

## **THE EMERGENCE OF THE STATUTORY JUVENILE COURT IN ILLINOIS AND PROFESSIONALIZATION OF SOCIAL WORK**

By: John Thomas Halloran, PhD, JD  
Assistant Professor of Social Work, Lewis University

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### **ABSTRACT:**

The transition of social work from a volunteer pursuit to a professional one happened rapidly in the early 1900s. This article examines the motivating forces responsible for the genesis of social work education within the context of Chicago's Juvenile Court, and the work of Lucy Flower, Julia Lathrop, and Graham Taylor. In Chicago, social work grew and evolved within the professional space created for probation officers within that Court, institutionalizing practice and education. The enduring significance of the Court emerges from its direct interrelationship with and special positioning of social service workers—the juvenile probation officers. Those probation officers were among the first groups of state sanctioned, publically funded, and specially educated social workers.

## **THE EMERGENCE OF THE STATUTORY JUVENILE COURT IN ILLINOIS AND PROFESSIONALIZATION OF SOCIAL WORK**

The close associations between the contemporary juvenile court and social work practice underscores their historic relationship. The founding of the Chicago Juvenile Court (hereafter “Juvenile Court” or “Court”) in 1899 and the Chicago School of Civics and Philanthropy (hereafter “Chicago School”) in 1908 marked critical moments in the emergence of the social work profession. Though separated by almost a decade the events were intimately connected—in purpose and in personnel. During the process of Juvenile Court formation the nascent social work profession grew and evolved within the professional space that was created by the Court, and the symbiotic relationship between the Court and social services in Chicago in the first decades of the Twentieth century was an important component feature in the development and institutionalization of the social work profession and social work education in Chicago and across the Midwestern and Western states. More specifically, while almost all of the individual legal tools and social welfare techniques employed were in existence long before the Court (see Sutton, 1985), what made the Juvenile Court significant was its direct interrelationship with and special positioning of social service workers and the importance of their expertise within the court. In fact, the Juvenile Court was the first discretionary public child welfare bureaucracy in Illinois (Anderson, 1988).

David Tanenhaus (2004) has written an extensive history of the Juvenile Court, and fundamental to his argument is that the Court was not created “institutionally intact” (p. 164–65), but, instead, was the product of fits and starts, trial and error, revision, deletion, expansion, and constant change. And in spite of the fact that “[t]he idealized juvenile court that [Jane] Addams and other leaders in the juvenile court movement spoke about so glowingly never actually

existed ...,” Tanenhaus concludes that the Court, “in fact helped ... the establishment of innovative child welfare policies” (Tanenhaus, 2004, p. 164, 165). More specifically, the Court itself was an incubator for innovation, allowing and encouraging the production of an educated, professional social workforce which drove that child welfare policy innovation, institutionalized it, and disseminated it across the country—and the networked connections of the Chicago School with the juvenile court movement may have served a similar role for social work education.

This article presents a narrative history focused mainly on the contribution of three individuals—Lucy Flower, Julia Lathrop, and Graham Taylor—to the development of the Juvenile Court and social work education in Chicago in the first decade of the Twentieth century. The intent of the article is to reach beyond that narrative and provide some deeper understanding of motivating factors through which professions make claims upon areas of professional turf and the ways in which those claims are solidified and legitimized over time. Drawing upon the work of Andrew Abbott (1995), the emergence of the statutory Juvenile Court can be conceptualized as a demarcation of certain new boundaries of state action. Along those boundaries there were contested features—What functions should the Court perform? Who should perform those functions? And who would decide those matters? The emergence of this new turf and the contested nature of its boundaries took place within a larger historical movement about the nature of intervention into the social world—a social paradigm shift from private volunteer charity to the beginnings of a public, professional social work. The emerging models of social intervention, including the Juvenile Court, were borne out of perceived crises and failures of the existing structures of the late Nineteenth Century to aptly deal with the changing social environment (see Kuhn, 1961). The social work profession and social work education were shaped by the broad social and political realities of that time period (Goldenberg, 1971)—a

process that is illustrated by the growth and development of the Juvenile Court and its relationship to social work education within the city.

## **I. Foundations and Founders**

Due attention has been given to the history of the Juvenile Court, its founders, and the culmination of and continuation of Progressive ideals which the Court represented (see, i.e., Tanenhaus, 2004). Some of that must be provided here, in brief, to establish some of the important interrelationships between the development of the Court and the development of the educated social work professionals who worked within the Juvenile Court.

By the end of the Civil War, America had developed significant structures for dealing with dependent and delinquent children. Broadly speaking there were prisons and reform schools for delinquents, and orphanages, apprenticeships, and foster placement for dependents. Many of the institutions and organizations that interacted with children were private charities, though some operated with at least some public funding. The degree to which one particular set of institutions was more prominent varied geographically, as did the degree to which these institutions were publically funded or publically operated (Katz, 1986).

The first juvenile court was codified in Illinois in the waning days of the legislative session in 1899. The Act removed criminal jurisdiction of minors from the criminal courts and established a court of equity<sup>1</sup> to deal with matters related to delinquent and dependent minors—a substantial jurisprudential departure in the way that the state related to minor children. The Act also established probation as an office that provided social service workers and institutions with

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<sup>1</sup> Equity jurisdiction, as distinct from criminal jurisdiction, gives courts wide latitude in both the subject of the inquiry and the type of remedy that can be fashioned.

the color of judicial authority, and bound that office tightly to the judicial procedure in the Juvenile Court (Illinois Juvenile Court Act of 1899).

Though the Court opened in an existing space in the County Building in Downtown Chicago, through the support of the Juvenile Court Committee, it moved several years later to a new building built across the street from Hull House on Chicago's Near West Side. The geographic proximity of the Juvenile Court to Hull House underscores the ties between the two institutions—Hull House resident Julia Lathrop was one of the driving forces in the 1890s behind the movement that led to the creation of the Court and its maintenance through the Juvenile Court Committee. Lathrop, who served on the Illinois State Board of Charities and Corrections during that decade, and noted Chicago philanthropist Lucy Flower, built a coalition of religious, philanthropic, and social welfare organizations, partnered with the Chicago Bar Association, made the creation of the Court the focal issue for the 1899 Illinois Conference on Charities, and lobbied the Illinois legislature and Flower's former progressive associate and then Illinois Governor John P. Altgeld to promote the Juvenile Court Act of 1899 (hereinafter "Act") (Tanenhaus, 2002; Tanenhaus 1998).

#### A. The Role of Probation in the Juvenile Court

When Lucy Flower<sup>2</sup> was born in 1837 America was about ten percent urban. By the time that the Juvenile Court was founded in 1899 the proportion of urban residents had more than tripled to almost thirty-five percent (Hauser, 1974). As America rapidly industrialized and urbanized in the last half of the Nineteenth century, the social changes brought about by that

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<sup>2</sup> She has an endowed chair in the University of Chicago Sociology Department named after her—a chair once held by William Julius Wilson.

economic shift strained existing institutions and led to increased suspicion in the ability of these state and private institutions in dealing with delinquent and dependent children. Industrialization fractured families. It brought poor women and children into harsh factory conditions (Ehrenreich, 1985). Unemployment and poverty, along with the other social problems that accompanied the rapid urbanization of America, disproportionately affected disadvantaged children (Hauser, 1974). It also generated vast sums of wealth for the privileged few, who sought ways to spend. It changed middle class life by divesting some household tasks to industry, providing increased free time to middle-class women (Ehrenreich, 1985). It led to the reconceptualization of childhood as a protected space (Grossberg, 2002). James Leiby (1978), authoritative historian of social work and social welfare, notes a shift in focus of social reform toward the welfare of children in the last decades of the 1800s. Prior to that, social reform debates involving children had focused mainly on the proper care for orphaned or abandoned children, while delinquent children were often jailed or otherwise institutionalized (Leiby, 1978). Lucy Flower was a product of the intellectual confluence that shaped the juvenile court movement. Flower interacted with reformers focused on social welfare, the changing place of children in society, the rise of childhood as a protected space, criminal justice reform and the campaign for safe and decent public institutions. And she was positioned to provide intellectual and financial backing for those reforms.

Flower had a personal interest in juvenile justice. An adopted orphan herself, Flower used her social position in Chicago's white, Protestant elite to advocate for child welfare while working with the Chicago Home for the Friendless, the Half-Orphan Asylum, and the Chicago Woman's Club (hereinafter "Woman's Club") (Tanenhaus, 2002). Her daughter wrote that Flower was constantly dedicated to "the main interest of her life, work for children" (Farwell, 1924). Flower in many ways represented the upper-class volunteer philanthropist that was so

instrumental in using civil society to promote social change through Protestant charitable organizations. In the same tradition of Charles Loring Brace's Children's Aid Society and the Society for the Prevention of Cruelty to Children, and motivated by the ideals of her time, Flower sought actively to improve social conditions (Tanenhaus, 2002; Grossberg, 2002).

Beginning in 1883, Flower and the Woman's Club had focused on improving conditions in jails. During jail visits these upper-class philanthropic women encountered children in the same conditions as adult offenders (Tanenhaus, 1998). Penal reform was a significant issue of the day—as it had been in various forms for the last half century. By the early portion of the Nineteenth century, however, the harsh reality of imprisoning juveniles along side adult offenders led to the establishment of “houses of refuge” or “schools of industry” which were statutory alternatives to the imprisoning of juveniles. In those private institutions, strict discipline and long hours of schooling or work training were designed to craft troubled juveniles into useful citizens (Lieby, 1978; Fox, 1970).

In the 1850s, the Chicago Reform School had initial success in alleviating the severe conditions facing delinquent and dependent children, however deteriorating conditions at the school, along with challenges to the legality of the institution, led to increasing court skepticism of commitments to the school. The School ultimately closed in 1872, and many children were returned to the county poorhouse (Fox, 1970). In 1879, the Illinois legislature passed the Act to Aid Industrial Schools for Girls. This act was designed, in part, to deal with the legal questions that arose in the Chicago Reform School cases—such as ensuring due process and other legal safeguards. The industrial school act give Illinois courts jurisdiction, after trial by jury, to house and reform

[e]very female infant who begs or receives alms while actually selling or pretending to sell any article in public or who frequents any street, alley or other place for the purpose of begging or

receiving alms, or who, having no permanent place of abode, proper parental care or guardianship, or sufficient means of subsistence, or who for other cause is a wanderer through streets and alleys, and in other public places, or who lives with or frequents the company of, or consorts with reputed thieves or other vicious persons, or who is found in a house of ill-fame, or in a poor house.

(Act of May 28, 1879, Ill. Laws 309 §3). Though little has been written about the legislative history of the Act to Aid Industrial Schools, subsequent court cases upheld the constitutionality and purpose of the act under the concept of *parens patriae*<sup>3</sup> (see *In re Ferrier*, 103 Ill. 367, 369 (1882))—and the act, along with its equivalent for boys, Act to Provide for and Aid Training Schools for Boys (Act of June 18, 1883, Ill. Laws 168; Fox, 1970), not only fits neatly into the prevailing child-saving ethos of the day, but also demonstrates legislative and judicial willingness to view children in a different light from adult offenders and reform them into useful citizens. In spite of the state sanction and public-private relationship illustrated in these statutes, they were ultimately private institutions that were dependent on private individuals to build and maintain (Tanenhaus, 2004).

During an 1895 visit to Boston to study the Massachusetts child welfare system, Flower became intrigued by another criminal justice reform: Probation (Tanenhaus, 2004). The American system of probation originated in antebellum Massachusetts, where probation—administered informally until the 1870s by private individuals and institutions—acted as a supervisory activity during a suspended sentence where upright citizens could rehabilitate offenders through moral education and good example (Grinnell, 1941). Juvenile probation began informally during the Civil War, was authorized by statute in 1869, and, ultimately, the

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<sup>3</sup> By the 1890s, the legal idea of state intervention in the family unit was broadly discussed, and frequently applied with *parens patriae* as the justification. This idea had been pursued so far by the last half of the Nineteenth century that some commentators were making the argument that parents only had the right of guardianship over children, and even that right derived from state authority—a strikingly statist view of the state-family relationship (see Martindale, 1890).

appointment of juvenile officers in all juvenile cases was authorized in 1891 (Tanenhaus, 2004). Probation was a mechanism through which delinquent boys were released to the Children's Aid Society, or other private agencies, to place in appropriate homes or institutions. Unlike the Illinois reform school act which gave the institutions legal guardianship, the Massachusetts system was administered informally and without altering legal responsibility for the child (Folks, 1907). The use of juvenile probation officers expanded across the nation in the 1890s. At Flower's request and through her work, the Woman's Club began hearing reports on juvenile probation in late 1898 (Frank & Jerome, 1916).

The appointment of probation officers in the Juvenile Court is the feature of the Act that most implicates the development of the profession of social work—even though no provision to pay these officers was made in the original act (Peters, 2011). Volunteers had been doing legally unrecognized probation work in various police districts in Chicago for several years before the passage of the Act, and the new law authorized them as agents of the Court and cloaked the probation officer in legal authority (Chicago Daily Tribune, 1899). These state-sanctioned probation officers would become vehicles for the latest thinking in social welfare intervention, and as the Juvenile Court matured the increasing need for an educated, professional probation workforce position probation training as one of the centerpieces in the growth of social work education in Chicago.

The Act granted the Court authority to “appoint or designate one or more discreet persons of good character to serve as probation officers” (Illinois Juvenile Court Act of 1899 §6). The duties of those probation officers were “to make such investigation as may be required by the court; to be present in court in order to represent the interests of the child when the case is heard; to furnish the court such information and assistance as the judge may require; and to take such charge of any child before and after trial as may be directed by the court” (Ibid.). Though the

authority of social welfare workers or institutions to take charge of delinquent or dependent children was quite similar to the place of the reform school, that authority was expanded to other interested persons and institutions within the act. Similarly, the investigatory, information, and assistance roles of the probation officer codified the existing public-private partnerships that allowed some private agencies to work with police forces to investigate and arrest abusive parents and juvenile delinquents (Grossberg, 2002; Martindale, 1890). Illustrating the treatment roles of probation officers and the Court, Chief Judge Julian Mack stated the responsibility of the Court

to find out what [the juvenile delinquent] is physically, mentally, and morally, and then if ... [the Court] learns he is treading the path that leads to criminality, to take him in charge, not so much to punish as to reform, not to degrade but to uplift, not to crush but to develop, not to make him a criminal but a worthy citizen.

(quoted in Forst & Blomquist, 1990, p. 325). Stated more succinctly by Judge H.B. Hurd, “[p]robation officers should appeal to the aspirations of the child and not its fears” (Chicago Daily Tribune, 1900. p. 1).

In the coming years, these probation officers were to become important features of Juvenile Court—taking on many of the investigative, custodial, and therapeutic roles eventually characteristically associated with child welfare social workers (Tanenhaus, 2004). As probation officers became increasingly professionalized in the Chicago Juvenile Court, these necessity for trained, competent officers to perform these duties strengthened the market for social work education. Probation officers were responsible for investigating complaints against children and families that were made by neighbors. They were expected to thoroughly know the communities in which they worked. Along with the facts of the case, they would assess the home environment and the child’s parents. The probation officer had the responsibility to determine whether to bring a case before the Court or not. Often times this included some informal arbitration between

parties as a court diversion—and a probation officer would fill an enforcement roll in ensuring that the dispute was resolved. Probation officers would also be responsible for molding juveniles who had been found to be delinquent during the period of their suspended sentence. This required frequent visits with the child and the family, and the good moral example from the probation officer (Breckenridge, 1916). Probation officers would meet with their wards weekly, often using one of the settlement houses in Chicago as a meeting point (Frank & Jerome, 1916). The probation officer was also responsible for brokering placements for dependents and delinquents in foster homes or institutions, and ensuring that the children were transported to the placement. Probation officers served summons for Juvenile Court cases. Finally, the Court required a child's probation officer to be present at all hearings and represent the child's interest before the Court (Breckenridge, 1916).<sup>4</sup>

There was no initial budget in the original Act to pay for staff, building upkeep, and materials. The only way to pay the probation officers was through outside organization, and Flower recalled that “[a]s soon as bill passed I took responsibility of asking Mrs. [Alzina]

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<sup>4</sup> A brief review of the reported cases from across the United States valuably illustrates of these kinds of tasks that probation officers were engaged in within the context of juvenile courts, including acting as custodian to delinquent or dependent children on order of the court (*Ex parte Mould*, 162 Mich. 1 (1910)); bringing underlying complaints to the court (*Cunningham v. People*, 210 Ill. 410 (1904)); acting as an independent investigator and fact finder on behalf of the court (*Clinque v. Boyd*, 99 Conn. 70 (1923)); combining an initial investigatory role with a complaintmaking and adjudicatory function (*State ex rel Bannister v. Norris*, 144 La. 895 (1919)); arbitrator (*Kurtz v. Christensen*, 61 Utah 1 (1922)); child representative before the court (*State ex rel. Corella v. Pence*, 303 Mo. 598 (1924)); compelling the appearances of parents and youth before the court (*Martin v. Vincent*, 34 Idaho 432 (1921)); and acting as pension agents for mothers (*People ex rel Gauss v. Chicago, B. & Q.R. Co.*, 273 Ill. 110 (1916)). And finally, there is some indications of the transformation of the office of probation officer from amateur, volunteer, and charitable, into a state-funded government office (See, e.g., *Poindexter v. Pettis County*, 295 Mo. 629 (1922) (discussing the appointment of a public superintendent of public welfare, whose duties include that of probation officer); *Moore v. Williams*, 19 Cal.App. 600 (1912) (discussing the hiring and salaries of assistant probation officers); *Sullins v. State*, 33 Okla. 526 (1912) (reviewing the qualifications of probation officers and the processes through which they are appointed); and *In re Juvenile Court, No. 7943*, 21 Pa.D. 535 (1912) (expressing the idea that probation officers are in possession of institutional knowledge of the court and the wards, and that probation officers can be considered experts in providing assistance to other agencies providing social services)). Also remarkable is that the institution of the juvenile probation officer was distributed across the United States by 1925, and those probation officers were active enough to merit mention in published case law (for examples of the geographic distribution, see, *State ex rel. Dew v. Trimble*, 306 Mo. 657 (1924); *Petition of Wolff*, 183 Cal. 602 (1920); *State v. Zirbel*, 171 Wis. 498 (1920); *Orr v. State*, 70 Ind.App. 242 (1919); *Ex parte Bartee*, 76 Tex.Crim. 285 (1915); *In re Wolf's Estate*, 58 Pa.Super. 260 (1914); *Rooks v. Tindall*, 138 Ga. 863 (1912); and *Cunningham v. People*, 210 Ill. 410 (1904)).

Stevens at Hull House who had been acting as a sort of probationer at a police [court] near Hull House” (Flower, 1917). Stevens, a Hull House resident, had been working informally as a probation officer at the Maxwell Street Police Station, and was appointed as one of the first probation officers. At Flower’s request, the Woman’s Club started paying Stevens’s salary in October 1899 (Frank & Jerome, 1916).

Because of this lack of funding, Flower recognized the tenuous place of the Juvenile Court. Flower frequented the Court and had ample opportunity to observe its operations. In the first days of the Court, Judge Tuthill often asked Flower to sit with him on the bench and help him to think through the complicated situations that were brought before him (Farwell, 1924). This also gave Flower the opportunity to understand the needs of the Court, and how to support its functioning. She and the Woman’s Club stepped in as a governing and financing body. The Woman’s Club established the Juvenile Court Committee (hereinafter “Committee”) to maintain the Court. Flower asked her friend Julia Lathrop to head that committee. By 1900, Lathrop and Flower had known each other for more than a decade, and had worked hard together to ensure the emergence of the Juvenile Court (Tanenhaus, 2002).

#### B. Julia Lathrop and the Juvenile Court Committee

Lathrop was the product of another social reform tradition in the last half of the Nineteenth century. She was born in Illinois. Her mother was a suffragist, and her father, an abolitionist, was an attorney who encouraged the first female lawyer in Illinois to read law in his office (Stivers, 2002). Lathrop’s father also served in Congress and the Illinois legislature—and was a Springfield contemporary and friend of Jane Addams’s father, who was a long-serving state senator (Sklar, 1985). After her graduation from Vassar, Lathrop read law and worked in

her father's office between 1880 and 1890, before moving to Chicago to live at Hull House (Stivers, 2002).

Hull House was founded in 1889 as a settlement for university women. At the time that Lathrop and Flower were advocating for juvenile court legislation, Hull House had already established itself as a political force.<sup>5</sup> Addams saw the settlement as a way to achieve actual social democracy. From the beginning of her time at Hull House, Lathrop was interested in social welfare, social reform, and a scientific investigation of social welfare conditions, and she was able to bring on-the-ground experience into her work with the Juvenile Court and, later, social work educational enterprises (Leiby, 1978). Lathrop became a volunteer visitor for the Cook County public relief office in the area surrounding Hull House. This brought her into the home environment of many of her neighbors where she was able to observe impoverished conditions first hand. She was also able to observe visitors from private charities—including the local charity organization society—and the limits of both private and government action. Lathrop also drew a distinction between the kinds of visiting that she did, in the context of her residential proximity to those that she was serving and her lack of an overtly religious orientation, and the other friendly visitors who came into the neighborhood from wealthier parts of town, often with a moral agenda. In this volunteer visitor role, Lathrop was actively engaged in home visiting and relief determination (Stivers, 2002).

Lathrop was appointed to the Illinois State Board of Charities by Governor John P. Altgeld in 1893 (Tanenhaus, 2002). The Board of Charities supervised state institutions,

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<sup>5</sup> The relationship between Hull House and the Woman's Club was not limited to the friendship and public advocacy of Lathrop and Flower. Florence Kelly, another Hull House resident and future chief factory inspector of Illinois,<sup>5</sup> worked tightly with the Woman's Club on women's and child labor issues—receiving both political and financial support from the Club. It was Kelly's push for these reforms in 1892 that helped to establish Hull House as an active and effective mobilizer for legislative change—and, in particular, gave reform minded women a “social vehicle for independent political action and a means of bypassing the control of male associations and institutions ... at the same time they had a strong institutional framework in which they could meet with other reformers, both men and women.” (Sklar, 1985, p. 670).

including poorhouses, and Lathrop took her position seriously—visiting all 102 state institutions during her tenure. Her experience reinforced her commitment to reform, and to scientific charity, and likely brought her into contact with children in reform schools, jails, and prisons. During her work on the Board of Charities, Lathrop grew increasingly suspicious of systems of political patronage through which many of the employees of these public charities were appointed (Stivers, 2002). Using her position on the Board of Charities, Lathrop, with Flower's help, made the theme of the two-day Board of Charities conference in 1898 "The Children of the State." Lathrop used this conference as a way to collect and solidify support among charitable organizations for the idea of a juvenile court in Chicago (Tanenhaus, 2002). This conference also stated plainly the underlying philosophy of juvenile courts:

If the child is the material out of which men and women are made,  
the neglected child is the material out of which paupers and  
criminals are made ...

(Board of State Commissioners, quoted in Fox, 1970, p. 1193). This philosophy of intervention, rooted in *parens patriae* (Fox, 1970), also articulated the transformative possibilities of social intervention in changing the course of the dependent or delinquent child's life.

These experiences not only informed Lathrop's campaign for the establishment of the Juvenile Court, but also informed her work in administratively supporting the Juvenile Court as the head of Flower's Committee. Under Lathrop's guidance, the Committee was intimately involved in the daily tasks of the Court (Tanenhaus, 2004). The Committee supervised the probation officers and paid their salaries for almost a decade before Cook County assumed the responsibility (Stivers, 2002). The Committee also appointed the first chief probation officer for the Juvenile Court, Chicago Visitation and Aid Society's Timothy Hurley, who was among the first advocates of a juvenile court in the early 1890s (Tanenhaus, 2002). In the first year of the Juvenile Court, there were ninety-four probation officers. However, of those only seven worked

full time—six paid by private charities and one, an African American woman named Elizabeth McDonald, as a full-time volunteer (Clarke, 1900). Flower noted that, with the exception of McDonald, “[v]olunteers do some work, but with one or two exceptions, cannot be depended upon” (Flower, 1901). Three full-time probation officers were also settlement house residents—Stevens, from Hull House, and Mary Sly and Edna Sheldrake of the Northwestern University Settlement (Anderson, 1988).

There was a lot for Lathrop to consider in the appointments of probation officers. There was an intellectual separation between the tasks that were to be performed by probation officers and those that were to be performed by regular police officers. As Judge Julian Mack later said,

the aim of the court, in appointing a probation officer for the child, is not so much to have the child or the parents feel the power of the state but to have the child and the parents feel the friendly interest of the state, to have them realize that the aim of the court is to help them to train that child right; and so the probation officers must be selected along these lines, men and women who are fitted for these tasks.

(Mack, 1907, p. 15). This separation between the rehabilitation emphasis of the probation program and the crime and punishment function of the police officer was important in distancing the Juvenile Court from the criminal court—an important feature that distinguished juvenile courts in those states that followed the Illinois model (equitable jurisdiction for juvenile courts) as opposed to the New York model (juvenile courts retaining criminal jurisdiction). Additionally, this difference emphasized that a different kind of training was required for the kind of probation officer that the Juvenile Court Committee envisioned. Though the original Act did not contain a prohibition on the separation of police and probation activities, the nature of the statute suggested such a separation, as did the statutorily voluntary nature of the first Illinois probation officers. Although lack of pay for probation officers in the original Act may have been as much a

product of Lathrop's suspicion of patronage appointments as it was about rehabilitative philosophy (Tanenhaus, 2004).

Originally, the Juvenile Court Committee was able to raise enough money to pay for five probation officers, and that was expanded to about two dozen over five years (Flynn, 1954). Additionally, the private-sector nature of the first probation officers allowed the Juvenile Court to engage with charities already providing important services—different charity and aid societies assigned salaried employees to the Juvenile Court to serve as probation officers—but also to affirmatively train a cadre of interested individuals in scientific charity (Folks, 1907). One of the missions of the Juvenile Court Committee was to “employ full-time probation officers to refine techniques, develop training methods, and set standards” (Anderson, 1988, p. 122).

In the first years of the Juvenile Court, drawing probation officers from local private charities created a barrier to the expansion of the program as probation officer caseloads rapidly expanded. This was a potential problem that was recognized as early as 1900, when Edith Clarke,<sup>6</sup> a sociologist living at Chicago Commons and studying the problem of juvenile delinquency, remarked that “[t]he most important officers of the Juvenile Court are the active general probation officers. There are only six of these. They are either volunteers or, if paid, are paid from private resources. In this respect, the Court is at a disadvantage” (Clarke, 1900, p. 28). Judge Richard Tuthill, frustrated with the limitations of the current group of probation officers, sought Mayor Carter Harrison's help in staffing the probation department. The men arrived at an agreement where thirty City of Chicago Police Department officers, and a lawyer from the city law department were detailed to act as probation officers. These men set aside the trappings of

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<sup>6</sup> Clarke spent five months at Chicago Commons on a scholarship from the Students Christian Association of Ann Arbor, Michigan. With the assistance of Graham Taylor, who supervised and thoroughly reviewed her research, Clarke produced a report, *Juvenile Delinquency and Dependency*, which focused, in part, on the early work of the Juvenile Court.

their offices, were relieved of police duties, and worked in civilian clothing and under the rules of the Juvenile Court's rehabilitate mission—the only significance of their police status being that they were paid by the City of Chicago (Breckenridge, 1916). The existence of these City probation officers acting along side county probation officers highlighted the public-private tensions in the Court, and the actual work done by these police probation officers illustrated a gap between the ideals of law enforcement and the ideals of Progressives invested in the Court (Peters, 2011).

Lathrop understood that a mostly volunteer force of officers supplemented by former police officers substantially limited the functioning of the Court, noting that, “[t]he efficacy of the law depends on the efficiency of the probation officers, and at present these officers must be either policemen or unpaid volunteers or paid volunteers. The work in the long run must depend upon paid volunteers.” (Frank & Jerome, 1916, p. 190). Thus, she was concerned not only with the number of available probation officers, but the quality of service that was provided by those individuals (Anderson, 1988). Facing officers with caseloads of 50–150 juveniles, Lathrop also recognized the limits of the intervening authority of the Court. The Chicago Daily Tribune editorial board also noted the large caseloads of juvenile probation officers and argued that it was “absurd on the face of it that officers of the law should be supported by private subscription” (Chicago Daily Tribune, 1902, p. 16).

Instead of co-opting existing public officials, Lathrop took a different tack. Remaining suspicious of the Cook County patronage system and not wanting unqualified patronage appointees acting as probation officers, Lathrop sought to administer merit-based examinations to potential probation officers through the Civil Service Commission, and to require that the Court appoint officers scoring highest on that exam (Tanenhaus, 2004). The first civil-service

appointment was of Henry Thurston as Chief Probation Officer in 1905<sup>7</sup> (Chicago Daily Tribune, 1905). That same year, a bill allowing for county funding and civil service examinations for probation officers was passed. This was a major stride forward for the professionalization of the probation officer—the civil service exam requirements that only the highest scoring individuals be appointed ensured a cadre of probation officers educated in social work (Tanenhaus, 2004).

Judge Mack remarked about the transition to a more professional probation staff:

In Chicago we have, after six years, succeeded in getting probation officers appointed and paid by the county. Heretofore private charity had employed these probation officers. Now the county employs thirty of them and the city gives us the help of thirty policemen, who go without uniform, and who through long service have become as efficient in many instances as the regular probation officers. Their aim is to help. In the first place ... they investigate the cases before they are brought into court, so that when the child comes into court and the inquiry is, as I said before, not ‘has Johnny Brown done some particular wrong?’ but, ‘What is this boy, what is his life, what are his surroundings, what is his development, and how best can he be dealt with by the state for his own good and the good of the state?’ the probation officer who has made the investigation is able to furnish the court with information upon which it can act judiciously.

(Mack, 1907, p. 15).

In spite of Mack’s recognition that many of the police officers “have become as efficient” as regular probation officers, there were stark and enduring differences between the styles of probation officers employed by the Court. There was a particularly clear dividing line drawn between the privately-supported probation officers and the publically supported former police officers. This distinction would later become institutionalized as more formal training was required for probation officers. While the police probation officers in the early Juvenile Court were all men, the privately-supported probation officers were typically women. Moreover, the police probation officers typically refused to perform social investigations, instead focusing on

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<sup>7</sup> Jane Addams was appointed as one of the commissioners who prepared and graded that examination.

functions more typical to police officers such as arresting offenders and swearing out complaints. The privately supported or volunteer probation officers were often much more focused on the social environment of the juveniles (Peters, 2011).

Take, for example, two theft cases with teenage defendants that came before the Court in October 1906. One was handled by a female privately-funded probation officer and one by a police probation officer. The former police officer's description of the crime and the defendant is terse, focused on the description of the crime, and contains no information about the social conditions in which the defendant lived (Case No. 21679, 1906). The female probation officer, on the other hand, describes at length the home life of the defendant. The probation officer spoke to the defendant's teacher and informs the Court about the defendant's school performance. There is little description of the crime, and the substantial focus of the report is on the social conditions of the defendant (Case No. 21677, 1906). In another set of examples from October 1906, there are two young children for whom petitions have been filed alleging the lack of sufficient parental care. The police probation officer describes where the child lives and with whom, concluding with the commentary that "[w]oman unscrupulous & vicious" (Case No. 21671, 1906). The trained officer again includes substantially more description of the character of the caregivers and the conditions of their living arrangements, along with a brief description of family life (Case No. 21652). These four cases are representative of the forty-seven cases from 1906 that were reviewed for this project.<sup>8</sup> Cases staffed by privately-funded or volunteer

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<sup>8</sup> In all 187 cases were reviewed from 1899, 1906, and 1909. These cases were analyzed for tone and content, demographics of the juveniles and probation officers, as well as outcomes of the cases.

A systematic review of the early Juvenile Court cases is no longer possible as many of the archived records were damaged or lost in a fire at the Cook County Administration Building on October 17, 2003. Consequently, not all years in the first fifteen years of the court are represented, and the years that are represented are incomplete.

probation officers were, on average longer, and presented more nuance and contextualization when compared to those supervised by police probation officers.<sup>9</sup>

The civil service requirement passed in 1905 encouraged trained, educated people to be appointed as probation officers as a way to more thoroughly integrate a particular philosophy of intervention into the work of the Juvenile Court. The demand for training created a market for a professional school to prepare students for the civil service exam. It was the problem of education for social welfare workers that aligned Lathrop's interests with those of another settlement-house worker, Graham Taylor. By 1909, almost half of the full time Juvenile Court probation officers employed by Cook County had training from the Taylor's Chicago School (Chicago School, 1913). As this educated force of probation officers started being built up, the Committee was able to withdraw its financial and administrative support from the Court, fully turning its administration over to the County by 1907 (Flynn, 1954).<sup>10</sup>

### C. Graham Taylor and the Education of the Social Worker

Like Flower, Taylor was also a product of the Protestant tradition of social reform. The son of a Dutch Reform minister, Taylor followed in his fathers footsteps and became a pastor. Between 1880 and 1892, Taylor saw first hand the depressed conditions of family life in an impoverished inner city as a pastor in Hartford, Connecticut. Taylor came to Chicago in 1892 as

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<sup>9</sup> These lines were not perfectly clear. Some former police officers became able probation officers. And within the ranks of the of the privately-funded and volunteer probation officers there was substantial tension between the Catholic philosophy of social intervention, favoring more institutionalization, and the Progressive philosophy of social intervention (Anderson, 1988).

<sup>10</sup> At which time the Juvenile Court Committee was merged into the Juvenile Protective Association of Chicago, a group dedicated to home visiting and the prevention of delinquency and dependency (Anderson, 1988). "Instead of supporting *probation* officers to look after children who are *already* in the care of the court, it now spends some \$25,000 a year on *protective* officers, who have it for their ultimate object to prevent children from *getting into* the care of the court." (Frank & Jerome, 1916, p. 193).

a professor for the Chicago Theological Seminary to develop a department of Christian sociology (Taylor, 1954). Inspired by other settlement houses of the time, but also by the Protestant missionary tradition, Taylor founded Chicago Commons in 1894 (Leiby, 1978; Taylor, 1954). Chicago Commons provided family-based educational programming designed to bring parents and children together to learn and play. Soon after Chicago Commons began, Taylor began to consider the problem of the educating social service workers. In 1895, he began the Chicago Commons School of Social Economics, a series of lectures and summer institute that brought together people interested in social problems in Chicago (Taylor, 1954). Taylor was friends with Jane Addams and had an association with Hull House housed the social economics lectures after they outgrew the space at Chicago Commons (Harder, 1984).

Taylor actively sought out opportunities to teach scientific social intervention. He was invited to join the Sociology Department of the University of Chicago in 1902, but hesitated in concern that his university work would draw him too far away from his on-the-ground settlement work. He wrote to then University President William R. Harper,

[a]s the principal advantage of my service at the University probably lies in the opportunity afforded by connection with the social settlement work at Chicago Commons and elsewhere, for social research, and for the students' first-hand observation and study of social life and movements, not only shall time and effort thus employed by accounted an essential part of my University service but I shall be free and unrestricted, as heretofore, to live and work in the commonly recognized social settlement and sphere.

(Taylor, 1902). Taylor held his appointment as a lecturer with the University for three academic years, balancing his work in Hyde Park with his commitments to the Chicago Theological Seminary, his social work education pursuits, and his work at Chicago Commons (Wade, 1964).

As the years went by, however, Taylor sought to create a more structured course of study. By 1903, this led to the development of the Social Science Center for Practical Training in

Philanthropic and Social Work. Among the first classes offered by Taylor's Social Science Center in the fall of 1903 was "Dependency and Preventive Agencies."<sup>11</sup> In the winter of 1904, "Personal, Institutional, and Public Efforts for Dependents" was offered. During the 1903–04 school year, lecturers included Judge Julian Mack of the Juvenile Court; Hastings Hart<sup>12</sup> of the Children's Home and Aid Society; and Julia Lathrop. These classes were taught at the downtown campus of the University of Chicago (Harder, 1984).

Taylor had significant difficulties establishing a school which was able to maintain a continuing course of study. The successor to the Social Science Center was the Institute of Social Science and the Arts ("Institute"), which again billed itself as "training for philanthropic and social work" (Institute, 1904, p. 1). The Institute was founded, in part, with a specific mission to train juvenile probation officers (Anderson, 1988). Taylor courted Lathrop to be on the governing board of the school, writing to her that "I am convinced that the development of our Institute depends more upon you than upon anyone else who shares my own interest and hope for it" (Taylor, 1907). Lathrop agreed to serve on the board.

The Institute was an extension of University College at the University of Chicago, and was located in the Loop in Downtown Chicago. Tuition was \$5.00 for a 24-lecture course (Institute, 1904). The Institute offered courses taught by Hart on the care of delinquent and dependent children in 1904 and 1905, as well as supplementary lectures outplacements for dependent children by Martha Falconer, a Juvenile Court probation officer (Institute, 1904; Institute, 1905). In 1906, the course on the care of dependents and delinquents was taken over by Lathrop, while Hart and Thurston began a course on child helping agencies and institutions

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<sup>11</sup> Harder notes that the class was attended by twelve students, "all of whom were practicing social workers" (Harder, 1984, p. 5).

<sup>12</sup> Hart went on to become the Director of the Department of Child Helping at the Russell Sage Foundation.

(Institute, 1906). In the final year of the Institute, Thurston again taught a class dedicated to juvenile delinquency (Institute, 1907).

After various twists, turns, and rebrandings, Taylor was able to establish a more formal, and permanent, course of social work study in the Chicago School.<sup>13</sup> A brief look at the first two years of the Chicago School's history indicates a close and continuing relationship with the Juvenile Court and many of the influential personalities involved in the care of delinquent and dependent children. When the Chicago School began offering classes in 1908, two of its eight stated aims were "... reformatory, child helping ..." and "[j]uvenile court probation work..." (Chicago School, 1908, p. 11). These aims were well represented in its governing board and academic staff. Lathrop and Mack were both listed as being members of the Executive Committee and the Board of Trustees of the school. Along with Lathrop and Mack, the Juvenile Court also provided the Chicago School with several other lecturers, including Judge Richard Tuthill, and probation officers Henry Thurston, Emma Quinlan, and Harry Smoot<sup>14</sup> (Chicago School, 1908). In 1910, the new Chief Judge and Chief Probation Officer of the Court, Merritt Pinckney and Frank Witter, respectively, were listed as special lecturers, as was Thurston, who returned to his old position as superintendent of the Children's Home and Aid Society, and Victor von Borosini, of the Juvenile Protective League (Chicago School, 1909).

In 1909, entire courses were offered on child-helping agencies and juvenile delinquency (Chicago School, 1908). In 1910, a course, taught by Thurston, was offered on the public care of children. The course description for the public care of children noted that it included instruction

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<sup>13</sup> Even upon the establishment of the Chicago School, the continuance of social work education in Chicago was not guaranteed. Until the school became a department of the University of Chicago, through the work of Taylor and his good friend Julius Rosenwald, maintaining adequate funding was an ongoing challenge for Taylor—and often the school was maintained at Taylor's expense (Taylor, 1919).

<sup>14</sup> Moreover, Taylor, Lathrop, and Mack, along with Edith Abbott, social researcher and future Dean of the University of Chicago School of Social Service Administration; Sophonisba Breckinridge, attorney and future author of *The Delinquent Child and the Home*; Rev. J.C. Quille, Superintendent of the Working Boys' Home; and Lilburn Merrill, Probation Officer, Juvenile Court of Denver, Colorado, were all listed as lecturers for the school.

in delinquent children, the juvenile court, and the work of the probation officer, and was intended to prepare students for “civil service examinations for probation and truant officers and attendants and supervisors for institutions for delinquents[]” (Chicago School, 1909, p. 21). Though the interrelationship between the social work education and the Juvenile Court predated the civil service exam, from the inception of the Chicago School, training Court workers with an eye to that exam was a fundamental goal of the school.

In addition to educating students in social thought, the Chicago School actively promoted social research. From before the date of its inception, the school, with funding from the Russell Sage Foundation, led by Breckinridge, was conducting research on the Juvenile Court, seeking to find the causes of juvenile delinquency and the best methods for probation. In the course of this research, Breckinridge and her researchers reviewed case files for the entire caseload of the juvenile court. In fact, Lathrop, in the second meeting of the Board of Trustees of the Chicago School, reported on the progress of Breckinridge’s investigation into juvenile delinquency and the Juvenile Court (Chicago School Administrative Records, n.d.). Interestingly, the researchers were

commissioned by the Judge of the Court, Honorable Richard S. Tuthill, as probation officers for the purpose of the inquiry; first, because the inquiry was for the public good; second, because upon the reports secured it was possible to complete the records in the cases and to recommend an honorable discharge from probation in suitable instances[]

(Chicago School, 1908, p. 34).<sup>15</sup> Also of note is that two investigators for that study left to become probation officers in the Juvenile Court, and another went to work in a home for delinquent girls (Chicago School, 1908).

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<sup>15</sup> This study was to become part of Sophonisba Breckinridge 1910 volumes *The Delinquent Child and the Home* and *The Delinquent Child and the Court*, and Breckinridge was to succeed Edith Abbott as the school’s director of research in 1910 (Chicago School, 1909; Breckinridge, 1916).

The Juvenile Court wanted probation officers with practical and technical training. In 1908, three Chicago School students went to work for the Court as probation officers, but two positions remained open because “[i]t has been impossible for us to find trained workers whom we could recommend as capable to meet the demands of these unfilled positions” (Chicago School Administrative Records, 1908, p. 1). The Chicago School proclaimed, in its announcement for the 1910–1911 school year, that:

Trustees of social institutions no longer feel privileged to spend the public’s funds for training raw recruits to their staffs where skilled, well-trained workers can be secured from a School of Philanthropy.

Candidates for or those already in social work, volunteer or other, who wish their life effort to count for the most, or to rise in the profession recognize more and more that enthusiasm to be worth while must be directed and reinforced by knowledge of the principles and economies of methods accepted in the most modern social practice.

(Chicago School, 1910, p. 3). Highlighted among the available jobs was that of juvenile probation officer. (Chicago School, 1910).

Early students at the Chicago School included a substantial number of probation officers, as well as those students who went on to become probation officers (Chicago School, 1909). In 1909, three out of the first fourteen graduates of the school immediately went to work with the Juvenile Court. Another five probation officers, including the Assistant Chief Probation Officer in Chicago, graduated in the first four years of the school. While the juvenile probation office was staffed with a proportionally large number of Chicago School graduates, the reach of the school into the juvenile probation was substantially larger when considering the number of non-graduating students of the school and its predecessors who were probation officers—an additional thirty-two Juvenile Court probation officers attended some coursework at the Chicago School between 1909 and 1913. In the 1909–1910 school year there were 177 students in

attendance at the Chicago School, and of those twenty one were Juvenile Court probation officers, and the student roster also included the Juvenile Court based teacher and John J. McManaman, the Court attorney. The Chicago School also educated a number of juvenile court probation officers from around the country—from Cleveland, Ohio to Seattle, Washington—who returned to re-engage in probation work (Chicago School, 1913).

The impact of the Chicago School on the Juvenile Court workforce was explained by Juvenile Court Judge Victor P. Arnold, who took the Juvenile Court bench in 1916:

I find about 40 per cent of the women probation officers of [the Juvenile] Court have taken courses in the [Chicago] School. My experience has steadily been that those coming to the Court from this School to serve as probation officers are the most capable and best qualified to meet the various demands upon them. It was interesting to me to note that in a recent examination held, the 31 per cent of the candidates at the top of the list were either graduates of the School or had received training there. Because of its relation to this Court and the great advantage to the community in being able to secure workers especially trained as they are at this School, its good work should by all means be continued. I cannot tell you how much I am interested in the School and what I think of the value of its work to this community.

(Chicago School Administrative Records, n.d., p. 2).

## **II. Space and Professionalization**

The inclusion of the probation officer in the Act created an institution that evolved throughout the first decade of the 1900s. The probation officer combined two distinct strands of Progressive reform in the last half of the Nineteenth century—criminal justice reform and the concerns with the wellbeing of children—and in a similar way the Juvenile Court served as an institution that gathered many groups of reformers. The probation officer also served as a useful target for other social reforms, from ensuring that social services were delivered by experts to

grappling with government corruption to bridging the public-private divide in social service provision. With the probation officer an institution was created that tied together judicial authority and social intervention, creating one fertile field for social work professionalization.

In many ways, there was nothing particularly unique or innovative about the legal theory or philosophies of social intervention of the Juvenile Court at its inception. The legal underpinnings that justified intervention, such as *parens patriae* and even, to an extent, equitable jurisdiction, and legal intervention techniques such as probation, reform schools, and out-of-home placement were well established by the end of the Nineteenth century. Similarly, social welfare organizations had been actively involved in child welfare and the rehabilitation of juvenile delinquents for some time before 1899. This does not diminish the importance of the Court, however. The Juvenile Court represented a codification of Progressive ideals in an institution that also served to protect and give authority to those ideals (Sutton, 1985). Judge Mack, in speaking about the Court said,

the problems involved are problems of philanthropy and it is therefore absolutely essential that the judge administering these functions should be, or at least become, a student of the current problems of philanthropy. ... In other words, he must be not merely a student of law, but he *must* be a student of philanthropy.

(emphasis in original) (Mack, 1907, p. 10–11).

The boundaries that were established for social welfare workers in the Act delineated space in which social service workers could operate under the color of legal authority, and acted to align legal interests with social service interests (Abbott, 1995; Sutton, 1985). This centralized protected space gave child welfare entrepreneurs room to tie together the disparate strands of portions of the child-saving movement, and contrast the ideology of their work against those of police and corrections, and other groups doing social welfare work. The Act legitimated these activities, and legitimated the workers as officers of the court. More importantly, in this respect,

the Court eventually established, or, rather, acquiesced to, standards of practice for probation officers that acted to differentiate them from other kinds of state and private child welfare actors (Abbott, 1995). And we saw that process occur over the first decade of the Illinois Juvenile Court.

Practical realities in the first decade of the juvenile court put pressure on the court and its supporters to transition the front-line court workers from a loosely affiliated group of private individuals to a cadre of skilled, educated, state-supported officials. This change was driven in part by the limits to a privately-funded and volunteer workforce. Not to be overlooked, however, is the authority with which the Act draped probation officers, and its role in shaping the educational requirements of probation officers. Though social service workers were, prior to 1899, doing many tasks that resembled those that the Act authorized probation officers to do, the legitimacy of those actions was tenuous and often questioned. In the early days of the court the services were not yet fully integrated, and public-private partnerships remained essential to court functioning, nevertheless, the court served as organizer for children's services. In this context and over the court's first decade, probation officers increasingly became child welfare experts. They were able to build on the state sanctioning given to them in the Act by gaining authority on their own—through their work in the communities and their participation in education activities. Probation officers were the implementing force of Lucy Flower and Julia Lathrop's vision for the juvenile court in Illinois.

In the first years of the juvenile court, there was a great deal of experimentation done in figuring out how a probation officer was to do his or her job. At the inception of the court, there was no practice theory for juvenile probation officers (Peters, 2011). The juvenile court and probation projects gathered many strands of the various social movements in the early Twentieth century—from civic-minded philanthropists to religiously motivated child savers to Progressive

settlement house workers—and gave them a locus through which to act out their ideals. The social welfare environment in the City of Chicago facilitated the development of probation standards and practices. Probation developed informally through the interrelationship of civic and settlement organizations involved in the juvenile court and the time that was dedicated to fostering probation. The number of settlement workers employed as full-time probation officers and the importance of those settlements in fostering interrelationships between probation officers assisted in developing the practice of probation. Many of the same individuals participating in the informal development of probation were also deeply involved in Graham Taylor's project to formalize the education of probation officers and other people engaged in social welfare work. Probation work, however, was different than most occupations within this constellation of social welfare because of its explicit state sanctioning (and, eventually, public funding and screening of candidates for the office), creating a unique market for social work education that was filled through the Institute and the Chicago School.

### **III. Conclusion**

The history of social work and the Juvenile Court from 1899 to 1909 demonstrates the complex social, political, bureaucratic, and institutional interactions that took place between and among social welfare groups and government as government actors began to assert responsibility for social intervention. In particular, the statutory institution of the probation officer developed into a prominent beachhead through which established social welfare groups could shape the philosophy and tactics of government intervention, and, in turn, assert a unique professional identity. Illinois juvenile court probation officers served an important role in the professional development of social work. They were among the first groups of state-sanctioned, publically

funded social welfare workers who were educated in the science of social intervention. One reason that this development was able to take place was the space for professionalization that was created by including probation officers in the Act. But it was not simply a natural conclusion that probation officers would professionalize—it happened through the work of social service pioneers like Julia Lathrop and Graham Taylor who saw opportunities in that available space to create the modern, scientific social service professional.

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