an affirmative solution to the need for vigorous and intelligent cooperation.

5. Transfer and exchange of cases. Bastardy cases originating in the Recorder's Court are bound over to the Circuit Court after examination.37 Adoption cases, after investigation at Juvenile Court, are sent to Probate Court for completion.38 One of the psychologists at the Psychopathic Clinic at Recorder's Court has been deputized as a Deputy Sheriff to act as petitioner in cases coming through the Clinic where the defendant needs commitment by Probate Court as insane. When such a case occurs, the judge and Probation Department at Recorder's Court are asked to continue the criminal proceedings until the defendant can be committed. This procedure is used in from one to two dozen cases a year and is an example of cooperation worked out between individual members of the staff at the Mental Division of Probate Court and the Psychopathic Clinic at Recorder's Court.

The writer has been unable to find other examples of exchange or transfer of caseload except those dealt with earlier in this chapter.

B. Areas of Inadequate Cooperation between Courts

1. "Protected record" at Juvenile Court. The present statute provides that a juvenile court disposition shall not be evidence against the child in proceedings in another court, and that the records of the Juvenile Court shall be open only by court order to persons having a legitimate interest therein.39 The crippling effect of this restriction upon other courts is illustrated by People v. Smallwood,40 where Recorder's Court, in trying a father for the statutory rape of his daughter, excluded evidence (on cross-examination) of the girl's previous record of sex offenses. The Supreme Court of Michigan held that exclusion of testimony as to the Juvenile Court record, despite the protective statute, was a denial of the defendant's constitutional rights, since the question was vital to establishing the falsity of the charges. Dean Wigmore regards such statutes, when applied to known sex offenders, as "a suppression of means of truth," and as "indefensible on any grounds."41

37 See note 23, supra.
38 See note 24, supra.
41 WIGMORE, EVIDENCE, 3d ed., 675 (1940).
Delinquent children usually have relationships with adults who are guilty of criminal offenses arising out of the facts constituting the delinquency, while dependent and neglected children almost always are the product of the breakdown of family life through conduct which may be the subject of court action at Recorder's or at Circuit Court. At present there is a large area of confusion and misunderstanding as to the handling of such relationships and such families. Though not the only factor, the stringent policy of the Juvenile Court to protect its record by revealing no information about any Juvenile Court case to any employee of another court contributes to this confusion. In an observed case, for instance, the Juvenile Court declined information regarding the status of two children who were objects of a custody and support order of the Circuit Court. The information was requested by the Friend of the Court, an officer whose inquiry would seem to be prompted by a legitimate desire to take steps which would protect the children.

It is pointed out by the Juvenile Court that much of the present duplication and confusion arises because the police and prosecutors make the decision whether a given case should be handled by Juvenile Court action as to the children, or by criminal proceedings in Recorder's or Circuit Court against the adults, or both. They believe that the Juvenile Court, in order to discharge its obligation to protect children under its care, must scrupulously protect their privacy, and that all cases involving children should be referred directly to the Juvenile Court, which could act as a clearing house for all social and legal problems arising out of each case and could recommend to other courts such action with regard to adults as was desirable in each case.

The "protected record" policy, however, is frequently circumvented in Detroit. Police case histories, for instance, always include the date, nature and action taken by the Juvenile Court for each person, and probation officers from other courts routinely obtain this information in investigating each new case. On April 18, 1948, for instance, a random check of 500 new felony cases which had reached the Recorder's Court probation department showed 127 with previous Juvenile Court delinquency contacts. Interviews with families, neighbors, police officers and caseworkers also often disclose to an inquiring probation officer or Friend of the Court the nature of the Juvenile Court action with respect to certain children. The present policy, therefore, though soundly rooted in a desire to protect children from humiliation
and from acquiring a bad reputation through Juvenile Court contacts, often seems to hamper other courts without actually extending protection.

2. Family support. There are several court agencies substantially engaged in enforcing family support: the Juvenile Court Dependent-Neglect Department, the Pre-Court Adjustment Division of the Recorder's Court Probation Department, the Domestic Relations Division of the Recorder's Court Probation Department, the Probation Department at Circuit Court, and the Friend of the Court at the Circuit Court. Although there is considerable overlapping in their caseloads, there is little cooperation from court to court on these cases. Each agency is largely composed of overworked, conscientious professional people who regard themselves as in a fiduciary relationship with the people in their caseloads—for instance, they call them "clients." Each employee is loyal to his own agency and proud of its work. These attitudes account in no small measure for the success of these agencies in extending supervisory control over families. They do not, however, conduce to ready cooperation with other agencies in other courts, and when coupled with the lack of any official channels for cooperation, result in the present positive policy of non-cooperation.

This policy is frank and open. Each worker, because he thinks his own agency is the only one doing a really good job, because he wants to protect the privacy of his clients, because he has enough work of his own to do without doing somebody else's, and because he does not want to lose his job for creating complications, declines to disclose the contents of his files to workers from other agencies who request such information—unless the worker is a personal friend, or unless the court has specially ordered such disclosure.

One result has been that unscrupulous attorneys have turned this particular area of duplicate activity into a means of preventing any court from enforcing support. In one case, for instance, a defendant convicted in Recorder's Court of assault and battery on his divorced wife was placed on probation to pay $12 a week. He refused to do so on the ground that the Circuit Court support order totalled only $10, and that the Recorder's Court was interfering with the jurisdiction of the Circuit Court to determine and enforce support. When the Recorder's Court judge sentenced him to jail for violation of probation, the attorney obtained a writ of habeas corpus from the
Circuit Court. Although this writ later was vacated on a technicality, and although a later attempt to obtain a habeas corpus writ was unsuccessful, the use of the authority of one court to block another from achieving a common purpose caused the judges and probation officers of both courts to seek means of better integrated cooperation in support cases.

A resulting investigation disclosed a number of cases in which men placed on probation to Recorder's Court for nonsupport had filed suit for divorce at Circuit Court, had notified the Recorder's Court probation officer of the pendency of the divorce action (which caused the Probation Department to close its file), and had then left the state before the Circuit Court had time to enter a temporary support order. In one such case, the man was located in Georgia, but extradition failed when the Governor of Georgia took the position that failure to support is not a crime for which extradition should be honored. Instances of attempts to evade both Recorder's Court and Circuit Court by slipping out of the state increased after this case.

At present, all male divorce plaintiffs are subjects of an immediate investigation by the Friend of the Court with particular attention to their status at Recorder's Court. Further, Recorder's Court probation officers are supposed to remain active on cases in which divorces are pending until an order for temporary support is entered. Within the past two years, the Prosecutor and the Friend of the Court have rigorously pursued persons who have left the state, with the full cooperation of the Probation Department at Recorder's Court. The 1948 report of the Friend shows 45 cases referred to the Prosecutor for extradition and 9 completed.

If there were full and prompt cooperation between Recorder's Court and Circuit Court in support cases wherein both courts are active, most such escapes from all court control could be avoided. The difficulty of such cooperation is at present a serious problem to both courts, for the non-support caseload at both courts at large. It is made more difficult by the fact that where the Precourt Adjustment Division is the only Recorder's Court agency with contact, the Recorder's Court has no legal hold over the defendant and can do nothing more than supply information regarding the whereabouts of the husband.

The Juvenile Court enforces support by trying to get the father to support his children without official court action, which, if finally
necessary, consists of taking the children away. Where children are taken from the custody of a father who can support, the Juvenile Court can collect from the father sufficient money to reimburse the county for the care of the child. Information as to the amount so collected was unavailable. There is no machinery for the sharing of information, or for other cooperation, between Juvenile Court and any other support-collecting agency.

According to probation officers from Juvenile, Circuit and Recorder's Court, as well as the Friend of the Court, retention of control over husbands unwilling to support their families is made particularly difficult because the wife, who is the best source of information as to the husband's whereabouts and financial circumstances, is often bribed or coerced into giving false information, remaining silent, or becoming unavailable for a period of time sufficient to cover the husband's retreat.

The establishment and use of a central clearing house for daily exchange of information among court officers officially interested in enforcing family support seems to be an urgent need.

3. Family supervision. The probation departments of the Circuit, Recorder's and Juvenile Courts and the Friend of the Court devote much time to supervising family relationships and conduct. The number of Detroit families being served by more than one probation officer is not known, because there is no systematic attempt by any probation department to ascertain the duplication, nor is there any machinery for doing so. The Friend of the Court estimates, however, that at least three-fourths of its caseload have had or now have contact with one or more other courts in the Detroit area. These contacts are usually in connection with a nonsupport or domestic assault prosecution at Recorder's Court, and if there are children, some history of Juvenile Court contact is likely.

The supervision caseload of the Women's Division of Recorder's Court, which load consists of delinquent women many of whom have come into conflict with the law through unwillingness or inability to discharge their family responsibilities, consists to a substantial though undetermined extent of women whose children are currently under the jurisdiction of the Juvenile Court.

Social treatment of a family on probation involves, as Young points out, not only routine activities such as drafting budgets, arranging for
proper diet, providing medical care, looking after school programs, establishing community contacts and so on, but also demands the establishment of "confidence, rapport, and a sense of security" such as will support a desire on the part of the family to "launch unabashed into a mutual exploration of the circumstances surrounding 'the trouble.'" Where a probation officer from the Recorder's Court, one from Juvenile Court, and a representative of the Friend of the Court are all trying to provide adequate social casework for a single family, each without consultation or knowledge of the program of either of the other two, efficient social treatment is unlikely to result. Even where one worker is able to achieve rehabilitation despite the misunderstanding, confusion and irritation resulting from this duplication and lack of integration, the extravagance in use of court personnel and waste of specialized talents is large.

Even where there is no present duplication, as where the Domestic Relations Division at Recorder's Court has a long case history covering several years of probation and family supervision—and hence a valuable fund of experience with the family—it seems wasteful to have the Juvenile Court workers or the Friend of the Court start anew on the job of supervising the family life of the same family without the benefit of the case history.

C. Factors Restricting Cooperation

The present substantial disuse of the statutes for exchange of judicial personnel and for curing duplication of jurisdiction by waiver indicates that merely establishing methods of exchange of information, records, and personnel does not necessarily result in effective use of such machinery. Mere lack of channels for cooperating, therefore, is not the only cause of the absence thereof; equally important is the conscious disinclination of judges and other court personnel.

This unwillingness to cooperate seems to rest not on failure to recognize the areas of confusion and conflict but on a more compelling recognition of the fact that each of the courts in Detroit is now a highly complex organization with many functions and many employees, administration of which is made arduous by the size of each organization and of its caseload. To encourage members of a staff to

42 Young, Social Treatment in Probation and Delinquency 318 et seq. (1937).
exchange material freely with members of other staffs is to risk loss of control and to jeopardize adequate disposition of one court's caseload. The universal attitude seems to be that each is willing to cooperate, provided that he can control the extent and the results of mutual activity. Contributing factors to the disinclination are the loyalty of each court staff to its own organization, fear of political reprisals, and the professional reluctance of probation officers and others having access to confidential information to betray or jeopardize their clients.

Recent experiments in cooperation, such as that between Recorder's Court and the Circuit Court with regard to husbands unwilling to support their families, should be a demonstration of the fact that well planned integration in areas of mutual activity can result in increased efficiency.

Without amending any statute, it would be possible and feasible to arrange for the routine sharing of records among Detroit courts, particularly among probation officers, upon a basis which would not hopelessly confuse the administrative responsibility for social treatment of cases on long-term supervisory control. If this could be done, the increased efficiency in handling cases, in economical use of court personnel, and in elimination of much useless duplication, would be tremendous. A by-product would be increased speed in handling the caseload of each court.

III

Effect of Diversity of Sources of Financial Support

Each of the courts operating in the City of Detroit draws upon more than one governmental unit for financial support; and each, in the course of daily business, collects large amounts of money for itself, for various governmental units and relief agencies as well as for litigants. The fiscal year of the county ends on November 30 of each year, and the published report of the County Auditor goes to press before all department expenditures and receipts are accounted for. Hence the figures in the Auditor's report are, to a certain extent, based on estimates. The fiscal year of the city, on the other hand, ends on June 30 of each year. Each of the Detroit courts draws upon city funds to a certain extent and disburse certain collections to the city. The report of the Auditor General of the City of Detroit, although it accounts for court funds, does not break down the depart-
mental allocations so as to exhibit clearly the relationship between city and county funds in, for instance, the criminal division and the Traffic and Ordinance Division of Recorder's Court. This circumstance, in addition to the difference in fiscal year, results in nearly complete confusion in attempting to obtain a general idea of the annual cost of maintaining the courts in Detroit for any single year.

To confuse the matter still further, each of the courts is in part maintained by state funds, returns a portion of its income to the state treasury, and is in part served by state employees, such as welfare investigators, tax investigators, and auditors, who spend much or all their time in the courts although they are not allocated to the court payroll. The state fiscal year ends June 30.

This sort of confusion, growing out of multiple sources of financial support, reaches its pinnacle in the Recorder's Court, which has attributes of a city, a justice, and a circuit court. The judges are paid partly by the county and partly by the city; the police detail is paid by the city; the probation department and court reporters by the county; the Psychopathic Clinic staff by the city; the Clerk's staff by the city, but this staff includes a County Auditor's officer who has the responsibility for conducting a daily audit of moneys received for the county by the Recorder's Court, and who in performing this task also contributes to the performance of the Clerk's Office duties. The Clerk is paid partly by the city and partly by the county; he receives certain fees for work on county cases which he turns over to the city. The confusion was illustrated recently by the predicament of this official when he attempted to file the bond which he is required by statute to furnish. The city refused to accept it on the ground that the Recorder's Court is in effect a specialized branch of the Circuit Court, and the Clerk is therefore in effect a county officer, or perhaps a state officer. The county and state also refused to accept the bond, and when the Clerk asked the Attorney General for an opinion, that officer replied that inasmuch as the Clerk of the Recorder's Court is a municipal officer, he is not entitled to receive advice from the Attorney General of the State of Michigan.

In fact, the financial affairs of the Recorder's Court are so inextricably intertwined between the county and the city that the county and city financial officers have entered into a working agreement which in general provides that all fines and costs collected by the Criminal Division shall go to the county, and all collections at the Traffic and
Ordinance Court shall go to the General Fund of the city. A similar arrangement exists at the Juvenile Court between the county and city financial authorities with respect to the operation of the Detention Home.

IV

Cooperation between Courts and Welfare Agencies

A. Number and Character of Welfare Agencies

1. Public Welfare Agencies. The State Department of Public Welfare is a state agency which administers federal-state matched funds under the federal Social Security Act for Old Age Assistance, Aid to the Blind, Aid to Dependent Children, and which administers general relief on a state and local fund basis without federal contribution. In addition to a widely departmentalized staff which works directly under the state board, the department works through local units such as the Wayne County Bureau of Social Aid and the Detroit Bureau of Social Aid, which are subject to limited state control.

For instance, the Children's Division of the Department of Public Welfare, working as a part of the parent, or state, agency, has a staff housed in the Juvenile Court Building which licenses children's boarding homes, child care and placement agencies, day nurseries and placement agencies, institutions for unmarried mothers. It also inspects places of juvenile detention and offers consultation to all public and private agencies.

Another group of trained child welfare workers, paid by the State Department of Public Welfare, and assigned to the Juvenile Court, make social studies of all adoptive families and make written reports and recommendations to the Juvenile Judge. This group also supervises children in trial adoption homes, investigates guardianship petitions for the Probate Court, makes social studies on cases referred by out-county agencies, and supervises girls paroled by state institutions.

The Wayne County Department of Social Welfare, a county agency under the authority of the County Commissioners, has a Medical Division which arranges for hospitalization of indigent adults and for minors unable to qualify under the Afflicted Children's Act, and a General Relief Division which extends general relief to all needy in Wayne County exclusive of the City of Detroit, and to nonsettled
(recent migrant) needy in all Wayne County. This department has a Child Care Bureau which extends general relief to children not part of a family group except those who are classified as "Detroit settled."

The City of Detroit has a charter-established relief agency of its own known as the Detroit Department of Public Welfare which administers a social service program for the city to all indigents. Half the funds of this agency are allocated from the state.

2. Other public agencies. There are other public agencies, such as the Crippled Children's Commission and others, which share a field of common activity with one or more courts located in Detroit; the continuation of an exhaustive list, however, would be tedious and of little informative value.

3. Private agencies. In addition to these public agencies and the many specialized bureaus and departments which branch off from each of them, there are several private agencies which deal extensively with family casework, child welfare and placement problems, chronic alcoholics, and mental cases.

The 1948 Directory of the Detroit Council of Social Agencies, which is a general clearing and integrating group representing all public and private agencies, lists over two hundred active private social agencies in the City of Detroit in addition to the state, county and city public agencies.

B. Areas of Cooperation with Welfare Agencies

1. Welfare agencies concerned with mental cases. Social workers employed by the county investigate the financial status of all persons committed by the Mental Division of the Probate Court. The county and city currently employ a total of seven medical social workers who act as petitioners in mental cases reaching court from the psychopathic wards of the Wayne County General Hospital and the Detroit Receiving Hospital. In February, 1948, city medical social workers prepared and filed mental petitions involving 115 patients in the Psychopathic Ward, and, during that month, the workers appeared in Probate Court to testify in a total of 184 cases.

Child welfare workers from all public and private agencies often refer children with mental problems to the Child Study Clinic at the
Juvenile Court, which is able to supply diagnostic service and to obtain hospitalization for children whose parents or guardians are willing to agree to voluntary commitment. The Board of Education of the City of Detroit maintains a Psychopathic Clinic which employs a worker who often acts as petitioner in mental cases involving children alleged to be feeble-minded or psychotic, who have been referred from city public schools. These petitions are filed in the Probate Court. On April 21, for instance, the writer observed a docket of twenty cases involving children alleged to be feeble-minded or otherwise mentally afflicted. Many of the petitions in these cases had been signed by the Board of Education’s worker, who was in court. Many of the children on this docket, it was noted, came from broken homes.

2. Welfare agencies concerned with criminal offenses. The Women’s Bureau of the Detroit Police Department, which employs about seventy-five policewomen, functions in a dual capacity. They investigate and prepare for court criminal cases arising out of sex crimes involving children under 10 and women as well as those arising out of protective laws for women and children. Cases most often handled by the Bureau include violations of ordinances forbidding children from peddling, soliciting, or offering services for hire; violations of theatre, bowling alley and dance hall ordinances regulating the conduct of minors unaccompanied by parent or guardian; violation of state child employment laws; violation of laws prohibiting marriage of persons under certain age; and commission of crimes such as contributing to the delinquency of a minor, indecent liberties and exposure, common law rape, statutory rape, and assault with intent to rape.

For many years, the head of the Bureau, recently retired, was a highly trained and experienced social service executive, under whose direction the Bureau developed policies of recruitment which required at least thirty hours of social service training for employment, and of investigation and referral which stressed the social service aspect of the work as of primary importance. The Bureau “deals with problems disturbing to the persons involved on a casework basis.” In this capacity, the department “acts as an investigating and sifting agency, referring cases to local agencies best adapted to give the service or treatment indicated.”

For instance, where an illegal sex act has resulted in

48 KIMBALL, A MANUAL OF COURT FUNCTION AND PROCEDURE FOR SOCIAL WORKERS 18-20 (1945).
pregnancy, the Bureau decides whether the case is to be handled as a rape case or as paternity out of wedlock, though in either case the Bureau will probably notify a social agency to look after the girl. If the legal proceedings are handled as paternity out of wedlock, the entire case is transferred to the Department of Public Welfare, which employs a worker to act as liaison officer between social agencies and courts in dealing with cases of this type. In dealing with sex crimes of a pedophilic nature, the Bureau attempts to obtain psychiatric diagnosis by inducing the offender to obtain clinical service from the city or county hospital.\footnote{Kimball, A Manual of Court Function and Procedure for Social Workers 20 (1945).}

The Juvenile Bureau of the Detroit Police Department consists of an inspector and staff selected for facility in handling children and in cooperating with social agencies, probation officers, courts, and other community agencies active in children’s problems. The headquarters staff is stationed at the Juvenile Court Building, and each precinct has a Juvenile Officer. The Bureau handles boys between 10 and 17. If an interview by the precinct officer with parents and neighborhood residents can solve the problem, no arrest is made. If arrest is necessary, the headquarters officers attempt to work out some means of handling the boy short of taking him to the Juvenile Court. One means often employed is that of placing a boy on “police visits”—a method of casework or pre-court probation consisting of periodical home visits by a juvenile police officer. These officers also work closely with group recreation agencies such as The Boys Club, the Y.M.C.A., and others.

Alcoholics Anonymous is an agency devoted to the rehabilitation of chronic alcoholics, staffed largely by people who have themselves been rehabilitated. Many judges and court officials call the attention of this group to alcoholics who come before the court. Such references are not official but take the form of highly confidential suggestions to an alcoholic that he attend a meeting of the organization, or to a worker that he get in touch with a certain alcoholic. Many judges and court employees supply clothing, emergency funds, employment suggestions and other specific help in particular cases, through the Alcoholics Anonymous.

3. Other welfare agencies concerned with criminal cases. During observation at Recorder’s Court, the judges requested Catholic and Protestant churches to supply volunteer workers to remain on duty
at the court two days a week to find jobs, lodging, clothing, consultation or group contact service for offenders who need such help. The Salvation Army operates an industrial home for single men to which unattached misdemeanants are sometimes sent, and the Volunteers of America operate a supervisory service for men on probation or parole.

4. Welfare agencies concerned with child placement. Through its authority to license and inspect all boarding homes and institutions in which children are placed by any agency or court, the Children's Bureau of the State Department of Public Welfare maintains some control over all child placement. Also, through its Aid to Dependent Children staff, the state agency is influential indirectly by referring to the Juvenile Court children of relief families whose home life is unsatisfactory to the ADC workers.

In addition, there are several large private agencies in child placement. The Children's Aid Society is a nonsectarian corporate entity for temporary or permanent care of children of all races between the ages of 3 weeks and 21 years in their own homes when possible, or in boarding homes under the control and supervision of the society. It was organized to provide a means of cooperation with the Juvenile Court to see that children were placed with families or in institutions. The Society handles some delinquent children. When a child is placed by the Juvenile Court, the order places him with the Society, which in turn selects a home and provides supervision. The Court maintains control over the child, in such cases, through the supervision extended by the Society, which provides all facilities for necessary court and protective work. The Society is in part supported by county funds, in part by the Community Chest, in part by private contributions.

A similar Catholic organization is the Society for St. Vincent de Paul, an international group of Catholic laymen for charitable service which has a Child Caring Project in Wayne County, organized in order to cooperate with the Juvenile Court in caring for Catholic dependent and neglected children.

In May of 1948, 1500 out of 1900 current neglect cases at Juvenile Court were in care of either the Children's Aid Society or the Society of St. Vincent de Paul.45

45 Information supplied by statistician, Juvenile Court.
Other child placement facilities include Providence Hospital, which has a complete service for unmarried mothers and maintains a legal department to establish paternity and enforce support and maintenance for both mother and child. The Boys' Republic, a private agency established by the Ford enterprises, is an institution affording thoroughly supervised vocational training and institutional life for boys of average or unusually high intelligence, whether dependent, neglected, or delinquent.

The Wayne Community Survey, conducted in 1948 by the Citizens Survey Committee covering public as well as Community Chest supported agencies, shows that dependent and neglected Negro children are not receiving care through the present placement agencies: Out of 6,401 children whose cases were active in Chest supported child care agencies, only 566 were Negro, although Negro children are 18 per cent of the community. The Children's Aid Society cared for 503 of the 566 children mentioned. Many Detroit authorities believe that the Negro community absorbs its homeless children more readily than the white community, so that there is less call on the agencies for aid to Negroes.

The same survey shows the need for overall planning among agencies in the area of families, with children, who are being served by a family casework agency but whose family life is disintegrating. There is found to be considerable confusion among agencies as to the duties, in such cases, of family casework agencies and of child placement agencies. The same area is further confused, the Community Survey states, by the fact that "proper relationships have not been developed between the Police Woman's Division, the Juvenile Division of the Police Department which handles boys' cases, and the public and private agencies handling protective cases." 

5. Welfare agencies concerned with family casework. Not only does each of the public agencies maintain a complete family casework service, but there are a large number of private agencies in this field, including the Society of Good Neighbors, the Salvation Army, the Family Casework Agency, the Family Service Society, the League of Catholic Women, and others. For instance, the Juvenile Court furnishes office space to volunteer workers from Catholic and Protestant

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46 Wayne Community Survey 33 (1948).
47 Id. at 29.
groups called the Big Brothers and Big Sisters, who do limited probation work for the court.

6. Welfare agencies concerned with family support. In Wayne County in 1947, 16,817 cases were aided financially through federal-state Old Age Assistance, 6,739 through federal-state Aid to Dependent Children, 342 through federal-state Aid to the Blind, 1,998 through the county relief program, and 12,500 through the Detroit Department of Public Welfare, the city agency. Total expenditures for all these programs were $23,973,258 in direct relief through public agencies alone.\(^{48}\) Note that the figures do not include unemployment compensation, railroad or other publicly-administered retirement annuities, or any of the service assistances such as Veterans’ Administration.

The relief caseload of all agencies is at this time increasing rapidly: for instance, the Research Director of the Council of Social Agencies of Metropolitan Detroit reports that the caseload of the city agency for 1948 represented a 406 per cent increase in families receiving full relief over the comparative load in 1942. Family cases receiving supplemental aid have increased 323 per cent during the same period.\(^{49}\)

Private agencies which supply financial relief include United Jewish Charities, the Polish Aid Corporation, the Servicemen’s Bureau, several Catholic agencies, and relief committees operated by various unions.

It is in the area of family support cases that the welfare agencies and the courts located in Detroit experience the most need for mutual understanding and integration, for where a court is able to enforce the liability of the husband or parent to support, the welfare agencies are relieved of the necessity of supplying further relief to the family, and in some cases are reimbursed through the courts for relief already supplied.

C. Methods of Cooperation with Welfare Agencies

1. Probate Court: aid to dependent parents. Very similar to the Recorder’s Court Pre-court Adjustment Division’s activities in screening out criminal nonsupport cases in which no formal complaint has been made, is the duty performed for the Probate Court by the Aid to Dependent Parents Division, which performs a similar service for

\(^{48}\) Wayne Community Survey, Family Casework Service, Table 8 (1948).
\(^{49}\) Statistical report of Director for 1948.
cases in which public relief authorities seek to file petitions in Probate Court to enforce the liability of children to support parents. Technically a part of the Prosecutor's office, the Division operates solely as a pre-court screening agency in which relief authorities, in investigating applications for aid by aged persons, have found relatives who are in the jurisdiction of the Probate Court of Wayne County and who appear to be able to support their parents.

Until four years ago, the Division was a part of the County Auditor's investigation unit; at that time, the Old Age Assistance caseload contained enough cases in which children could be made to support their parents or to reimburse the welfare authorities through the Probate Court so that transfer of the Division to the Prosecutor's office took place. Its entire staff of four are professional caseworkers; none are lawyers. Most of its cases are referred by the Old Age Assistance staff of the county agency, some by private agencies, some by Recorder's and Circuit Court, some by newspapers, none by the Detroit Department of Public Welfare. Upon receiving a case, the Division conducts its own investigation to confirm the ability of resident children to contribute to their parents' support, to persuade them to make a partial contribution, or to work out some other solution. Frequently the cause of difficulty is friction caused by crowded living conditions. In such cases it is often possible to place the parents in private homes through private social agencies, or to obtain medical attention through one of the public hospitals. The Division works out the best solution possible on the basis of voluntary contributions and refers the case back to the original agency with its recommendations for the amount of public assistance necessary to piece out the sums contributed by the children. In such cases, the public agency then proceeds with an application for a partial pension. Where the Division learns that no financial support can be obtained from the children, the case is returned to the referring agency and the Division closes its file.

Where the children can but will not support their parents, the Division institutes action in the Probate Court to enforce support. Petitions are presented, in court, by the Director of the Division, who is not a lawyer. During 1947, there were approximately forty court cases, some of which represented show cause appearances to enforce orders previous-

ly entered by the court. As in the Pre-court Adjustment Division at Recorder's Court, and the Friend of the Court at Circuit Court, the Division collects all money on cases being actively serviced by it.

2. Recorder's Court. During final revision of this study, the city investigated its active relief cases. During the first few weeks of this investigation, and as a result of it, 59 husbands whose wives had received city welfare were found guilty in Recorder's Court of nonsupport. Ordinarily, men convicted of nonsupport in these circumstances are placed on probation, with repayment of relief and continued future employment made conditions of probation. Repeated failures to continue in employment, however, often result in the imposition of jail sentences for violation of probation. Incarceration in these cases has the disadvantage of throwing the burden of support back on the relief authorities. There are also several recent convictions for fraud on welfare authorities, growing out of the same investigation.

So numerous are cases in which family relief and criminal actions for nonsupport coincide that the Detroit Department of Public Welfare and the Wayne County Department of Social Welfare each employ a full-time worker to act as liaison officer between the Recorder's Court and the respective relief agencies. Each worker handles cases which have come to the attention of his agency because of some Recorder's Court action which affects relief—as when the court is trying a man for nonsupport who might be able to reimburse the relief authorities. In such case, the worker attends court, consults with the judge as to the contents of the probation order, and perhaps gives testimony about the service extended to the family by the agency. This service usually includes financial assistance and family casework and possibly includes child welfare service. The worker currently assigned to the Recorder's Court by the city agency states that his monthly caseload averages about 500 cases a month. Not all of these represent actual trials, of course; in many, the Recorder's Court contact is in the Pre-court Adjustment Division, the Psychopathic Clinic, or one of the supervisory probation establishments.

3. Circuit Court. Although the report of the Detroit Department of Public Welfare for February, 1948, shows 346 cases in which relief supplemented alimony, so far as can be learned there is no city

51 At p. 6.
worker regularly assigned to the Circuit Court of Wayne County; however, members of the Friend of the Court's staff, upon learning of such supplemental relief, often call the court's attention to it. In some cases the court's order is as large as the husband's earning capacity permits, but still below the recommendation of the Friend as to the sum necessary to take adequate care of the family. In other cases, however, the relief which supplements the court-collected support money brings the family income above the amount determined as necessary by the court. In these latter cases, the supplemental relief amounts to a usurpation of the court's authority to determine and collect support for the family.

At this writing the county relief agency has assigned a full time worker to the Circuit Court of Wayne County. This assignment occurred recently, as the result of a very large number of cases encountered at Circuit Court in which the court has found it difficult or impossible to enforce its orders for alimony or child support because the wife, once she is receiving relief, ceases to cooperate with the court in proceedings to enforce support. The number of such cases, in fact, is related to the practices recently adopted by the Friend of the Court whereby all payments of alimony and support must be made to the Friend's office, which institutes automatic proceedings for contempt when payments are not promptly made, whether or not the wife has complained. The county relief worker at the court receives reports from the Friend or the trial judge concerning cases in which both court and relief agency are actively trying to see that the family receives support, and she cooperates with the court in attempting to work out a policy which is satisfactory to both the court and the agency. By current policy, in the trial of any proceedings concerning the payment of money as directed by the Circuit Court in a domestic relations case, the judge makes it a point to ascertain whether the family is receiving financial assistance from the relief authorities. Where it appears that such is the case, the judge continues the hearing, writes a letter over his own signature to the agency or agencies concerned, and withholds final action on the legal proceedings pending the receipt of information from the agency.

In child support cases, the circuit court experiences its greatest difficulty in cooperating with the public welfare agencies. The "ADC," or

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52 Subsequent to the period covered by the survey, a full-time worker from the Aid to Dependent Children's Staff was assigned to the Circuit Court of Wayne County.
Aid to Dependent Children program, is administered by a state-paid staff of highly trained child welfare caseworkers some of whose policies are suggested by the United States Children's Bureau. At this writing, no ADC staff member has been assigned to the circuit court. The function of this agency is to extend regular aid including support to dependent children, in such a manner as its caseworkers determine after giving expert attention to each case. Many of its children come from broken homes. In many ADC cases, therefore, the circuit court also has the function of seeing that the children receive support. Cooperation is difficult, according to the circuit judges and the Friend of the Court, for these reasons: (a) extension of financial relief by the ADC often makes legal pressure on the fathers very difficult, because it removes the economic pressure which causes the mother to be willing to cooperate with the court in enforcing the father's legal liability to pay family support; (b) the amounts found necessary for child support by the Friend of the Court and the kind of family casework offered by the Friend often differ from the amount of support and the kind of casework provided by the ADC; (c) there is no means, under current practice, whereby routine consultation takes place between circuit court personnel and ADC personnel with regard to cases serviced by both, so that there is much duplication of effort, mutual irritation, and many cases in which the efforts of each inhibit or even cancel out those of the other.

In bastardy and civil paternity cases, the court is required to make an order for support which will indemnify the county for the mother's confinement expenses and the child's maintenance.\textsuperscript{53} This amount, once the responsibility of the county relief authorities, is now collected through the Friend of the Court; which is also charged with the responsibility of investigating the facts and reporting to the court. The amount of the order is the subject of frequent discord, for often the determination of the Friend of the Court and of the court on the Friend's recommendation differs from the amount which will provide such care as the child welfare or family caseworkers, or both, assigned to the case by various public relief agencies wish to provide. In one such case, the writer attended a hearing in circuit court which was attended by six different caseworkers, all of whom had some official connection with the case. Another observed case, which is cited as an example of the

disagreement between court and public welfare agencies, involved the mother of an illegitimate child. The mother, a trained stenographer, resided with her parents, who were of modest but stable income. The judge made an order, as recommended by the Friend, based on a requirement that the girl should go back to her job and leave the child in the care of its grandmother during her working hours; this arrangement was desired by the grandparents and agreed to by the employer. The child welfare caseworker for one of the two public agencies which were active on the case, however, did not approve of this method of handling the case; she held it to be bad family casework and bad child welfare. She required the girl to set up a separate establishment for herself and the child, and to give all her time to the baby. The cost of this plan was beyond the means of the baby's father, a married man with a wife and several small children to support. The position of the caseworker was that the amount necessary to indemnify the county in this case was the amount required to handle the case as the county family caseworker under the supervision of the state child welfare worker wanted it handled, and she proposed to supplement the court order by relief to bring it up to the sum so required. The position of the court was that both the amount of support and the function of supervision were the province of the court, and that the public welfare agencies had no legitimate position since the amount ordered by the court constituted an amount adequate to handle the case without the necessity of any financial assistance from the relief agencies.

Such problems as these are often multiplied by the presence in the case of several caseworkers from various private welfare agencies and perhaps a juvenile court probation officer, if the unmarried mother is a juvenile. In such a case, too, there might be a Recorder's Court probation officer concerned where the man had been prosecuted for contributing to the delinquency of a minor.

D. Central Registration Bureau

The Central Registration Bureau is an official clearing house maintained by the Detroit Council of Social Agencies for the exchange of information about cases. Members of the police force or of probation staffs or the Friend of the Court's office may find out by telephoning the Bureau the public and private agency contacts and the dates thereof on any family or individual. The data are recorded on cards filed by
the surname of the family head or single person receiving service. Various court departments make use of this Bureau.

The Pre-court Adjustment Division of the Probation Department at Recorder’s Court currently reports all its cases to the Bureau. It should be borne in mind, however, that the Division is limited in activity to seeing that the wife receives support—from the husband directly if possible, through the Division as a general rule, by means of criminal action for nonsupport as a last resort. Precluded by its limited function from doing any family casework, it can make no real use of information obtained from the Bureau. On the other hand, the reporting of this Division’s cases to the Bureau should prevent disbursement of public assistance to many applicants who are in fact receiving support collected by the Division.

Other divisions of the Probation Department at Recorder’s Court do not report their cases to the Bureau except occasionally, and make no routine attempt to check with the Bureau for information about previous welfare agency contacts. The investigating probation officer’s technique in assembling a case history so far as welfare agency contacts are concerned appears to be limited to reading the police department record which is always placed on the probation officer’s desk by a police officer, and which in certain types of cases may include certain principal welfare agency contacts, as well as Juvenile Court contacts which are not directly available to the officer from the Juvenile Court.

Recorder’s Court probation officers who are supervising cases appear to make no attempt to get in touch with agency caseworkers who are serving the same families.

The Friend of the Court does not report its cases to the Bureau but frequently consults the Bureau to obtain information about the activities of the public welfare agencies with reference to family casework or family support activities.

Other probation departments of courts located in Detroit appear to follow the same general policy; they do not routinely report their own cases to the Bureau, and they inquire of the Bureau only in infrequent cases. The writer was able to find no example of actual consultation or cooperation between a probation officer and a caseworker who were working on the same case.

The Psychopathic Clinic at Recorder’s Court, on the other hand, which makes a social study of each patient, currently inquires of the Bureau with reference to each patient, and frequently follows up the
inquiry by getting in touch with department heads, caseworkers, or court officials who have had some contact with the patient or a member of the patient's family which might bear upon the social study.

In a previous study, statistical tables from the Bureau were used as a basis for the conclusion that there is no serious overlap or duplication as between the public and private welfare agencies and the courts operating in Detroit. This writer has attempted no examination of the Bureau's records, for the reason that observation and interview indicate that the reporting by court departments of their cases to the Bureau is infrequent and haphazard, and that the use made of such information as is obtained by court departments from the Bureau is negligible, except as an aid in diagnosis by the Psychopathic Clinic at Recorder's Court and as a means of preventing fraud on welfare authorities by women already receiving support through Recorder's or Circuit Court. The practices encountered during the year and a half of field work for this study are such as would make such statistics entirely misleading. More important, it is apprehended that the disuse of this Bureau, which might operate as an integrating force, indicates the unwillingness of courts to cooperate with public welfare agencies and vice versa, and that it tends to indicate that the size of the area of overlap and confusion, of duplicating and conflicting service, is not known to anyone because of the lack of cooperation under current practices.

D. Areas and Extent of Overlap between Courts and Welfare Agencies

With respect to the actual amount of duplication and overlap, the writer had knowledge, through reading litigation or probation files or through courtroom or other court observation, of an aggregate of at least two hundred cases in which one or another kind of inefficient or irresponsible domestic behavior was the immediate cause of the court contact. Of all such cases examined or observed, there were less than a dozen which did not show at least one other agency or court contact prior to or concurrent with the contact of the court being observed. In the area of family casework, nonsupport and child welfare cases, there were more often than not several public and private welfare agencies and at least two courts having current contact with the case. This fact is the more impressive in the light of the fact that no consistent attempt

is made by these courts to obtain systematic information about welfare agency or other court contacts.

The results obtained in terms of family rehabilitation are likely to be poor when more than one probation officer is trying to provide family casework with budget supervision for the same family, and still worse when several caseworkers from public and private agencies are added, so that often half a dozen caseworkers are at work on a family, each with the duty of extending minute supervision over the financial, social and domestic behavior of the entire family.