

The provisions of the Juvenile Delinquents Act may be put in force in any province by proclamation, after that province has passed an Act providing for the establishment of juvenile courts or the designation of any existing courts as juvenile courts, and has provided detention homes for children. Provision is also made to secure the benefits of the Federal Act for any specific city, town or area in any province in which legislation has not been enacted as a provincial measure. In this case, it is necessary for the Government of Canada to designate some judge or magistrate presiding over a provincial court to be the juvenile court judge.

Juvenile courts differ from other courts in many respects. The procedure of the juvenile court is informal and more in the nature of a social clinic, though it does not lack dignity. Children are dealt with separately from adults. Their cases are heard at different times and preferably in a different place. The child, his parent or guardian, and the probation officer or social worker are the only persons present. The press is excluded and may not use the name of the child in reporting the offence.

A preliminary investigation of the child's case is made and the information with the complete social data should be in the hands of the judge hearing the case. The place of detention should be in a building separate from one where adult criminals are housed and must be suitable for children.

Probation is the very essence of juvenile court treatment. It entails a study of the individual in his own environment with a view to ascertaining the causes of his anti-social conduct and in the light of these to readjusting him in society. It may be, of course, that it is the environment that needs to be changed. Through probation officers, who should be specially trained for their work, the court can keep in constant touch with the child who has appeared before it. If probation officers are not appointed, a voluntary committee of interested citizens should be available to assist the court.

Taking children from their parents is avoided whenever possible. However, children needing institutional care are sent to training schools or specialized institutions for further education and training rather than to prisons. In the treatment of juvenile offenders provision exists for the trial and punishment of parents, guardians or other adults who have contributed to a child's delinquency, directly or indirectly.

The qualifications of the judge who hears juvenile cases have more to do with the success or failure of the work than any other single factor. It is imperative that, as well as having legal knowledge, he or she be a socially minded person, sympathetic to the principles underlying juvenile court law, with a flexible attitude so necessary in this work, and that his or her personality be such as to win the confidence of the child. It is preferable that the judge give his full time to juvenile court work but, when other duties must be carried, it is important that sufficient time be allowed to keep him in touch with the administrative side of the juvenile work and the work of the probation officers.