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Children and Families in the Courts of New York City

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BOOK REVIEW

CHILDREN AND FAMILIES IN THE COURTS OF NEW YORK CITY. New York, N. Y.:
Dodd, Mead & Co. 1954. Pp. 403. \$5.00.

This publication is a report by a Special Committee of the Association of the Bar of the City of New York, and a study by Professor Walter Gellhorn of Columbia Law School, assisted by Jacob D. Hyman and Sidney Asch, on the administration of laws relating to the family in the City of New York. The book is being widely distributed and read throughout the country and its importance lies in its discussion of the problems of family relations, its critical attitude suggesting certain improvements in this city's treatment of the problem, and finally as a guidepost to other communities in the country faced with a similar problem.

Each chapter, division, and sub-division of the report is filled with weighty material. It is really a social work of high quality, one that can and should be used as classroom text and is of tremendous importance to the law student and the practicing lawyer. While much of the work is highly technical and statistical, it is well done and worth the reading and study.

Despite the severe criticism directed at some of the justices of the Domestic Relations Court, the authors say at p. 100: "The present group of justices happens, in point of fact, to be a relatively superior one. It contains many individuals of good will, good judgment and good standards." And again at p. 170: "Most of the judges strive to be courteously attentive, although the typically long calendars create a strong temptation to brusqueness that leave the litigants somewhat unsatisfied. . . . Some of the judges strive valiantly despite every handicap . . . in order to reach the underlying family problem." Dealing with so many persons who are often in bitter conflict, some highly disturbed, and faced with deceptiveness on the part of one or more of the parties does call for a special skill on the part of the court in its operation, and among its attaches in the conduct of the highly delicate and often lengthy business to be dispatched. There must be an orderly maner to each recital so that the court may properly meditate and make findings immediately in every case. Some justices think and perform faster and a few slower. Neither should be criticized if he possesses "good will, good judgment, good standards." Brusqueness is misunderstandingly confused for firmness. To the above qualities should be added—kindly but firm.

Many husbands, wives, parents, and children appearing before the courts have not the slightest conception of their own responsibility to each other, to society or to the community in which they form a part and in which we are called upon to conform socially with the group in order to obtain higher standards, noble ideals, better living and help become a bulwark to our social structure. The noted book, *Selected Essays on Family Law*, published under the auspices of the Association of American Law Schools, speaking of successful marriage, sums it up as something both parties *work* at in order to insure its success. The above can lead to one conclusion that the entire problem can be better dealt with only when the numerous families—husbands and wives burdening the courts and social agencies—become forever determined and more stable in their establishment and ambitions, and made fully aware of their own responsibility for the care, education, guidance, spiritual welfare, and supervision of the health and safety of their children. Family life is an honor, something to which we all look forward to with special pride. Never easy, it calls for a lifetime of work and devotion. It calls for a warm and neighborly interest in all children. After the problems of the immediate family have been solved, a pronounced decrease in juvenile delinquency in the community will be seen.

The report deals for the most part with the judges and the courts and not too much with the lawyers. To present the picture fully, the place of the lawyer in this field must be stressed. In *Selected Essays on Family Law*, his position is described at p. iv: "Perhaps it is especially in family relations that lawyers think most humbly and selflessly of what their sweat and work can hope to do in this world. Here as nowhere else their's is the great profession. . . . One reason lawyers are so cheerful and humble is this: they deal with the family and the family deals with the future. . . . It is the lawyer's job to rebuild marriage and family relations so that everyone can realize his richest life."

Lawyers, judges, the Bar Association, and the authors of the volume are to be highly complimented and congratulated for endeavoring to bring into the open for free discussion these important matters. Now perhaps the public may be made fully aware of what transpires among these unfortunate and distressed portions of our otherwise peaceful community. Where formerly it has been ignored or hidden, it is well that it be brought out so that preventive methods and the best of our social services be made immediately available where most needed. Often the aid offered comes too late to be of the best service and then when the structure has been undermined or has fully deteriorated.

To be particularly noted are the pages devoted to the work of the probation officer (pp. 52-64; 165-168). The conduct of the Children's Court (pp. 77-86) and the Family Court (pp. 158-191) merit the reading and study by the lawyer and those interested in establishing similar courts in other jurisdictions. Descriptions given of the various social agencies (pp. 29-48) and institutional facilities (pp. 132-147) point up what all in the field realize, that the scope of the problem is far greater than the facilities available, despite the good intentions of all therein concerned. The report lists suggestions, approaches and techniques in these important matters of human unhappiness and suffering. The problem is to meet the serious upsurge in the breakdown of the family, to deal with and attempt to correct and reduce juvenile delinquency, annulment of marriages, separation and divorce, the neglect and abandonment of wives and children, the failure to contribute or provide for their support, unlawful and/or perverted acts of sex, and children born out of wedlock. All of this calls for a determined and aroused community insisting upon the very best of social services which can reduce the above to a minimum.

One of the best of all the recommendations is that there be established a comprehensive court equipped to deal with all of the problems disturbing and affecting the children and the all-important family. It should be our first concern. Such important personal rights and privileges should even be more importantly considered than material, property or other rights and privileges.

I should like to take issue with the book's conclusion which contains the following language at p. 390: "The methods of dealing with family problems in New York are shockingly inadequate. They waste lives and they waste money." The methods of our tremendously large and over-populated city are good and well-intended, employing substantially the best people available in the various fields of social service. In my experience, I have yet to see the life of one being wasted who had worth or ambition. The town is full of idle individuals. The city is not responsible for it. They present a major problem to the social services already over-burdened. As for generosity in money—a good deal becomes wasted—not because of the laxity of the city or its duly authorized representatives but largely because of the deception often practiced upon it by so many of the persons it seeks to aid. In recent months, additional justices have been appointed to the Domestic Relations Court; additional allowances have been made by the city administration and plans for improved facil-

ities and further extensive services have been formulated. This surely cannot be called waste. Much is being done by alert, clear-thinking citizens but the answer to the problems of juvenile delinquency and marital discord lie in the individuals themselves. Only when a husband and wife recognize their duties to each other, when parents insist upon respect and cooperation from their children, when children accept responsibility as young citizens in the community, will there be peace and harmony in the city. Truly then the Domestic Relations Courts will have fulfilled their purpose—rehabilitation and aid to the suffering and disturbed of New York City.

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