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The Courts of Domestic Relations

John W. Calhoun

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THE COURTS OF DOMESTIC RELATIONS.

Courts of Domestic Relations, sometimes called Family Courts, are of recent origin. With the organization of Juvenile Courts some twenty years ago, the judicial branch of government was afforded the opportunity of doing real constructive work. From the beneficial results attending this extension of judicial power, the Courts of Domestic Relations are a perfectly natural evolution.

The Legislature of the State of Missouri, by an act approved March 29, 1921, enacted a law applicable solely to the City of St. Louis, requiring the judges of the Eighth Judicial Circuit to set apart two divisions of the Circuit Court, to be designated for convenience, Divisions One and Two of the Court of Domestic Relations. To these divisions must be assigned for hearing and trial all actions for divorce, separate maintenance, the annulment of marriages, and all proceedings growing out of and dependent thereon; all civil actions relating to the care, custody or control of children, which are not connected or associated with divorce or separate maintenance suits, all causes arising under the Juvenile Court Laws and the Children's Code of this state, and all causes arising under the child labor and compulsory educational laws of the State.

In setting apart these new divisions, the Judges have established rules which present some new and distinct features in the treatment of the divorce problem.

It is provided in exceptional instances that a Judge of such Court may order a case tried in chambers, if he deems it best for the preservation of public decency and morals. This can only be done with the consent of the parties appearing or their attorneys, which must be noted as a matter of record. At such trial only the Judge, the official reporter, the parties and their counsel and only one witness at a time may be present. It will be observed that the clerk of the court and sheriff are not permitted at these hearings. The sheriff is stationed just

outside the entrance to the Judge's chambers to carry into effect the orders of the Judge and to safeguard the privacy of the trial. All proceedings at any such trial are conducted with the same formality and regularity as in open court. It is made the duty of the Judge and of every officer of the court in all cases so tried, to give out no information, interview or report concerning the evidence or proceedings in any cause so heard.

The foregoing rule, although meeting with the almost unanimous favor and support of lawyers, was severely criticized and condemned by the public press, which resented the withholding of any matter deemed by it to be news. However the rule has been strictly adhered to by the Judges of both divisions of the Court and many such hearings have been conducted in chambers. The scandalous disclosures have been kept from the press and the curious, scandal-loving individuals who were in the habit of attending hearings of this character for sordid motives have been eliminated from the divorce courts. The privacy of the hearings, thus assured, has encouraged more frankness and honesty among litigants in disclosing the nature of the perversions and the circumstances responsible for the domestic unhappiness.

It is made the established policy of the Courts of Domestic Relations by the same rule, to enlist the co-operation of the public press to the end that all proceedings therein, be limited to daily reports in a news column devoted to such purpose, giving only names and addresses of the parties and the disposition made in each case. While the public press has cooperated with the Judges of these new Courts in splendid fashion, it has not as yet attempted to so report the news. This is to be regretted, for it is the opinion of the Judges that many divorce cases culminate after the parties read detailed accounts of other divorces. The psychological effect is this: a man or a woman, perhaps a bit discontented, reads an article dealing with a divorce case. Maybe the ground was trifling. The reader, analyzing the situation, argues, "Why

should I be content to remain married when I have the same grounds for divorce that this person had?"

The prime function of the Courts of Domestic Relations is to protect and promote the best interests of the children involved in the matrimonial failures that find their way into Court. In order to properly solve the problem of what will, or will not redound to the ultimate welfare of the children, it is provided by the Judges' rules that in all cases wherein the support or welfare of any minor child, or children, whether natural or adopted by the parties, or either of them shall be involved or concerned, the Judge shall cause an investigation to be made by one of the investigating officers of the Court. These officers are required to make a personal visit to the homes of the respective litigants, and to the home of the child, and to interview any person or inspect any place that might furnish important information toward the proper disposition of the case. These investigators are furnished with printed forms, and are required in all such cases to obtain the following information: The place of residence, color, age, birth-place, education, religious denomination, citizenship, physical and mental conditions of husband and wife; a complete marital history including the date, place, and minister or magistrate who solemnized the marriage; whether a former divorce suit was filed, if so, by whom, before what court such suit was filed and the result of its hearing, as well as a similar history of any prior marriages of either of the parties, including the way in which such former marriage was dissolved; the causes for divorce charged or admitted by the respective parties, whether pleaded, or not pleaded, including sex abnormalities, criminality and drug addiction; a complete history of the economic conditions of the parties, including the occupation, monthly earnings, income from boarders or roomers, income from investments, income from pensions, income from rents, income from relatives and charity, income from other sources, and estimated net worth of real and personal property of both husband and wife; whether husband is supporting family,

and if not, why not; husband's average monthly contribution to family in past years, husband's last contribution to family support, average cost of living of wife and children per month; a complete history of the character of the home, including the number of rooms, number of persons in house, cleanliness, order and sanitation of home, the number and names of relatives living in home, and whether there is any friction between husband and wife and relations, with detailed information of any such friction; a complete history of the age, sex, employment or school, earnings or grade, dependency, neglect or delinquency of children of the marriage in issue or of any children who are the issue of any former marriage of either husband or wife; the name, address and telephone number and date of the interview of every person interrogated by the investigator. Each report is required to be dated and signed by the investigator making the same, and filed in the division wherein the case is pending, at least ten days before the day set for the trial of the cause, and is open to the inspection of counsel for both parties thereto. At the trial of the cause said report cannot be read nor considered by the Court as evidence, but the investigator making the same may be called as a witness by either party, or by the Court, and when so called shall give testimony, under oath and subject to cross-examination, as any other witness, and subject to all the rules of evidence and all objections as to competency, materiality and relevancy of his or her testimony, using said report merely as a memorandum of the witness made at the time for the purpose of refreshing the memory of the witness in so testifying. Each such report is required to be numbered with the same serial number as the cause in which it is made, and after disposition of the cause, must be preserved by the clerk for convenient reference by the Court and counsel, but separate from the files and record of the causes.

The value of having at the disposal of the trial Judge, facts collected by impartial officers of the court after a thorough investigation, cannot be estimated. In a majority of the

cases, the investigation enables the Judges to get at the real cause of the trouble, to ascertain facts not charged in the petition or cross-bill, and not likely to be adduced in the cause of the hearing in court. From such disclosures investigating officers are often enabled to reconcile a couple, and when they do not succeed the Judge is called in, and as a result many reconciliations are brought about in the Judge's chambers.

It is the aim of the Courts of Domestic Relations to preserve the marital status for the benefit of the children involved, and the community. Where the relationship is dissolved every order dealing with the custody of children is most carefully and deliberately entered, and only after an exhaustive investigation by the Court, assisted by competent evidence from the lips of witnesses obtained by these investigating officers, of the future conditions and surroundings of the child, as well as the moral character of the person or persons to whom the child is to be entrusted.

Investigation also prevents the perpetuation of frauds on the court. There is no doubt about the fact that in the past the courts were imposed upon in a great many divorce cases, chiefly because they had no means of investigating the litigants, and the facts alleged. At present only those cases in which children are involved are investigated, but it is the hope of those interested in the new courts, that all divorce cases will be investigated, as soon as appropriation can be had to cover the added expense.

It is further provided by rule that, in each case tried in the Courts of Domestic Relations, whether children are involved or not, the trial Judge shall make or cause to be made, a case memorandum showing in brief statistical form the essential facts in the cause as disclosed by the pleadings and the evidence, including the names, ages, addresses and occupations of the parties; their marital history by dates and places as to the marriage in issue, and all prior marriages of either or both parties; the grounds or causes of separation and divorce

as stated in the petition and cross-bill, if any, and the causes found by the Court to constitute statutory grounds for divorce, if any; the age, sex, address, employment or school, earnings or grade and date as to any neglect or delinquency appearing as to any minor child, or children, of the marriage in issue or of prior marriages of the husband or wife, and in addition any physical, mental or moral condition in either parent or in any child or children which might affect or condition the normal continuance of the family unit. Additional statistical information collected on this case memorandum card includes the date of the trial, date and nature of all preliminary orders made, date of divorce, and disposition made of petition or cross-bill; to whom divorce was granted, and whether with or without alimony; to whom child or children were entrusted, and amount of support allowed for their education and maintenance; whether former or maiden name was restored; whether case was appealed, or not, and if appealed, what additional orders were entered.

The statistical information so recorded by the Judges discloses that some persons make a habit of marrying and divorcing, that the same co-respondents were instrumental in breaking up a number of homes, that economics and not sex is the vehicle on which most persons ride into the divorce court, and many other important matters not proper to be enumerated in this discussion. This data will be extremely valuable for anyone making a scientific study of the divorce problem, based upon facts rather than theory, and may in time aid in reducing the number of divorces.

Immediate hearings upon entry of appearance cases, are also abolished in these new Courts. No cause is heard unless it has been filed more than ten days before the date of the trial and unless its setting has been published in the St. Louis Daily Record, the official court paper.

Briefly stated, the distinguishing features of these new Courts may be summarized as follows:

Cases may be tried privately in the Judge's chambers, instead of in open court, where the details are such that it

would be counter to public decency and morals to make such trial public.

Information is withheld from, and the public press is asked to suppress news of divorce trials.

A corps of investigators is kept by the Court to look into all cases where children are concerned, and file written reports on their findings.

Reconciliation based on the investigator's findings are an important function of the Court, as the Court tries in every way to preserve the marital status.

Where a change is made by the Court in the custody of a child, a thorough investigation is made of the future environment of the child, and of the character of the person to whom it is entrusted.

Quick and easy divorces are abolished due to the ten-day filing order.

Reports of the investigator and trial Judge, which are filed in addition to the ordinary divorce pleadings, give valuable statistics for reference and scientific study.

JOHN W. CALHOUN,

Judge, Div. No. 2, of the Court of Domestic Relations, being Div. No. 16 of the Circuit Court of the City of St. Louis, Mo.