

2014

# RESEARCH REPORT

## EXPLORING OUTCOMES RELATED TO LEGAL REPRESENTATION FOR PARENTS INVOLVED IN MISSISSIPPI'S JUVENILE DEPENDENCY SYSTEM



NATIONAL COUNCIL OF JUVENILE  
AND FAMILY COURT JUDGES

JUVENILE LAW PROGRAMS

OCTOBER, 2014

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NCJFCJ would like to extend a special thank you to Casey Family Programs, whose mission is to provide, improve—and ultimately prevent the need for—foster care for their partnership. NCJFCJ would also like to thank Carlyn Hicks, Raymond McGann, Erich Jerscheid, Lindsey Casabella, and Laurie Risher for their invaluable assistance in the data collection process.

This research was made possible by Cooperative Agreement No. 2012-MU-MU-K001 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. The U.S. Department of Justice was not involved in the study design; collection, analysis, and interpretation of data; or in the writing of the manuscript. Points of view or opinions are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice or the National Council of Juvenile and Family Courts Judges

## EXECUTIVE SUMMARY

Though the U.S. Constitution does not grant parents a right to legal counsel in the juvenile dependency system, organizations such as the National Council of Juvenile and Family Court Judges (NCJFCJ) and the American Bar Association (ABA) have identified providing representation for such parents as a “best practice.” Most states have created statutes that provide parents with legal representation in juvenile dependency matters. Currently, Mississippi is the only state with no provision for counsel for indigent parents.

In 2012, a pilot program supported by Casey Family Programs (CFP) was implemented to provide indigent parents in juvenile dependency cases with legal representation in four Mississippi counties. This research sought to obtain a cursory understanding of the effects of parent representation by comparing the outcomes of cases with and without parent representation in two of the pilot counties: Forrest and Rankin. Case file review was conducted to collect data from a total of 34 juvenile dependency cases in Forrest County (23 cases with pilot project attorneys and 11 cases with no representation) and 89 cases in Rankin County (23 cases with pilot project attorneys, 15 cases with private attorneys, and 51 cases with no representation). For each site, analyses were conducted to compare case-related decisions and outcomes such as service orders, child placements, case timeliness, and case resolution (e.g., TPR/adoption, guardianship, reunification) between case samples with and without parent representation. In Rankin County, outcomes of cases with private attorneys were further compared to outcomes of cases with pilot project attorneys and no attorney.

Small sample sizes and missing data issues presented a challenge to reliably assessing the effects of the parent representation pilot project. In Forrest County, the sample size of comparison cases (i.e., those without parent representation) was simply too small to conduct statistical tests or yield any notable patterns in represented and non-represented cases. A larger sample of cases was obtained from Rankin County, but many of the cases with parent representation had not yet closed at the time of data collection, and thus data regarding key case indicators (e.g., overall case timeliness, case resolution) could not be included in the current sample. Preliminary analyses including the Rankin County cases yielded some interesting findings:

- ❖ **Mothers represented by project attorneys received significantly more services than mothers represented by private attorneys and mothers who had no representation.**
- ❖ **The average number of days from petition filing to adjudication was shorter in cases with parent representation (both project and private representation) than in cases without representation.**

- ❖ The average number of days from petition filing to case closure was shorter in cases with parent representation than in cases without representation.
- ❖ The average number of continuances was similar across cases with and without parent representation, suggesting that parent's attorneys did not cause unnecessary delays.
- ❖ Cases in which parents were represented by pilot project attorneys were more likely to result in dismissal of the petition than cases in which parents had no representation or were represented by private attorneys.

These results are preliminary and cannot provide a definitive answer regarding the benefits of parent representation. However, the current data show promising trends and the practice of assigning parents legal representation in Mississippi merits further investigation. More data must be collected in order to conduct more robust analyses that can better illuminate the effects of parent representation.

## INTRODUCTION

The Sixth Amendment of the U.S. Constitution guarantees that criminal defendants shall have the right to an attorney to assist in their defense. No such provision for legal counsel in juvenile dependency cases exists. In *Lassiter v. Department of Social Services*, the Supreme Court of the United States indicated that indigent parents do not have a constitutional right to legal representation in termination of parental rights (TPR) proceedings. The Court, however, urged state courts to appoint counsel to indigent parents in all juvenile dependency hearings, including TPR hearings.<sup>1</sup>

In response to the *Lassiter* decision, almost all states have created statutes that provide parents with legal representation in juvenile dependency matters.<sup>2</sup> Currently, the right to appointment of counsel for indigent parents in Mississippi does not exist. However, a number of Mississippi judicial leaders with experience presiding over child abuse and neglect cases are interested in having the right to appointed counsel extended to indigent parents. This interest is consistent with the law and practice in other states. It is also consistent with best practices and standards promulgated by the National Council of Juvenile and Family Court Judges (NCJFCJ), the American Bar Association (ABA) Center on Children and the Law, and Casey Family Programs (CFP).

In 2011, several Mississippi youth court judges and staff with the Mississippi Administrative Office of the Court (AOC) initiated the development of a parent representation pilot program through collaboration with CFP, NCJFCJ, and the ABA. Four counties with experienced youth court judges having a strong interest in piloting parent representation volunteered their courts to participate in the project. The Mississippi AOC, with financial support from CFP, subcontracted with state and legal services organizations to hire, supervise, and support attorneys in the four implementation sites: Adams County, Forrest County, Harrison County, and Rankin County. As part of the contract, the attorneys were expected to adhere to the ABA's Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases. The pilot was implemented in the four counties between October 1, 2012 and January 1, 2013. Due to funding constraints, project attorneys were typically only appointed for custodial parents involved in juvenile dependency cases.

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<sup>1</sup> *Lassiter v. Department of Social Services*, 452 U.S. 18 (1981)

<sup>2</sup> Abel, L. K., & Retting, M. (2006). State statutes providing for a right to counsel in civil cases. *Clearinghouse REVIEW Journal of Poverty Law and Policy*, July-August, 245-270; Pollock, J. (2013). The case against case-by-case: Courts identifying categorical rights to counsel in basic human needs civil cases. *Duke Law Review*, 61, 763-815. A total of 42 states provide the right to counsel for indigent parents in child abuse and neglect cases via statute or court rules. Four additional states provide for an absolute right to counsel for at least some of the proceedings. Six states provide counsel on a discretionary basis. Mississippi is the only state with no provision for counsel for indigent parents.

NCJFCJ and ABA staff conducted an initial evaluation of the pilot program in fall 2013. There were two main components to this initial evaluation. The first involved the use of a parent satisfaction survey to examine the perceptions of parents involved in juvenile dependency cases in the four pilot sites and comparing the responses of parents with and without attorneys. For the second component, researchers conducted case file review to examine short-term case outcomes in two of the pilot sites: Forrest County and Rankin County. Researchers then compared case-related factors such as court-ordered services and visitation, continuances, and child placement across cases with parent representation and without representation. The [report on this initial evaluation](#) provides further detail regarding the development of the pilot, evaluation methods, and results.<sup>3</sup>

At the time of the initial evaluation, the pilot project had been implemented for less than a year in Forrest and Rankin counties. Thus, many of the pilot cases examined had not closed, which prevented researchers from exploring differences in case timeliness and outcomes between pilot and non-pilot cases. Staffing and time constraints also prevented researchers from examining all available case files. In summer 2014, researchers returned to Mississippi to re-examine case files, collect additional data regarding cases that had closed, and collect new data from case files that could not be examined during the first phase of data collection.

This report presents the findings of case file reviews conducted to compare juvenile dependency cases opened before and after the implementation of the parent representation pilot in Forrest and Rankin counties. It includes findings from both the initial and follow-up phases of data collection. The current study investigated whether assigning an attorney to a case is associated with differences in the following indicators:

- [Frequency of parent appearances in court?](#)
- [Number of contested adjudication hearings?](#)
- [Number of and reasons for case continuances?](#)
- [Amount \(days per week and hours\) and type \(supervised or unsupervised\) of visitation?](#)
- [Number of court-ordered services?](#)
- [Number and types of child placements?](#)
- [Case timelines \(e.g., time from petition filing to adjudication, time to permanency\)?](#)
- [Case outcomes \(e.g., reunification, guardianship, TRP/adoption\)?](#)

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<sup>3</sup> Wood, S., Trowbridge, S., Blomquist, M., Sicafuse, L., & Summers, A. (2013). *Preliminary findings: Exploring outcomes related to legal representation for parents involved in Mississippi's juvenile dependency system*. Reno, NV: National Council of Juvenile and Family Court Judges. Retrieved from <https://www.ncjrs.gov/pdffiles1/ojdp/grants/244704.pdf>

## METHOD

### SITE SELECTION

Due to resource and travel limitations, case files could not be examined in all four counties. Forrest and Rankin counties were selected as research sites for a few reasons. Both sites implemented the parent representation pilot program at the same time (October 1, 2012). Forrest County is a rural jurisdiction and an NCJFCJ Victims Act Model Court, whereas Rankin County is a larger jurisdiction and could provide a larger number of cases for data collection. In both sites, affiliates with local universities volunteered to assist with data collection.

### CASE FILE REVIEW

Data were collected in both Forrest and Rankin counties using a standardized case file review instrument. The standardized case file review instrument contained information regarding several case-level variables, such as the child's ethnicity, the petition allegations, the dates of each hearing, the parties present at each hearing, and the child's placement across the life of the case. Each case represents a single child. If there were multiple children listed on the petition, one child was randomly selected for inclusion in the study.

Undergraduate and law students assisted NCJFCJ staff in the initial phase of data collection conducted in fall 2013. In addition, an attorney from Mission First Legal Aid office assisted with data collection in Rankin County. Prior to data collection, these individuals participated in a two-hour training session conducted by NCJFCJ staff. During the training session, NCJFCJ staff provided the coders with a standardized case file review instrument, a code book to accompany the standardized case file review instrument, and excerpts from an example case file from their respective county. NCJFCJ staff thoroughly explained each item on the standardized case file review instrument, explained the coding scheme, and identified the location of several items in the case files. NCJFCJ staff collected all data during the second phase of data collection in summer 2014.

### FORREST COUNTY

The procedures for assigning attorneys to cases in Forrest County differed from those in the other three counties. Attorneys funded through the pilot project were only assigned to "Zero to Three" (ZTT) cases. Forrest County is one of the original sites participating in the ZTT initiative, which aims to promote healthy child development and expedite permanency in child welfare cases involving infants

and toddlers.<sup>4</sup> The assignment of attorneys to ZTT cases in Forrest County has two implications for the current study. First, because the “attorney” sample only included cases involving a youth age 0-3, the comparison “no attorney” sample was similarly limited to cases involving a youth age 3 years or under. This limited the number of cases that could be included in the no attorney sample. Second, ZTT cases are handled differently than other juvenile dependency cases. Specifically, ZTT cases involve more frequent hearings than a typical dependency case, and the first review hearing is often skipped with the case progressing to permanency and permanency review hearings. There is an emphasis on “front loading” services and interventions to expedite permanency. These aspects of ZTT cases should be considered in interpreting findings and in comparing findings across the two sites selected for the evaluation.

Data were collected from 34 cases. Eleven cases opened (i.e., petition filing date) between October 1, 2011 and September 30, 2012, involved children 0 to 3 years of age, and had parents who were not represented by an attorney. These cases constituted the “no attorney” group. A total of 23 cases opened between October 1, 2012 and October 9, 2013, involved children 0 to 3 years of age, and had one or both parents represented by a pilot project attorney. These cases constituted the “attorney” group.<sup>5</sup> There is a discrepancy in sample size between the no attorney and attorney groups; however, NCJFCJ staff examined all case files available for each group.

## RANKIN COUNTY

In Rankin County, parents with juvenile dependency cases opened at or following the implementation of the pilot project in October 2012 were contacted by an attorney prior to the shelter care hearing and asked if they would like legal representation provided by a pilot project attorney. Parents in 23 cases opted to retain pilot counsel; these 23 cases comprised the “pilot attorney” group. In 17 cases opened on or after October 1, 2013, parents declined representation provided through the pilot project. These 17 cases were combined with 34 cases opened prior to the implementation of the pilot project to comprise the “no attorney” group that included a total of 51 cases in which parents were not represented by legal counsel. In an additional 15 cases opened between November 2012 and May 2013, one or more parents were represented by private counsel. These 15 cases comprised the “private attorney” group. Overall, data from a total of 89 cases in Rankin County were included in analyses.

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<sup>4</sup> ZERO TO THREE (2014). *The safe babies court team project*. Washington, D.C.: National Center for Infants, Toddlers, and Families. Retrieved from <http://www.zerotothree.org/maltreatment/safe-babies-court-team/sbct-in-continuum-v5-jml-1.pdf>

<sup>5</sup> Two cases had petition filing dates prior to October 1, 2012, but the parents were assigned legal representation.



## RELIABILITY ANALYSIS

Five cases (14.7%) from Forrest County and ten cases (11.2%) from Rankin County were assessed for inter-rater reliability using Cohen's kappa. Inter-rater reliability is a way to assess whether the coding scheme was being implemented consistently across items and across coders. Pairs of coders are compared on each item and an overall score (kappa) is given which is indicative of the reliability. Higher kappa values indicate higher levels of reliability and a value over .75 is considered "excellent." For Forrest County, the kappa values ranged from .81 to .89, with an average of .85. For Rankin County, the kappa values ranged from .85 to .93, with an average of .88. Overall, these large kappas help to increase our confidence that coders were "seeing the same thing."

## RESULTS

### FORREST COUNTY

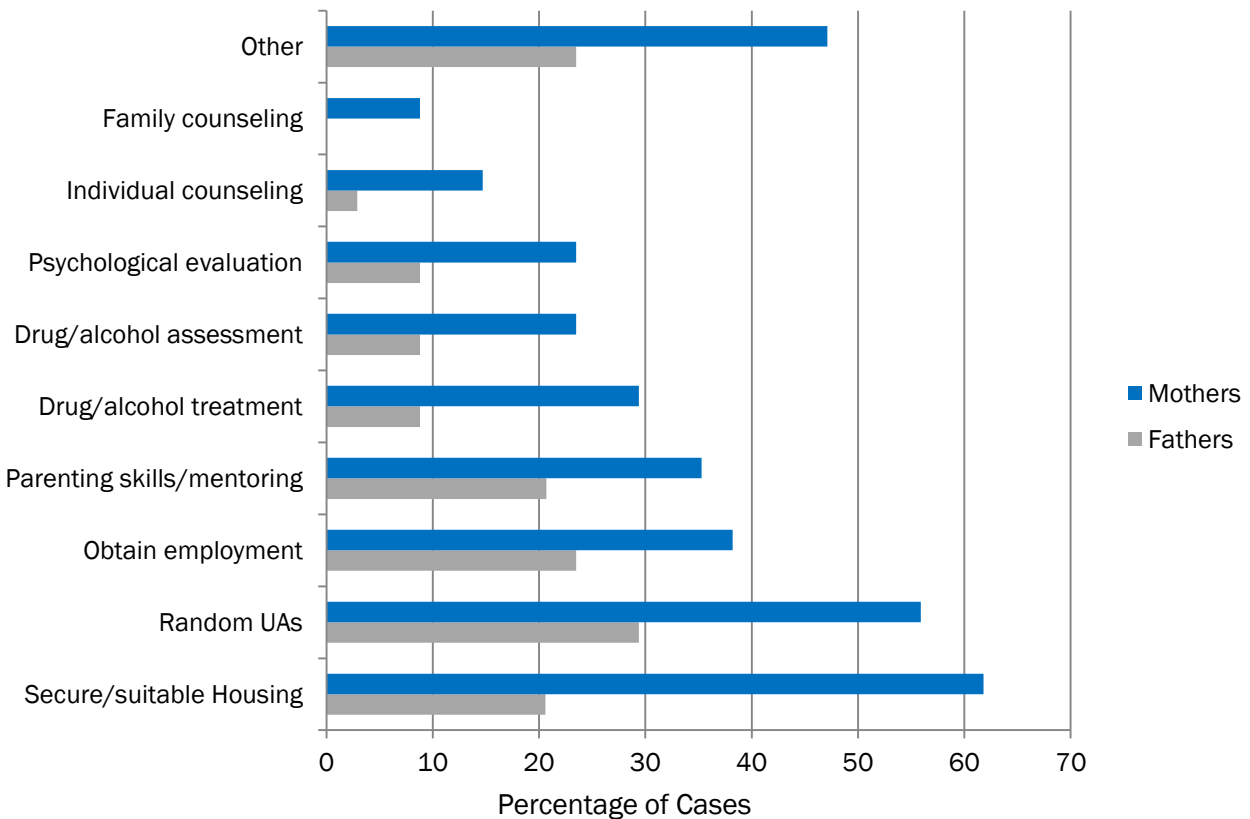
The mean age of children in the Forrest County sample was 1.1 years, and all were involved in ZTT cases. The child was removed from the home in 33 out of the 34 cases. Among the 33 cases in which the child was removed, 42.4% ( $n = 14$ ) were then placed in foster care, 35.2% ( $n = 12$ ) were placed with a relative, and one (3.0%) was placed with the non-charged parent. Information about placement following removal was not available for six (18.2%) cases.

The primary allegations against the mother that precipitated removal were neglect (85.3%;  $n = 29$ ) and physical abuse (14.7%;  $n = 5$ ). The three most common presenting problems associated with these allegations were substance abuse (70.6%;  $n = 24$ ), "other" problems (21.2%;  $n = 7$ ), and mental health issues (14.7%;  $n = 5$ ). "Other" problems included placing the child at risk of physical injury, unwillingness to bond with the child, and a lack of proper care. Similarly, the primary allegations against father were neglect (32.4%;  $n = 11$ ) and physical abuse (5.2%;  $n = 2$ ). The three most common presenting problems for fathers were "other" problems (24.2%;  $n = 8$ ), that their whereabouts were unknown (12.1%;  $n = 4$ ), and substance abuse (12.1%;  $n = 4$ ). The "other" problems included a lack of stable employment and proper care for the child.

Table 1 displays the frequencies of services ordered for mothers and fathers in the total Forrest County sample. The most common services ordered for mothers were to obtain secure, suitable housing (61.8%;  $n = 21$ ), random drug screens (55.9%;  $n = 19$ ), and "other" services (47.1%,  $n = 16$ ). These "other" service orders for mothers included obtaining a G.E.D., attending specific ZTT

programs, and domestic violence counseling. Fathers were most frequently ordered to submit to random drug screens (29.4%,  $n = 10$ ), obtain employment (23.5%;  $n = 8$ ), and participate in “other” services (23.5%,  $n = 10$ ). “Other” services for fathers included paternity testing, anger management classes, and domestic violence counseling.

**Figure 1. Percentage of Court-Ordered Services for Mothers and Fathers in Forrest County**



Of primary interest in this study, we examined several case-related outcomes for those parents who did and did not have legal representation. There was a substantial amount of missing data for many of the variables of interest. This occurred either because the information could not be obtained from the case files, or because a specific variable of interest (such as case resolution) was only relevant to cases that had closed. The extent of missing data is important to consider in interpreting the following results. It should be noted that all percentages reported are “valid percents.” Valid percents are calculated from the total number of applicable cases. For example, there may be 34 cases in the total sample, but information regarding the final case outcome was only available for the 23 cases that had closed. Thus, the percentages of the different types of final case outcomes are calculated based on the sample of the 23 cases from which this information was available,

rather than based on the total sample of 34 cases. All “*n*” figures represent the total number of cases that included a specific variable of interest. For instance, if five cases in the overall sample resulted in TRP/Adoption, this would be reported as “*n* = 5.”

The number of cases that were coded in Forrest County do not allow for inferential statistics (e.g., whether there is a significant difference between two groups on some outcome measure). However, information from the smaller number of case files examined in Forrest County can help illuminate what is occurring in this county before and after the implementation of the parent representation pilot program.

## PRE-EXISTING DIFFERENCES

We initially examined the cases that did and did not have an attorney to ensure that there were no pre-existing family (e.g., mother and father’s age) or case-level (e.g., number of presenting problems for mother, number of allegations against mother, and allegation type) differences. Such an examination was warranted to ensure that any differences emerging between case samples were in fact due to parent representation, rather than due to other differences between the cases in the attorney and no attorney samples. The cases looked similar to one another from the beginning.<sup>6</sup>

## TIME TO ATTORNEY APPOINTMENT

For mothers who received an attorney, the average amount of time from petition filing to attorney appointment was 32.6 (*SD* = 56.5)<sup>7</sup> days. The longest a mother went without an attorney was 133 days. Information on the amount of time from petition filing to attorney appointment for fathers was not available.

In Forrest County ZTT cases, the shelter hearing is typically waived. Thus, attorneys for both mothers and fathers made their first appearance at the adjudication, with one exception. In a single case in which the mother was represented, the attorney did not appear until the first review hearing.

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<sup>6</sup> The attorney and no attorney groups were compared on: the child’s age, the mother’s age, the father’s age, the number of presenting problems for mother, the number of presenting problems for father, the number of allegations against mother, the number of allegations against father, the number of children listed on the petition, and allegation types listed on the petition (i.e., physical abuse, sexual abuse, emotional abuse, neglect, and abandonment). Analyses revealed no differences on these variables between the attorney and no attorney samples.

<sup>7</sup> Standard deviation indicates how much variation there is from the average value and small standard deviations indicate that the data points are close to the average.

## APPEARANCE OF PARENTS

Prior research indicates that the presence of parents and parent attorneys at hearings is related to an increase in the likelihood of reunification across the life of the case.<sup>8</sup> Therefore, we examined whether there were differences in the percentage of parents present in court between those who did and did not have an attorney. The percentage of presence was calculated by recording the number of hearings each party was present at and dividing by the number of possible hearings that each party could have attended. For example, if a mother had three possible hearings across the life of the case and she appeared at two of them, her percentage of appearance would be 66.7. The shelter hearing is not included in this and subsequent analyses because, as previously mentioned, the attorneys did not make their first appearance until the adjudication. Therefore, including the shelter hearing would not accurately portray the influence of attorneys.

Results indicate that there was little difference in parents' hearing attendance between the attorney and no attorney groups. In the sample of cases to which an attorney was assigned, mothers were present, on average, for 68.2% ( $SD = .38$ ) of the hearings across the life of the case, and fathers were present, on average, for 43.9% ( $SD = .42$ ) of the hearings. In the no attorney group, the average percent of appearance across the life of the case for mothers was 65.7% ( $SD = .45$ ); for fathers, it was 42.7% ( $SD = .48$ ).

## ADJUDICATION HEARINGS

We were interested in whether adjudication hearings looked different (i.e., number of contested hearings and substantiated allegations) depending on whether parents did or did not have an attorney. Adjudication hearings were coded for whether mothers and fathers stipulated to "None," "Some," or "All" of the petition allegations. Stipulation is an agreement or concession made by parents (or their attorneys) that the allegations in the petition are true.

Among mothers in the no attorney group, 62.5% ( $n = 5$ ) stipulated to all allegations. Whether the remaining mothers stipulated to all, some, or none of the allegations could not be discerned from the case files. Seventy-five percent of the fathers in the no attorney group ( $n = 3$ ) stipulated to all allegations. No information regarding stipulations was available for the remaining cases.

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<sup>8</sup> Wood, S. M., & Russell, J. R. (2011). Effects of parental and attorney involvement on reunification in juvenile dependency cases. *Children and Youth Services Review*, 33, 1730-1741.

In the attorney group, 68.2% ( $n = 15$ ) of mothers stipulated to all allegations, and 13.6% ( $n = 3$ ) did not stipulate to any allegations. It could not be determined whether the hearings were contested for mothers in the remainder of these cases. Half of the fathers in the attorney group (50.0%,  $n = 4$ ) stipulated to all allegations, and 37.5% ( $n = 3$ ) did not stipulate to any allegations. No information regarding stipulations was available for the remaining cases.

These findings suggest that parents who do not have an attorney are stipulating to all allegations less often than mothers who have an attorney. Moreover, it suggests that the number of contested hearings is higher for parents who have an attorney than parents who do not have an attorney. Yet, the allegations against both mothers and fathers were substantiated regardless of whether or not the hearing was contested.

## COURT-ORDERED SERVICES

We examined whether the number of services differed between parents who did and who did not have an attorney. There was little difference in the average number of services ordered for mothers in the attorney group ( $M = 3.53$ ,  $SD = 2.27$ ) and mothers in the no attorney group ( $M = 3.73$ ,  $SD = 2.33$ ). However, fathers in the attorney group had fewer court ordered services ( $M = 1.48$ ,  $SD = 2.33$ ) than those in the no attorney group ( $M = 2.55$ ;  $SD = 2.25$ ). The mean number of presenting problems associated with the allegations did not differ for parents with or without an attorney, and there were no differences between attorney and no attorney groups in the types of services ordered.

## VISITATION

Visitation is an important variable to examine, as parental visitation is strongly associated with an increased likelihood of reunification.<sup>9</sup> Researchers planned to examine differences between attorney and no attorney groups in the amount (hours per week) and type (supervised, unsupervised) of visitation. However, missing data and small sample sizes made it challenging to determine if there were indeed any valid differences in visitation plans and orders between the attorney and no attorney groups.

Data only were available for visitation plans and orders in place at the adjudication or disposition hearings. For cases in which information regarding the amount of visitation was available, mothers with attorneys received more hours of visitation per week ( $M = 4.60$ ,  $SD = 2.27$ ;  $n = 10$ ) than

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<sup>9</sup> Davis, I. P., Landsverk, J., Newton, R., & Ganger, W. (1996). Parental visiting and foster care reunification. *Children and Youth Services Review*, 18, 363-382.

mothers without attorneys ( $M = 3.0$ ,  $SD = 1.15$ ,  $n = 4$ ). There was not enough information to compare the amount of visitation for fathers in the attorney and no attorney groups. In both attorney and non-attorney groups, all visitation was specified as supervised at adjudication.

## CHILD PLACEMENT

We examined whether there were any differences in placements for children between families that did and did not have an attorney. First, we compared the number of placement moves across the life of the case between closed cases in the attorney group ( $n = 12$ ) and closed cases in the no attorney group ( $n = 9$ ). The mean number of placement moves was slightly lower in cases with parent representation ( $M = 1.58$ ,  $SD = .90$ ) than in cases without representation ( $M = 1.89$ ,  $SD = 1.05$ )

Second, we examined placement types at the adjudication hearing, finding little difference between the attorney and no attorney groups. In the no attorney group, the child was placed with a relative at adjudication in 62.5% ( $n = 5$ ) of cases and placed in foster care in 25.0% ( $n = 2$ ) of cases. In one case, the child was placed with a parent. In half (50.0%,  $n = 11$ ) of the cases in the attorney group, the child was placed with a relative at adjudication. The child was placed in foster care in 40.9% ( $n = 9$ ) of cases, and placed with a parent in 8.6% ( $n = 2$ ) of cases. There was not enough information to compare child placement at the review or permanency hearings.

## CONTINUANCES

Prior research has indicated that continuances are a barrier to achieving permanency,<sup>10</sup> and can extend the duration of the juvenile dependency case and the children's stay in foster care.<sup>11</sup> Thus, we examined if having an attorney was related to an increase or decrease in continuances. Cases in which parents had no attorney were continued, on average, 1.00 ( $SD = .78$ ) time, compared to 3.00 ( $SD = 1.62$ ) times for cases in which parents had an attorney. However, continuances were only requested by the parent's attorney in 6 out of the 23 cases. Other continuances were requested by the court or the agency attorney.

The reasons for the continuances (e.g., more preparation time or conflicting dates) were not always clear. Information was available on three continuances requested by the parent's attorney. These continuances were requested to establish paternity, to locate one of the fathers, and to allow the

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<sup>10</sup> National Council of Juvenile and Family Court Judges. (1998). Summaries of twenty-five state court improvement assessment reports. *Technical Assistance Bulletin*. Reno, NV: Author

<sup>11</sup> Washington State Institute for Public Policy. (2004). *How do court continuances influence the time children spend in foster care?* Retrieved from <http://www.wsipp.wa.gov/ReportFile/874>

parent's attorney more time to prepare. Several continuances were requested by the court because parents without representation had asked for an attorney. Ultimately, some, but not all, of the increase in the number of continuances in the attorney group (compared to the no attorney group) was attributable to parents having representation.

## CASE TIMELINESS

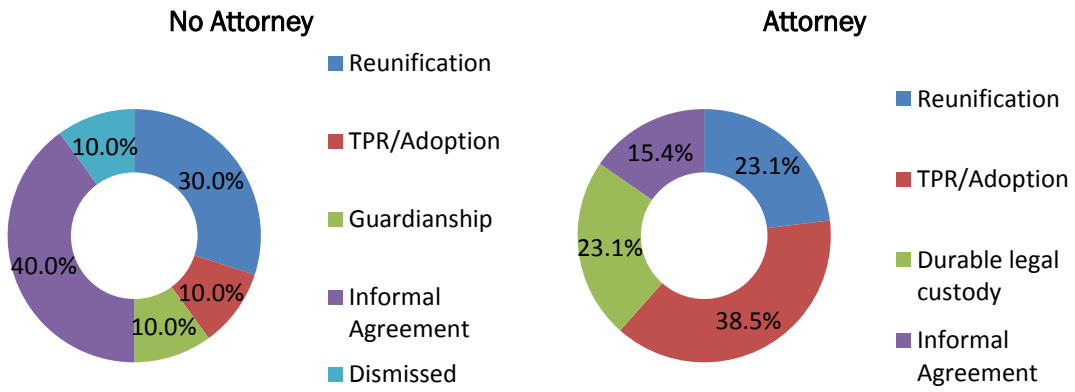
On average, case timelines were shorter in the no attorney group than in the attorney group. The average time from petition filing to adjudication in the no attorney group was 56.4 days ( $SD = 19.0$ ), compared to 84.4 days ( $SD = 48.7$ ) in the attorney group. The average time between petition filing and case closure in the 10 cases without attorneys that had closed was 266.4 days ( $SD = 139.2$ ), compared to the average of 405.3 days ( $SD = 161.5$ ) in the 13 closed cases with attorneys.

## CASE OUTCOMES

At the follow-up phase of data collection, almost all of the cases without attorneys (90.9%;  $n = 10$ ) had closed, and just over half of the cases with attorneys (56.5%;  $n = 13$ ) had closed. A greater proportion of the no attorney cases had closed because these were opened prior to the implementation of the pilot project, whereas all of the attorney cases opened on or after the October 2012 implementation.

Figure 2 displays the outcomes of closed cases in the no attorney and attorney samples. A greater proportion of cases in the no attorney group ended with informal adjustment agreements (40.0%;  $n = 4$ ) compared to the attorney group (15.4%;  $n = 2$ ). In informal adjustments, parents agree to comply with treatment and service plans and/or other recommendations, and there is no further court involvement as long as the parents continue to cooperate. In the attorney group, a greater proportion of cases ended in TPR/adoptions (38.5%;  $n = 5$ ) compared to the no attorney group (10.0%;  $n = 1$ ). Again, the small sample sizes limit the conclusions that can be drawn from comparing the two groups.

Figure 2. Outcomes of closed cases in with and without attorneys in Forrest County





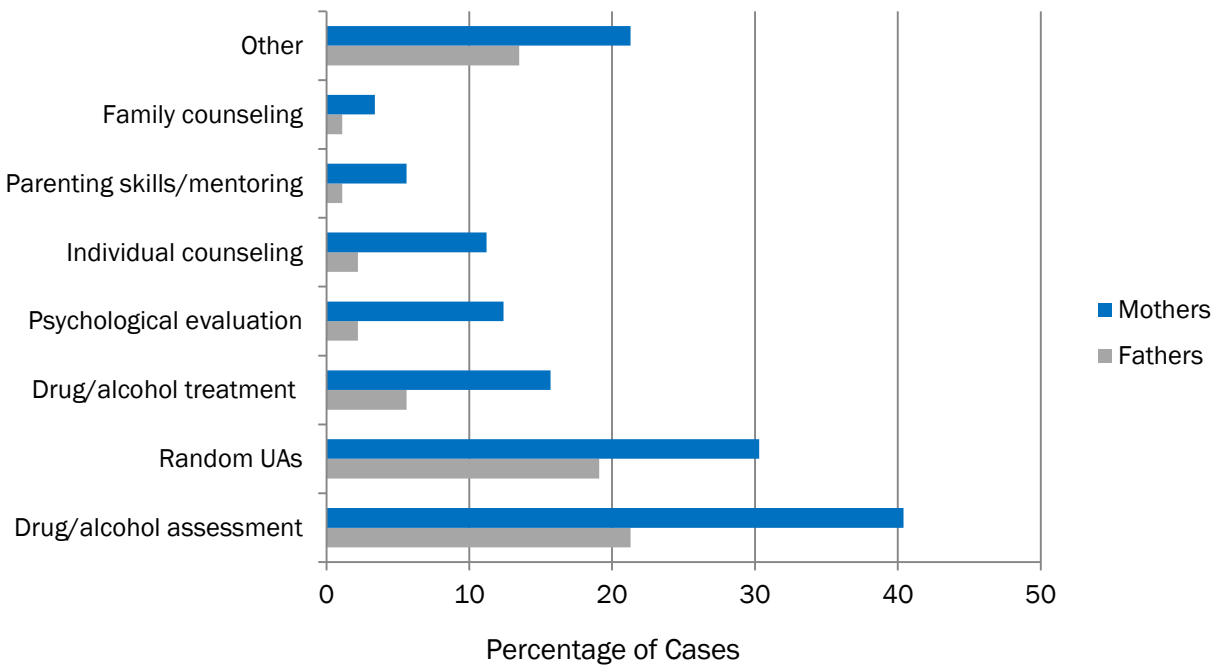
## RANKIN COUNTY

The mean age of children in the Rankin County sample was 8.8 years. The majority of children (94.4%;  $n = 84$ ) were removed from their parents. After removal, 5.8% ( $n = 5$ ) of children remained with the charged parent, 18.6% ( $n = 16$ ) were placed with the non-charged parent, 61.6% ( $n = 53$ ) were placed with a relative, 9.3% ( $n = 8$ ) were placed in foster care, and the placement of four children could not be determined. The primary allegations against the mother that precipitated the child's removal were neglect (77.5%;  $n = 69$ ), physical abuse (3.4%;  $n = 3$ ), and emotional abuse (2.2%;  $n = 2$ ). The three most common presenting problems associated with these allegations were substance abuse (29.9%;  $n = 26$ ), "other" problems (19.0%;  $n = 16$ ), and incarceration (14.9%;  $n = 13$ ). "Other" problems included medical neglect, a general inability to care for the child, and failing to enroll the child in school.

The primary allegations against father were neglect (28.1%;  $n = 25$ ), physical abuse (4.5%;  $n = 4$ ), and sexual abuse (1.1%;  $n = 1$ ). As with mothers, the three most common presenting problems for fathers were substance abuse (14.6%;  $n = 13$ ), "other" problems (10.1%;  $n = 9$ ), and incarceration (7.9%;  $n = 7$ ). The "other" problems included the father sexually abusing the stepsister while the child was in the house, kicking the child out of the home, and abandonment.

The frequencies of services ordered for mothers and fathers in the Rankin County sample are displayed in Figure 5. Mothers were most likely to receive orders for drug and alcohol assessments (40.4%;  $n = 36$ ), random drug screenings (30.3%;  $n = 27$ ) and "other" services (21.3%;  $n = 19$ ). These "other" service orders included referral to Family Drug Treatment Court, completing alcohol and drug education classes, and attending Alcoholics Anonymous meetings. Similarly, fathers were most commonly ordered to complete drug and alcohol assessments (21.3%;  $n = 20$ ), submit to random drug screenings (19.1%;  $n = 17$ ), and to participate in "other" services. "Other" services for fathers included paternity testing, drug and alcohol education classes, and batterer intervention programs.

**Figure 5. Percentage of Court-Ordered Services for Mothers and Fathers in Forrest County**



In the Forrest County sample, only project-appointed attorneys represented parents. The Rankin County sample, however, included cases represented by both project and private attorneys. Each set of analyses examined outcome differences between cases in which parents were represented by either a project or private attorney and cases in which parents were not represented. In addition, we explored outcome differences between cases with project attorneys and cases with private attorneys. Table 1 provides a summary of results pertaining to cases without attorneys and cases with attorneys (both project and private) for each case outcome variable examined in the Rankin County sample. These results are described in further detail in the following sub-sections.

As in Forrest County, missing data issues were common in the Rankin County sample, and valid percentages are reported. Although the Rankin County sample size was larger, missing data still prohibited the use of inferential statistics in many comparisons and most analyses were thus descriptive in nature. Descriptive statistics describe what is occurring, and can be used to identify trends in the data. Inferential statistics are used to examine differences between groups, and to assess the probability that the difference between groups is real or due to chance. When a given difference between groups is likely *not* due to chance, this result is considered to be “statistically significant.” Statistical significance (or lack thereof) is noted in a few of the results that allowed for such comparisons.

**Table 1. Summary of results in Rankin County sample.**

<b>Outcome Variable</b>	<b>No Attorney (n = 51)*</b>	<b>Attorney - Total (n = 38)</b>	<b>Project Attorney (n =23)</b>	<b>Private Attorney (n = 15)</b>
<b><u>Appearance of Parents</u></b>				
Average percentage of hearings present- Mothers	74.8%	74.6%	79.0%	67.8%
Average percentage of hearings present- Fathers	36.7%	52.4%	44.9%	63.9%
<b><u>Adjudication Hearings</u></b>				
Percentage of contested hearings	5.9%	10.5%	8.7%	13.3%
<b><u>Court-Ordered Services</u></b>				
Average # of court-ordered services- Mothers	1.12	1.92	2.26	1.40
Average # of court-ordered services- Fathers	.61	.82	.87	.73
<b><u>Child Placement</u></b>				
Average # of placement moves	1.08	1.16	1.00	1.07
<b>Child Placement at Shelter Care</b>				
Percentage with parent/non-charged parent	17.0%	29.7%	29.3%	33.3%
Percentage with relative	66.0%	70.3%	72.7%	66.7%
Percentage in foster care	10.6%	0	0	0
<b>Child Placement at Adjudication</b>				
Percentage with parent/non-charged parent	39.2%	45.5%	33.3%	66.7%
Percentage with relative	47.8%	54.5%	66.7%	33.3%
Percentage in foster care	12.9%	0	0	0

**\*Note.** The reported sample sizes (*ns*) indicate the total number of cases in each group. These sample sizes may vary across outcome variables, depending on the extent of available data.

**Table 1 continued.**

<b>Outcome Variable</b>	<b>No Attorney (n = 51)</b>	<b>Attorney - Total (n = 38)</b>	<b>Project Attorney (n =23)</b>	<b>Private Attorney (n = 15)</b>
<b><u>Continuances</u></b>				
Average # of continuances	.58	.64	.68	.57
<b><u>Case Timelines</u></b>				
Average # of days from petition filing to adjudication	71.3	38.3	41.8	31.9
Average # of days from petition filing to case closure	265.5	245.0	257.7	232.4
<b><u>Case Outcomes</u></b>				
Percentage of closed cases with each outcome				
Petition Dismissed	32.4%	34.7%	50.0%	18.2%
Reunified	29.7%	21.7%	16.7%	23.7%
Durable Legal Custody	27.0%	8.7%	8.3%	9.1%
Guardianship	2.7%	8.7%	8.3%	9.1%
Age Out	2.7%	0	0	0
TPR/Adoption	0	0	4.3%	9.1%
Transferred	5.4%	21.7%	16.7%	27.3%

## PRE-EXISTING DIFFERENCES

The cases in Rankin County were initially examined for the same pre-existing family (e.g., mother and father's age) and case-level (e.g., number of presenting problems for mother, number of allegations against mother, and allegation type) differences as those in Forrest County. This examination revealed that that fathers had more presenting problems (as noted in the petition) in private attorney cases ( $M = .80$ ,  $SD = .77$ ) than in cases with a project attorney ( $M = .30$ ,  $SD = .70$ ) or no attorney ( $M = .33$ ,  $SD = .52$ ). No other notable differences between groups were found

## TIME TO ATTORNEY APPOINTMENT

For parents in the project attorney group, the average amount of time from petition filing to attorney appointment was 68.3 ( $SD = 123.3$ ) days for mothers and 83.0 ( $SD = 73.3$ ) days for fathers. Overall, 76.1% ( $n = 16$ ) of mothers and 66.6% ( $n = 4$ ) of fathers had an attorney at or before the adjudication hearing.

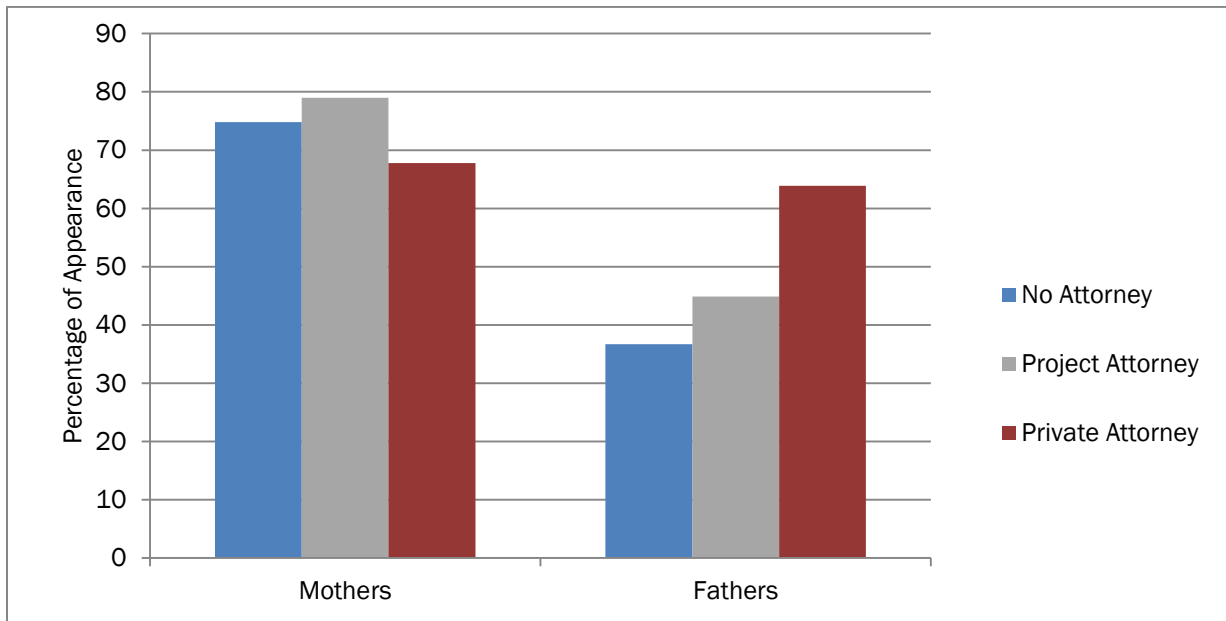
Information regarding the dates on which private attorneys were retained and when the private attorneys first appeared was unavailable in many cases. For cases in which this information was available, private attorneys were retained by mothers an average of 20 ( $SD = 16.1$ ) days after petition filing and by fathers an average of 64.7 ( $SD = 69.6$ ) days after petition filing. Based on the available information, the majority of mothers (80.0%;  $n = 4$ ) and fathers (85.7%;  $n = 6$ ) who retained private attorneys did so prior to the adjudication hearing.

## APPEARANCE OF PARENTS

As Figure 3 indicates, there was little difference in the extent to which mothers were present at hearings regardless of whether or not she was represented. For mothers in the no attorney group, the average percent of appearance across the life of the case was 74.8% ( $SD = .35$ ). Mothers represented by project attorneys were present, on average, at 79.0% ( $SD = .33$ ) of hearings, and mothers represented by private attorneys were present at 67.8% ( $SD = .45$ ) of hearings.

The appearance rate of fathers did differ between groups, although this difference did not approach statistical significance. Fathers were more likely to appear at hearings in the private attorney group (63.9%,  $SD = .45$ ) than in the project attorney (44.9%,  $SD = .44$ ) and no attorney (36.7%,  $SD = .43$ ) groups.

Figure 3. Mother and Father Presence at Hearings across Groups in Rankin County



## ADJUDICATION HEARINGS

We examined possible differences between the three groups at adjudication hearings regarding the number of contested hearings, number of substantiated allegations, and likelihood of allegation stipulation. There were no notable differences across the groups on any of these outcomes, and hearings were seldom contested regardless of whether or not a parent had counsel. Adjudication hearings were contested in 5.9% ( $n = 3$ ) of the no attorney cases, in 8.7% ( $n = 2$ ) of the project attorney cases, and in 13.3% ( $n = 2$ ) of the private attorney cases. Allegations against the mother were unsubstantiated in only one case, which was in the no attorney group. Allegations against the father also were unsubstantiated in a single case, which was in the project attorney group.

## COURT-ORDERED SERVICES

We examined whether the number of court-ordered services differed across the three groups. Figure 5 presents the percentage of individual court-ordered services for mothers and fathers. On average, mothers in the project attorney group received more services ( $M = 2.26$ ,  $SD = 1.89$ ) than those in the no attorney group ( $M = 1.12$ ,  $SD = 1.21$ ), and this difference was statistically significant ( $p < .05$ ). Mothers in the project attorney group also received more services than those in the private attorney group ( $M = 1.4$ ,  $SD = 1.50$ ), although this difference was not statistically significant. However, the number of court-ordered services for fathers did not differ between groups. On

average, fathers were ordered .61 ( $SD = 1.12$ ) services in the no attorney group, .87 ( $SD = 1.39$ ) services in the project attorney group, and .73 ( $SD = 1.03$ ) services in the private attorney group. There were no differences in the types of services ordered (e.g., random drug screenings, parenting classes) across groups for mothers or fathers.

These results cannot be explained by differences in presenting problems between represented and non-represented groups. The average number of presenting problems for mothers did not differ across groups; yet, mothers represented by a project attorney received significantly more services than their counterparts. Perhaps project attorneys advocated for services to help mothers address their underlying issues and promote reunification. Conversely, fathers in the private attorney group had, on average, more presenting problems than their counterparts. Yet, there was no difference in the number of services fathers received across groups. It should be noted that most fathers who were represented were represented by private counsel ( $n = 15$ ), whereas most mothers who were represented were represented by project counsel ( $n = 22$ ).

## VISITATION

Information regarding visitation was not easily identifiable in the case files. There was not enough information on the amount (i.e., hours per week) or type (i.e., supervised vs. unsupervised) of visitation to make any comparisons between groups.

## CHILD PLACEMENT

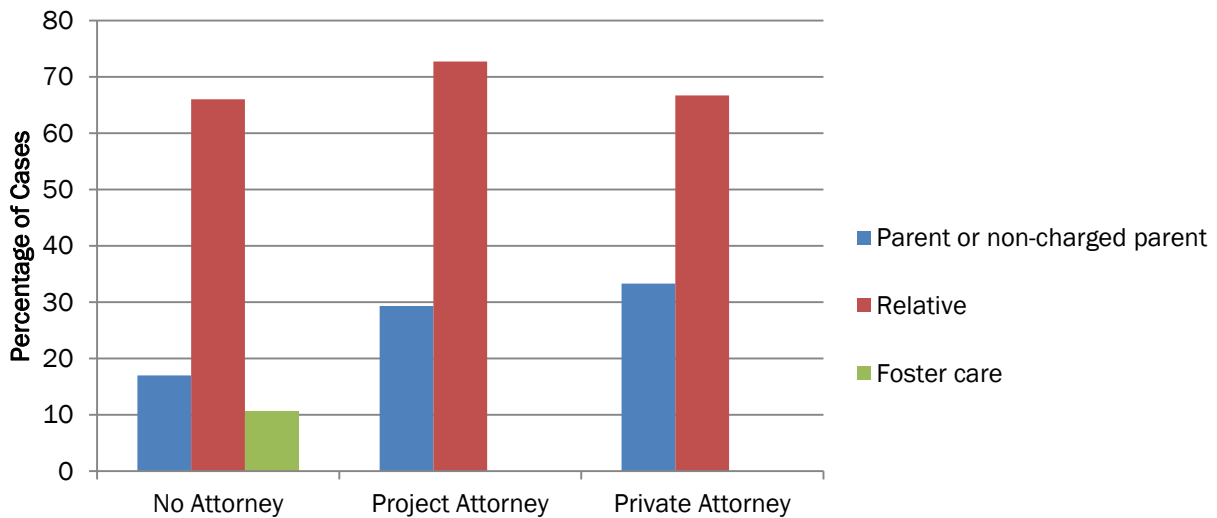
There were no differences in the number of placement moves across the life of the case between the three groups. The average number of placement moves for children in cases that had closed in the no attorney group was 1.08 ( $SD = .65$ ;  $n = 37$ ). Similarly, the average number of placement moves in closed cases was 1.00 ( $SD = .43$ ) in the project attorney group ( $n = 12$ ) and 1.07 ( $SD = .57$ ) in the private attorney group.

In addition to placement moves, we also examined whether there were any differences in the type of placements for children between the three groups. Unlike Forrest County, some parents in Rankin County had an attorney by the shelter hearing. Therefore, placement type at both shelter and adjudication hearings are included in analyses. There was not enough information available to compare placements at review and permanency hearings across groups.

As Figure 6 indicates, there were few notable differences in placement types across groups at the shelter care hearing. The majority of children in all three groups were placed with a relative. The only

foster care placements were in the no attorney group, with 5 (10.6%) children placed in foster care. It should be noted that seven children in the no attorney group were placed in foster care at removal, compared to one child in the project attorney group and none in the private attorney group. Children were most likely to be placed with a parent (including non-charged parents) in the private attorney group (33.3%;  $n = 5$ ), followed by the project attorney group (29.3%;  $n = 6$ ) and the no attorney group (17.0%;  $n = 8$ ).

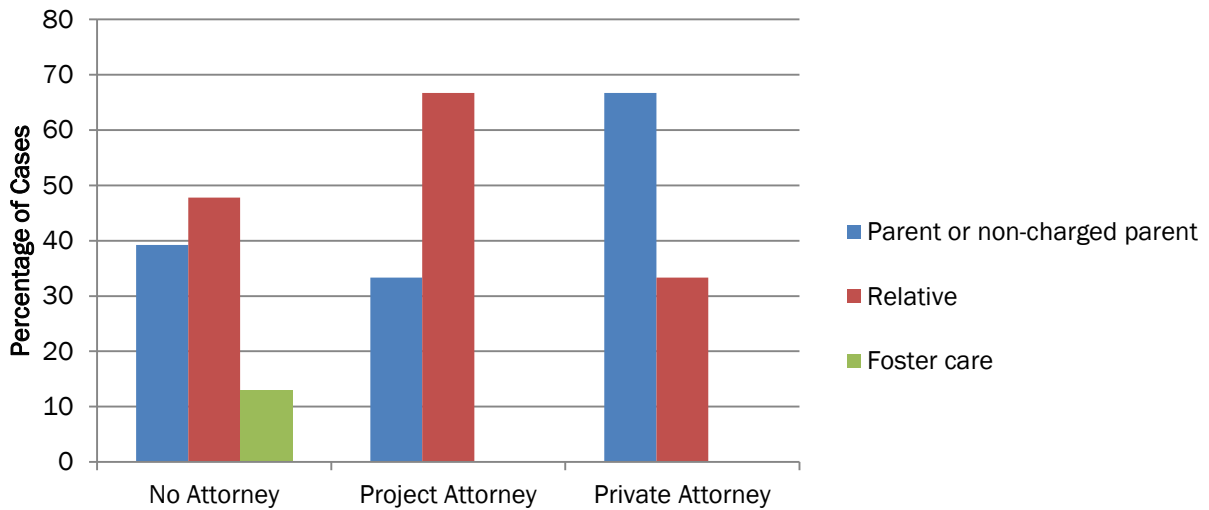
**Figure 6. Child placement at Shelter Hearing across Groups in Rankin County**



The percentage of children placed with a parent increased across all three groups at the adjudication hearing (see Figure 7). Again, children in the private attorney group were more likely to be placed with a parent (66.7%;  $n = 8$ ) than children in no attorney (39.3%;  $n = 18$ ) and project attorney (33.4%;  $n = 7$ ) groups. Conversely, children were more likely to be placed with relatives in the no attorney (47.8%,  $n = 22$ ) and project attorney (66.7%;  $n = 14$ ) groups than in the private attorney group (33.3%,  $n = 4$ ). However, the difference between the private attorney group and the other two groups did not reach statistical significance, which may have been due to inadequate sample sizes (i.e., there were not enough cases in each placement category across groups to yield significant differences).



Figure 7. Child placement at Adjudication across Groups in Rankin County



## CONTINUANCES

There were no significant differences in the average number of continuances across no attorney cases ( $M = .58$ ,  $SD = .97$ ), project attorney cases ( $M = .68$ ,  $SD = .95$ ), and private attorney cases ( $M = .57$ ,  $SD = .76$ ). Continuances were requested by parent's attorney in only three cases. One of these requests was due to the attorney needing more time to prepare and another was due to scheduling conflicts. The reason for the third continuance requested by a parent's attorney is unknown.

## CASE TIMELINESS

There were no statistically significant differences in case timeliness across groups, though cases with attorneys moved along faster than those without. The average time from petition filing to adjudication in the no attorney group was 71.3 ( $SD = 137.7$ ) days, compared to 41.8 ( $SD = 48.7$ ) days in the project attorney group and 31.89 ( $SD = 30.0$ ) days in the private attorney group. Cases in the private attorney group also closed earlier. The average time from petition filing to case closure in the private attorney group was 232.4 ( $SD = 101.9$ ) days. In the project attorney group, cases were open for an average of 257.7 ( $SD = 149.6$ ) days, and cases in the no attorney group were open for an average of 265.46 ( $SD = 213.9$ ) days. Again, it should be noted that in comparison to the no attorney sample, the sample of cases that had closed in the project ( $n = 12$ ) and private ( $n = 11$ ) attorney samples were small.

## CASE OUTCOMES

Table 2 displays the outcomes of closed cases in no attorney, project attorney, and private attorney groups. The number of closed cases in the no attorney group was over three times higher than the number of closed cases in the other two groups. Due to the small sample sizes in the attorney groups, statistical tests could not be conducted to compare case outcomes. Analysis of basic frequencies, however, did reveal some interesting trends. As Table 2 indicates, petitions were dismissed in half (50%;  $n = 6$ ) of the cases in the project attorney sample, compared to 32.4% ( $n = 12.0\%$ ) of the cases in the no attorney sample and 18.2% ( $n = 2$ ) of the cases in the private attorney sample. Durable legal custody with a relative was a more common outcome in no attorney cases (27.0%;  $n = 10$ ) than in project (8.3%;  $n = 1$ ) and private (9.1%;  $n = 1$ ) attorney cases. Three (27.3%) of the private attorney cases were transferred to chancery court, suggesting that parents in these cases were involved in custody disputes.

**Table 2. Outcomes of Closed Cases in No Attorney, Project Attorney, and Private Attorney Groups in Forrest County**

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

**\*Note.** Transferred includes transfers to chancery court, to adult criminal court, and to juvenile courts in other jurisdictions.

## DISCUSSION

Currently, Mississippi is the only state with no provision for counsel for indigent parents who are parties in juvenile dependency cases. In fall 2012, a pilot project was implemented that provided such parents with court-appointed counsel in four Mississippi counties. This research examined the differences between outcomes in cases with court-appointed counsel and in those without (using a historic comparison sample) in two of the pilot site counties: Forrest and Rankin. In addition, data were collected from a sample of cases in which parents retained private counsel in Rankin County to determine whether having court-appointed or private counsel had different effects on case outcomes.

Unfortunately, researchers were unable to collect enough data from each site to determine whether there were significant differences associated with parent representation for most outcomes. Several factors contributed to the lack of data. Forrest County is a rural county, and pilot attorneys were only assigned to ZTT cases; thus, the comparison group was limited to cases involving youth ages 0-3 as well. This further limited sample sizes for this rural county. Sample sizes in Rankin County were larger. However, several cases in the attorney groups had not yet closed by the follow-up phase of data collection, which limited sample sizes for analyses comparing key case outcomes such as case timelines and type of case closure (e.g., reunification, TPR/adoption, etc.). In addition, information on some variable of interest, such as visitation orders and plans, were not consistently available from the case files.

Despite the lack of adequate sample sizes to conduct more robust statistical analyses, examination of frequencies and descriptive data did reveal some interesting differences between cases with court-appointed parent representation and cases without representation. In Rankin County, children in project attorney cases were slightly more likely than those in cases without an attorney to be placed with a parent at the shelter care hearing, and the average time from petition filing to adjudication was nearly 30 days less in cases with project attorneys than in cases without attorneys. There was less of a difference in the average time from petition filing to case closure between the two groups, though cases with project attorneys still closed earlier than those without attorneys. This may be because approximately half (52.2%) of the cases with project attorneys had actually closed at the time of the second phase of data collection and were thus included in analyses, compared to 72.5% of the cases without attorneys.<sup>12</sup> Analyses including all cases after they have closed may

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<sup>12</sup> The “no attorney” or comparison sample was comprised of cases opened prior to the implementation of the pilot project. Thus, a greater proportion of cases without attorneys had closed by the time of the follow-up data collection phase.

reveal a greater difference in overall case timelines between cases with project attorneys and those without attorneys in Rankin County. These preliminary findings cohere with prior research indicating that providing parents with quality representation can help expedite case timelines.<sup>13</sup> In addition, petitions in the project attorney group were more likely to be dismissed than those in the no attorney group. Larger sample sizes are needed to determine if parent representation is indeed reliably associated with an increased likelihood of cases resulting in dismissal of the petition, but this is an encouraging trend that merits further exploration.

In Rankin County, mothers with project attorneys received more services than those without attorneys, and this finding was statistically significant. Again, larger sample sizes are needed to clarify the meaning of this difference. Increased services may in fact yield positive long-term case results. Perhaps project attorneys are advocating for mothers to receive the services they truly need to address their issues that led to their children being placed in care, and this advocacy may in turn lead to increased likelihood of reunification and decreased likelihood of re-entry into the child welfare system. This result can be further informed by data on case closure type for the project attorney cases in Rankin County that had not closed at the follow-up data collection phase as well as by examination of new referrals and case re-entry rates during the next two years.

There were some differences in outcome variables among cases with private attorneys in Rankin County, compared to cases with project attorneys and no attorney. Specifically, children in cases with private attorneys were slightly more likely to be placed with a parent (either the charged or non-charged parent) at the shelter care hearing than children in cases with project attorneys or no attorney; this difference became more pronounced at the adjudication hearing. Average timelines from petition filing to adjudication and from petition filing to case closure were shorter for the private attorney group, compared to the project attorney and no attorney groups. These findings, however, must be interpreted considering the many additional factors that may be associated with cases involving private attorneys. Though analyses revealed no significant differences between no attorney, project attorney, and private attorney groups on several demographic or case-related variables (e.g., presenting problems as noted in the petition), it is reasonable to assume that parents retaining private counsel had, on average, more economic resources than those who did not. Due to these resources and associated supports, parents in the private attorney group may have been in a better position to have their child returned earlier than parents in the other groups. In addition, parents in the private attorney group may have been more likely to be involved in custody disputes, with their

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<sup>13</sup> Courtney, M. E., & Hook, J. L. (2012). Evaluation of the impact of enhanced parental legal representation on the timing of permanency outcomes for children in foster care. *Children and Youth Services Review*, 34, 1337-1343.

attorney in the dependency case also representing them in child custody matters. This is only a possibility, as no data regarding involvement in custody disputes were collected. However, it is interesting to note that three of the eleven cases in the private attorney group that had closed were transferred to chancery court.

Ultimately, the findings in this report are preliminary. In the current Forrest and Rankin County samples, no substantial differences in case outcomes were found between cases with and without parent representation. Larger sample sizes are needed in order to conduct more robust comparisons between cases with and without parent representation. Adequate sample sizes could be obtained by collecting the remaining data elements from cases included in the current study but had not yet closed, and by collecting data from cases that have opened during or after the follow-up phase of data collection in summer 2014.<sup>14</sup> To ensure adequate data are available, pilot sites may wish to implement protocol guiding the reporting and collection of key data elements. For example, sites could work to ensure that child placement information, visitation plans and orders, service orders, and parental compliance with service plans are consistently recorded at routine time intervals (e.g., prior to each hearing) in future cases. This information should be organized so that it is easy to obtain from case files or electronic case management systems. Cases from the two counties not included in this study also may be examined. As the pilot progresses and more data are collected, a clearer picture of the relationship between parent representation and juvenile dependency outcomes should emerge.

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<sup>14</sup> Juvenile dependency research often requires extended periods of data collection in order to obtain sufficient sample sizes. For example, Courtney and Hook's (2012) study on the effects of enhanced legal representation for parents used data that were collected over a four-year period.