

RESEARCH SNAPSHOT: EXPLORING OUTCOMES RELATED TO PARENT REPRESENTATION IN MISSISSIPPI

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

APRIL, 2015

BACKGROUND

Organizations such as the NCJFCJ and American Bar Association have identified providing representation for parents as a “best practice” in juvenile dependency cases. Most states have created statutes that provide such legal representation, although this right is not guaranteed by the U.S. Constitution. Currently, Mississippi is the only state with no provision for counsel for indigent parents in juvenile dependency matters.

In 2012, a pilot program supported by Casey Family Programs was implemented to provide indigent parents in juvenile dependency cases with legal representation in four Mississippi counties. This exploratory research compared elements of cases with and without parent representation to illuminate any initial effects of the pilot project in two Mississippi counties: Forrest and Rankin.

Currently, Mississippi is the only state with no provision for counsel for indigent parents in juvenile dependency matters.

Method

Researchers collected data on-site from juvenile dependency case files in both Forrest and Rankin counties using a standardized case file review instrument. This instrument contained information regarding several case-level variables and was designed to identify key differences between cases with and without parent representation, including:

- Frequency of parent appearances in court
- Number and reasons for case continuances
- Number of court ordered services
- Number and types of child placements
- Case timeliness
- Case outcomes (e.g., reunification, guardianship, TPR/adoption)

As this research aimed to explore the initial impacts of parent representation in two unique counties, sample sizes were limited and depended on the files available from each jurisdiction at the time of data collection. Data were collected from 34 dependency cases in Forrest County (23 cases with pilot attorneys and 11 cases with no attorney) and 89 cases in Rankin County (23 cases with pilot attorneys, 15 cases with private attorneys, and 11 cases with no attorney).

KEY FINDINGS

• • •

In Rankin County:

- Representation by project attorneys was associated with an increase in services for mothers
- Parent representation (including both private and project representation) was associated with increased case timeliness
- Parent representation was *not* associated with an increase in continuances
- Cases with pilot project attorneys were more likely to be dismissed than cases with private attorneys or no attorney.
- There were no relationships between parent representation and child placements.

RESULTS

Small sample sizes and missing data were obstacles in assessing the effects of the parent representation project. There were an insufficient number of cases in Forrest County to detect any notable patterns in cases with and without parent representation. Though many cases in Rankin County had not yet closed at the time of data collection, preliminary analysis of the Rankin County sample yielded some interesting trends.

In Rankin County, there was no relationship between parent representation and the frequency with which parents attended dependency hearings. However, mothers represented by project attorneys (attorneys appointed for indigent parents as part of the project) received significantly more services than mothers represented by private attorneys or who were not represented. This suggests that project attorneys may have advocated for services to address their clients' needs.

Results indicate that parents' attorneys did not unnecessarily delay the case. The average number of continuances in cases with and without parent representation was similar, and continuances were rarely requested by parents' attorneys. In fact, findings suggest that parent representation may expedite case processing. Though sample sizes were small, the average number of days from petition filing to adjudication and from petition filing to case closure was shorter in cases with parent attorneys (both project and private) than in cases without attorneys.

Child placement settings and the average number of placement moves did not differ between attorney and no attorney groups. Among the small sample of cases that had closed, analysis did indicate some differences in case closure types between attorney and no attorney groups (see Table 1). A slightly higher proportion of cases with no attorney and private attorneys ended in reunification compared to cases with project attorneys. However, petitions in cases with project attorneys were more likely to be dismissed compared to cases with private attorneys or without attorneys.

Table 1. Case Outcomes in Rankin County

| Outcome | No Attorney (n = 37) | Project Attorney (n = 12) | Private Attorney (n = 11) |
|---------------|-------------------------|------------------------------|------------------------------|
| Dismissed | 32.4% | 50.0% | 18.2% |
| Reunified | 29.7% | 16.7% | 27.3% |
| Legal Custody | 27.0% | 8.3% | 9.1% |
| Guardianship | 2.7% | 8.3% | 9.1% |
| Age Out | 2.6% | 0 | 0 |
| TPR/Adoption | 0 | 0 | 9.1% |
| Transferred | 5.4% | 16.7% | 12.3% |

These findings should be considered preliminary given the small sample sizes. Continued data collection and analysis comparing cases with and without parent representation in Mississippi is needed to provide a more comprehensive understanding of the outcomes of the parent representation project. Such efforts may help further establish positive trends related to parent representation that emerged in this early study.

Research Snapshots highlight key elements of reports and projects that address the need for empirically-based research on systems change in the juvenile and family court system. For more information, please visit our website: www.ncjfcj.org

The mission of the National Council of Juvenile and Family Court Judges is to provide all judges, courts, and related agencies involved with juvenile, family, and domestic violence cases with the knowledge and skills to improve the lives of families and children who seek justice.

National Council of Juvenile and Family Court Judges | PO Box 8970 | Reno, Nevada 89507