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2013

RESEARCH REPORT  
PRELIMINARY FINDINGS

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

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## EXECUTIVE SUMMARY

No constitutional provision exists that grants parents a right to legal counsel in the juvenile dependency system. Many states, however, have created statutes that provide parents with legal representation in juvenile dependency matters. Moreover, organizations such as the National Council of Juvenile and Family Court Judges (NCJFCJ) have identified providing legal representation for parents in the juvenile dependency system as a “best practice.” Prior research indicates that providing legal representation to parents who are involved in the juvenile dependency system is related to several positive outcomes for children. For example, New York’s Center for Family Representation found that providing attorneys (as well as a social worker and parent advocate) to parents kept 57% of their clients out of foster care in 2012 and significantly reduced the amount of time children spent in care during the same period.

The State of Mississippi is currently the only state with no provision for counsel for indigent parents. Despite this, a number of Mississippi judicial leaders with experience presiding over child abuse and neglect cases in county youth courts are interested in having the right to appointed counsel extended to indigent parents. In 2011, several Mississippi county youth court judges and staff with the Mississippi Administrative Office of the Court (AOC) began talking with staff of NCJFCJ and the American Bar Association (ABA) about improving parent advocacy services and parent engagement practices in child abuse and neglect cases. Over a two-year period, discussions among Mississippi judicial and child welfare agency leaders, other child welfare stakeholders, and staffs of Casey Family Programs (CFP), NCJFCJ, and ABA ensued on the technical assistance, resources, and strategies needed to introduce parent representation to Mississippi.

The culmination of these discussions was the development of a parent representation pilot program in Adams, Forrest, Harrison, and Rankin Counties. The Mississippi AOC, with financial support from CFP, subcontracted with a state legal services organization, the Mississippi Center for Legal Services, to hire, supervise, and support attorneys in Forrest, Adams, and Harrison Counties. Start dates for attorneys in these counties were October 1, 2012, December 1, 2012, and January 1, 2013, respectively. Additionally, with federal funding through a Mississippi Court Improvement Program Grant, the Mississippi AOC also contracted with a local legal services organization, Mission First Legal Aid Office (a partnership with the Mississippi College School of Law and Mission First, a neighborhood outreach ministry) to hire, supervise, and support an attorney in Rankin County. This hire occurred on October 1, 2012.

This report presents findings from an examination of differences in short-term juvenile dependency outcomes and parental perceptions in two counties in Mississippi. In Forrest County, differences were examined between those parents who had or did not have legal representation. In Rankin County, differences were examined between those parents who had no legal representation, those parents who were represented by an attorney, and those parents who met with an attorney, but did not receive formal representation (i.e., advice and counsel).

Two sources of information were used to assess the influence of attorney representation. The first source was a review of 21 juvenile dependency case files from Forrest County and 69 from Rankin County. The second source was a parent survey collected from 65 parents who are currently involved in the juvenile dependency system in DeSoto (n = 5), Forrest (n = 13), Harrison (n = 13), and Rankin (n = 34) Counties. It should be noted that many of the cases were too early in the court process to provide researchers the ability to draw reliable inferences into the relationship between attorney representation for parents and case-level outcomes. Therefore, the results presented in this report should be viewed as a preliminary and descriptive look into the benefits of appointing parents legal representation in juvenile dependency cases.

## CASE FILE REVIEW

### FORREST COUNTY

- ❖ Parents who had an attorney in comparison to parents who did not have an attorney:
  - had their children placed in a foster care/group home or a treatment facility less often at the review hearing
  - are stipulating to all allegations less often
  - had a higher number of case continuances
  - were ordered fewer services
  - received more hours of visitation, per week, at the adjudication hearing
- ❖ Mothers who had an attorney appeared at a higher percentage of hearings across the life of the case than mothers who did not have an attorney
- ❖ Children whose parents had an attorney had more total placements than children whose parents did not have an attorney

## RANKIN COUNTY

- ❖ Parents who had an attorney in comparison to parents who had no attorney:
  - had their children placed in foster care less often
  - stipulated to all allegations less often
  - appeared at a higher percentage of hearings across the life of the case
  - had a higher number of case continuances
- ❖ Mothers who had an attorney were ordered more services than mothers who had no attorney or received advice and counsel

## PARENT SURVEYS

- ❖ Parents who had an attorney (hired or court-appointed), in comparison to parents who had no attorney, generally expressed more positive opinions about their courtroom experience. For example, parents with an attorney agreed more that:
  - they helped make the decisions in their case
  - they had a better understanding of what they are supposed to do next
- ❖ Parents who had a court-appointed attorney generally expressed a more positive experience with their attorney than parents who hired their own attorney. For example, parents with a court-appointed attorney agreed more that:
  - having an attorney was helpful to their case
  - they were satisfied with their attorney's communication with them before hearings
  - their attorney helped them complete their case plan
- ❖ Increases in parents' positive perceptions toward their attorney was related to increases in parents' positive perceptions of their courtroom experience

Although there were few significant differences between groups so far, the preliminary findings indicate that there was a trend toward more positive outcomes when parents had an attorney. When parents were represented by an attorney, they attended court more often, they stipulated to fewer allegations, and their children were placed in foster care less often. In addition, parents

who were represented by an attorney believed that they had a greater sense of voice and understood the court process better.

It bears repeating that great strides and efforts have been made in Mississippi to increase parent representation, but caution should be used when trying to extrapolate from the current findings. To understand fully the potential impact of parent representation, future data collection is required after cases included in this report have closed. Moreover, the current findings could be bolstered by collecting data from an additional number of cases across Rankin, and especially Forrest, Counties.

## INTRODUCTION

The Sixth Amendment of the U.S. Constitution states that, “In all criminal prosecutions, the accused shall enjoy the right to have the assistance of counsel for his defense.” In the juvenile dependency system, no such provision for legal counsel 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 hearings. The Court, however, urged state courts to appoint counsel to indigent parents in all juvenile dependency hearings, including termination of parental rights hearings.<sup>1</sup>

In response to the *Lassiter* decision, many, but not all, states have created statutes that provide parents with legal representation in juvenile dependency matters.<sup>2</sup> By statute, Mississippi gives all parties to proceedings in Youth Court the right to be represented by counsel (§ 4343-21-201). When the party is a child, the Code mandates representation at all critical stages of the proceedings, as well as appointment of counsel if the child is indigent. At this time, 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 in county youth courts are interested in having the right to appointed counsel extended to indigent parents. They see this practice as an effective means for giving all parents equal access to justice and for engaging them fully in the juvenile dependency process.

Mississippi judicial leaders’ interest in extending appointed counsel to indigent parents is consistent with the law and practice in place in other states. It is also consistent with best practices and standards promulgated by the National Council of Juvenile and Family Court Judges (NCJFCJ) and the American Bar Association (ABA) Center on Children and the Law, two organizations that serve as national leaders to judicial and legal professionals across the country. Casey Family Programs (CFP), another national leader on practices that improve outcomes for children and families involved in foster care, also recognizes the importance of quality representation of parents in child abuse and neglect proceedings in achieving

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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. This article indicates that 39 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.



permanency for children, and supports efforts in several states to improve legal processes, engagement, and services for parents.

In 2011, several Mississippi county youth court judges and staff with the Mississippi Administrative Office of the Court (AOC) began talking with staff of the NCJFCJ and ABA about improving parent advocacy services and parent engagement practices in child abuse and neglect cases. Over a two-year period, discussions among Mississippi judicial and child welfare agency leaders, other child welfare stakeholders, and staffs of CFP, NCJFCJ, and ABA ensued on the technical assistance, resources, and strategies needed to introduce parent representation to Mississippi.

*“The hope is that parent representation will result in better outcomes for children and families. It will provide parents with a better understanding of the procedures and what is necessary to be reunited with their children.” – Judge Margaret Alfonso of Harrison County, Mississippi*

During this period, several exploratory meetings and trainings occurred to introduce Mississippi stakeholders and child welfare practitioners to models of parent representation, research findings on the benefits of parent representation, and approaches to funding parent representation.

Based on the interest expressed at these meetings by Mississippi judges and stakeholders, staff from CFP, NCJFC, ABA, and Mississippi AOC formed a Planning Committee to identify resources and strategies for implementing a pilot for parent representation in Mississippi. Four counties with experienced county youth court judges having a strong interest in piloting parent representation volunteered their courts to participate in such a project. These included Adams County Youth Court Judge John Hudson, Forrest County Youth Court Judge Michael McPhail, Harrison County Youth Court Judge Margaret Alfonso, and Rankin County Youth Court Judge Tom Broome.

The Mississippi AOC, with financial support from CFP, subcontracted with a state legal services organization, the Mississippi Center for Legal Services, to hire, supervise, and support attorneys in Adams, Forrest, and Harrison Counties. Additionally, with federal funding through a Mississippi Court Improvement Program Grant, the Mississippi AOC also contracted with a local legal services organization, Mission First Legal Aid Office (a partnership with the Mississippi College School of Law and Mission First, a neighborhood outreach ministry) to hire, supervise,

and support an attorney in Rankin County. Both legal services organizations had expressed a strong interest in developing (or expanding as in the case of Mission First Legal Aid Office) expertise in child abuse and neglect legal practice, so as to be able to serve the legal representation needs of low-income families that came to them for assistance. The funding from CFP also supported these attorneys with in-state trainings, as well as attendance at the Annual ABA Parent Attorney conference. 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.

Diverse requirements affecting the timing and amount of funds available to the Mississippi AOC from CFP determined the start of the pilot and date for attorney hire(s) in each county. The Mississippi AOC subcontracted with the Mississippi Center for Legal Services to hire and supervise the attorneys to represent parents in the counties of Forrest, Adams, and Harrison. Start dates for attorneys in these counties were October 1, 2012, December 1, 2012, and January 1, 2013, respectively. In addition, the Mississippi AOC subcontracted with Mission First Legal Aid Office to hire and supervise the attorney to represent parents in Rankin County; this hire occurred on October 1, 2012.

With assistance from the ABA, CFP and the Mississippi AOC funded and provided two trainings—one on November 30, 2012 and the other on January 31 to February 1, 2013. These trainings were specifically for the judges, attorneys, and stakeholders (including child welfare agency regional

*“The fact that government can come in and take a person’s children away and that person has to walk into a courtroom where everyone else is represented by attorneys and that person does not have an attorney – I can’t think of anything worse than that..” – Judge John Hudson of Adams County, Mississippi*

administrators and supervisors) to assist with implementation of parent representation in their respective courts. The Planning Committee also developed a strategy to assess the parent representation pilot program based on resources and expertise available from the NCJFCJ and ABA to develop instruments, and collect and analyze data. The remainder of this report describes the assessment activities and findings to date.

## STUDY OVERVIEW

This study used a multi-method approach to examine case-level and perceptual differences in hearing experiences and case outcomes in two counties in Mississippi. In Forrest County, differences were examined between those parents who had or did not have legal representation. In Rankin County, differences were examined between those parents who had no legal representation, those parents who were represented by an attorney, and those parents who met with an attorney, but did not receive formal representation (i.e., advice and counsel).

The first method was to review juvenile dependency case files from Forrest and Rankin Counties. The second method was to distribute surveys to parents currently involved in the juvenile dependency system in DeSoto<sup>3</sup>, Harrison, Forrest, and Rankin Counties.

### CASE FILE REVIEW

NCJFCJ planned the current research to be a multi-stage project to examine potential differences between cases that did and did not have legal representation. The plan for the first stage of the project was to collect data and examine the short-term effects (e.g., court-ordered services and substantiated allegations) of legal representation. Short-term effects will be examined because it is unlikely that all of the cases that have been assigned attorneys will be closed at the time of initial data collection. After allowing enough time for a majority of cases to close (approximately one to two years), NCJFCJ plans to return to the research sites and collect the remaining information for each case. These data will be used to examine long-term effects (e.g., final case outcome) of legal representation, and will allow for a more complete comparison of case-level differences across groups.

Forrest County and Rankin County were selected as the research sites for the current project. Each county was selected for a different purpose. Forrest County was selected because it is a rural jurisdiction and a NCJFCJ Victims Act Model Court. Collecting data from a rural jurisdiction does not provide for a large number of cases, but it does provide an opportunity for valuable descriptive information. Rankin County was selected because it is a larger jurisdiction (in comparison to other Mississippi jurisdictions) and provides a larger number of cases for data collection. In addition, Rankin County is assigning attorneys in a way that helps facilitate the

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<sup>3</sup> DeSoto County was not included in the parent representation pilot program. They were included in the parent survey sample because the DeSoto County Court Judge, Honorable Celeste Wilson, is interested in parent representation.

research. That is, an attorney is contacting all parents before or after the shelter hearing and offering them legal representation. Other jurisdictions are utilizing different procedures for assigning attorneys.

## PARENT SURVEYS

The American Bar Association (ABA) conducted this portion of the study using a parent satisfaction survey to examine the perceptions of parents who are currently involved in the juvenile dependency system and who may or may not have legal representation. Moreover, the ABA wanted to examine whether there are differences in parental perceptions between those parents who had an attorney and those who did not.

## RESEARCH QUESTIONS

### CASE FILE REVIEW

The current study poses several short-term research questions regarding whether assigning an attorney to a case relates to differences in the following indicators:

- Number of shelter care hearings held?
- Number of appearances of parents in court?
- Number and type of placement of the child to date?
- Number of contested adjudication hearings?
- Amount (days per week and hours) and type (supervised or unsupervised) of visitation?
- Number of and reasons for case continuances?
- Number of court-ordered services?
- Number of substantiated allegations?

## PARENT SURVEYS

The current study poses several questions concerning parental perceptions of their experiences in court and with their attorneys:

- Does having an attorney (hired or court-appointed) help parents understand their case plans?
- Does having an attorney help parents feel they were ‘heard’ in court?
- Does having an attorney help parents understand what happened in court?
- What does the communication between parents and attorneys look like?
- What are parents’ perceptions of their attorney experience?
- What are parents’ perceptions of their courtroom experience?

## METHOD

### CASE FILE REVIEW

NCJFCJ research staff and an undergraduate student from the University of Southern Mississippi collected data in Forrest County 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. NCJFCJ staff, two law students from the Mississippi College School of Law, and an attorney from Mission First Legal Aid Office collected data in Rankin County using the same standardized case file review instrument.

Prior to data collection, researchers from NCJFCJ trained an undergraduate student from the University of Southern Mississippi in Forrest County, as well as two law students from the Mississippi College School of Law and one attorney in Rankin County in separate (one session for Rankin County and one for Forrest County), two-hour training sessions. During these training sessions, 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.

Data were collected from two counties in Mississippi, Forrest and Rankin. 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. The sample characteristics and sample size varied by county.

## FORREST COUNTY

In Forrest County, data were collected from 21 cases. Six 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. Fifteen cases opened between October 1, 2012 and October 1, 2013, involved children 0 to 3 years of age, and had one or both parents represented by an attorney. These cases constituted the “attorney” group.<sup>4</sup>

It should be noted that these 21 cases were not all of the ones that were opened during the period of October 1, 2011 and October 1, 2013. Since the annual number of juvenile dependency cases in Forrest County is low (approximately 30), we attempted to collect data from all cases in the no attorney and attorney groups. However, budget, time, and personnel constraints only allowed for 21 cases. When it became clear on site that we would not have the resources to code all of the cases in each group, we oversampled from the attorney group to ensure we had sufficient data from this period.

## RANKIN COUNTY

In Rankin County, data were collected from 23 randomly selected cases that opened between January 1, 2012 and September 30, 2012 in which a formal petition was filed and an attorney did not represent either parent. These cases constituted the “no attorney” group. Data were collected from 29 cases that opened between October 1, 2012 and August 28, 2013 in which a formal petition was filed and one or both of the parents had legal representation. These cases constituted the “attorney” group. Data were also collected from 17 cases that opened between October 1, 2012 and August 28, 2013 in which a formal petition was filed and one or both parents received advice and counsel, but not formal representation. Advice and counsel involves providing some legal advocacy and literacy (explanation of rights, the juvenile dependency process, etc.) to all parents, but without formal representation. These cases constituted the “advice and counsel” group.

Two cases (9%) from Forrest County and five cases (6%) from Rankin County were assessed for inter-rater reliability using Cohen’s kappa. Inter-rater reliability is a way to assess whether

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<sup>4</sup> Two cases had petition filing dates prior to October 1, 2012, but the parents were assigned legal representation.

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.”

## PARENT SURVEYS

Surveys were collected from mothers and fathers involved in the juvenile dependency system across four jurisdictions (Forrest, Harrison, Rankin, and DeSoto Counties) in Mississippi. From September 10, 2013 through October 15, 2013, parents who appeared for court were given a survey, generally by Youth Court Administrators. In some instances, both parents involved in the case completed a survey, and in other instances, a single parent involved in the case completed a survey. Across the four jurisdictions, 65 surveys were collected, with 13 from Forrest County, 13 from Harrison County, 34 from Rankin County, and 5 from DeSoto County.

The questions on the survey were designed to elicit parental perceptions on their level of engagement in the hearing process and their perceptions of their attorney, if they had one. All parents indicated their level of agreement (1 = Strongly Disagree to 5 = Strongly Agree) to several statements including, “The judge treated me with respect,” “I had a chance to speak,” and “I understood what happened in court today.” Parents were also given an open-ended question that asked, “Is there anything else you would like to tell us about your experience in court today?”

Parents with an attorney also responded to several additional questions. They indicated their level of agreement (1 = Strongly Disagree to 5 = Strongly Agree) to several statements including, “My attorney helped me complete my case plan,” “My attorney helped me get the services I needed,” and “Having an attorney is helpful in my case.” In addition, parents indicated how many times they had contact with their attorney prior to each hearing and responded to two open-ended questions, “Is there anything else you would like to tell us about your experience with your attorney?” and “Is there anything you wish your attorney would have done differently?”

### FORREST COUNTY

In Forrest County, all 21 children were removed from their parents. After removal, 40.0% (n = 8) of children were placed with a relative, 55.0% (n = 11) were placed in foster care, one (5.0%) was placed in a group or treatment facility, and in one case, the placement of a child could not be determined. The primary allegations against the mother that precipitated this removal were neglect (85.7%; n = 18) and physical abuse (14.3%; n = 3). The three most common presenting problems associated with these allegations were substance abuse (66.7%; n = 14), mental health issues (33.3%; n = 7), and “other” problems (23.8%; 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 (38.1%; n = 8) and physical abuse (4.8%; n = 1). The three most common presenting problems for fathers were “other” problems (23.8%; n = 5), that their whereabouts were unknown (19.0%; n = 4), and substance abuse (14.3%; n = 3). The “other” problems included a lack of stable employment and proper care for the child. See Figure 1 for the percentages of each presenting problem across mothers and fathers.

Of primary interest in this study, we examined several short-term outcomes for those parents who did and did not have legal representation. It should be noted that 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 provides insight into what is occurring in this county before and after the implementation of the parent representation pilot program.



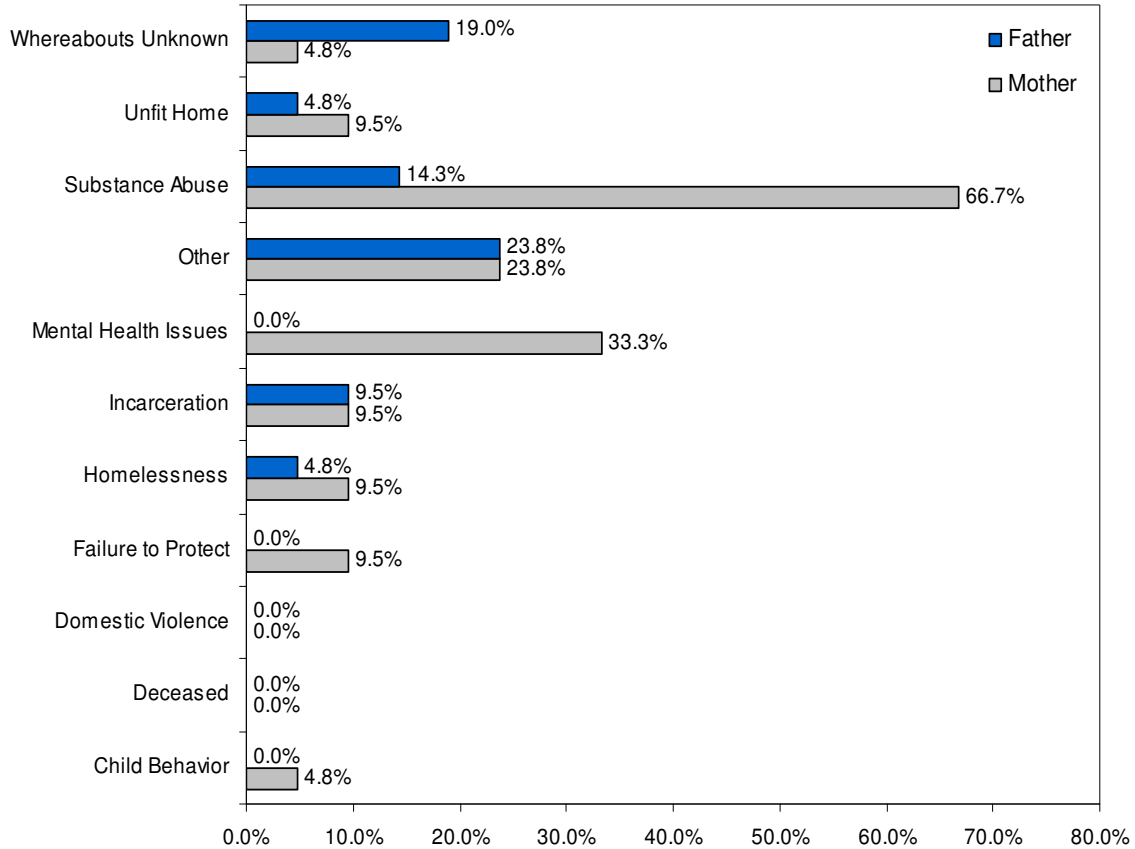


Figure 1. Presenting Problems for Mothers and Fathers in Forrest County

## 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. The cases looked similar to one another from the beginning.<sup>5</sup>

<sup>5</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).

## TIME TO ATTORNEY APPOINTMENT

For mothers who received an attorney, the average amount of time from petition filing to attorney appointment was 16.38 (SD = 40.66)<sup>6</sup> days. The longest a mother went without an attorney was 106 days. Four mothers received an attorney 14, 13, 13, and 2 days, respectively, prior to the petition filing. Information was not available on the appointment of legal counsel for fathers.

## SHELTER HEARINGS

We were interested in examining whether there was a difference in the number of shelter hearings held between parents who did and did not have an attorney. The purpose of the shelter hearing is for the agency to establish probable cause to support the removal of the child(ren) from the home and for the court to make a decision whether the child can safely return home while a trial is pending. It is common practice in Forrest County to waive the shelter hearing and we wanted to explore whether having an attorney would result in more shelter hearings for parents. No comparisons were made between the two groups because at the time of the shelter hearing, attorneys had not been appointed yet and thus were unable to argue for holding a hearing. Across all cases, attorneys did not make their first appearance until the adjudication hearing.

## 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>7</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.

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<sup>6</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.

<sup>7</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.

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.

For mothers in the no attorney group, the average percent of appearance across the life of the case was 54.2% (SD = 51.0%). For mothers in the attorney group, the average percent of appearance across the life of the case was 69.2% (SD = 41.9%). The same relationship did not exist for fathers. Fathers in the attorney group were present, on average, at 32.1% (SD = 44.3%) of hearings, while fathers in the no attorney group were present at 58.3% (SD = 49.2%) of hearings.

## CHILD PLACEMENT

We examined whether there were any differences in placements for children between families that did and did not have an attorney. Figure 2 indicates the percentage of placements for children at the adjudication and review hearings, separated by attorney and no attorney groups. Overall, the graph indicates that children whose parents had an attorney had different placements from children whose parents did not have an attorney. At the adjudication hearing, 50% (n = 2) of children whose parents did not have an attorney were in foster care/group home/treatment facility (hereafter foster care), compared to 53.9% (n = 7) for children whose parents did have an attorney. However, for those cases that reached the first review hearing, the percentage of children in foster care was higher for parents who did not have an attorney (66.7%; n = 2) than parents who did have an attorney (40.0%; n = 2). Those cases that reached a permanency hearing (n = 4), all children, regardless of parent representation, were with relatives.

To further examine the placements of children, we counted the total number of placement moves across the life of the case. A placement move was considered any change in setting for the child, even if the child has been in the placement before. For example, a child who was placed in a foster home, moved to a relative's home, and then returned to the same foster home would be considered to have three placement moves (foster home, relative, foster home). The Office of Juvenile Justice and Delinquency Prevention (OJJDP) indicates in their Court Performance Measures in Child Abuse and Neglect Cases Technical Guide that counting placement moves or total placements is appropriate, as long as all out-of-home placements

(e.g., relative, pre-adoptive home, or foster home) are counted.<sup>8</sup> We chose to count placement moves because it is a better indicator of placement instability. Moreover, prior literature indicates that placement instability is an adverse experience that is related to higher mental health costs for children in foster care.<sup>9</sup> On average, children whose parents did not have an attorney had 1.60 (SD = .89) total placements, compared to 1.93 (SD = .83) for children whose parents had an attorney. In all fairness, this is a very conservative factor to examine at this stage because many other factors influence placement moves throughout the entire time a case is open, especially the quality, training and supervision of the foster parents, as well as the mental health and education services provided to the child.

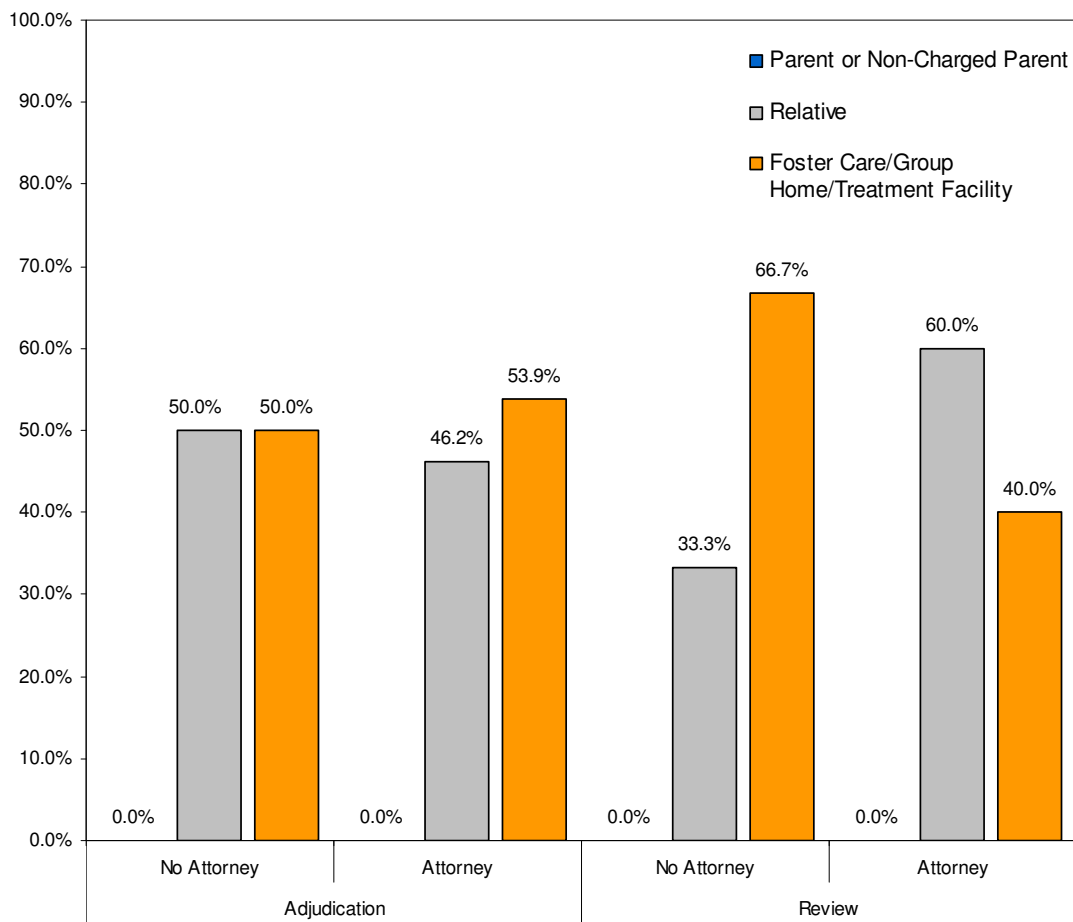


Figure 2. Child Placement at Adjudication and Review Hearings across Groups in Forrest County

<sup>8</sup> Hardin, M., & Koenig, S. (2008). *Court performance measures in child abuse and neglect cases: Technical guide*. Retrieved from <https://www.ncjrs.gov/pdffiles1/ojdp/223570.pdf>

<sup>9</sup> Rubin, D. M., Alessandrini, E. A., Feudtner, C., Mandell, D. S., Localio, A. R., & Hadley, T. (2004). Placement stability and mental health costs for children in foster care. *Pediatrics*, 113(5), 1336-1341.

## 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. For mothers who did not have an attorney, 100% (n = 4) stipulated to all allegations. For mothers who had an attorney, 87.5% (n = 7) stipulated to all allegations, while 12.5% (n = 1) did not stipulate to any allegations. For fathers who did not have an attorney, 100% (n = 2) stipulated to all allegations. For fathers who had an attorney, 60.0% (n = 3) stipulated to all allegations, while 40% (n = 2) did not stipulate to any allegations.

These findings suggest that parents who do not have an attorney are stipulating to all allegations more often than parents 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.

## VISITATION

The amount (days per week and hours) of visitation was examined to compare differences between cases with and without an attorney. This is a very important variable as parental visitation is associated with greater family reunification.<sup>10</sup> The number of days and hours of visitation were collapsed to create a single variable that indicated the number of hours of visitation, per week, that parents had with their children. As can be seen in Figure 3, the average number of hours of visitation per week differed. Mothers who had an attorney received more hours of visitation, on average, at the adjudication and permanency hearing than mothers without an attorney. Data were not easily identifiable for mothers at the review hearing. Fathers who had an attorney also received more hours of visitation, on average, at the adjudication hearing than fathers without an attorney. Data regarding visitation were not available for fathers at the review or permanency hearings.

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<sup>10</sup> Hess, P. & Proch, K. (1988). *Family visiting of children in out-of-home care: A practical guide*. Washington, D.C.: The Child Welfare League of America; Davis, I. P., Landsverk, J., Newton, R., & Ganger, W. (1996). Parental visiting and foster care reunification. *Children and Youth Services Review, 18*(4/5), 363-382; Wulczyn, F. (2004). Family reunification. *The Future of Children, 14*(1): 95-114.

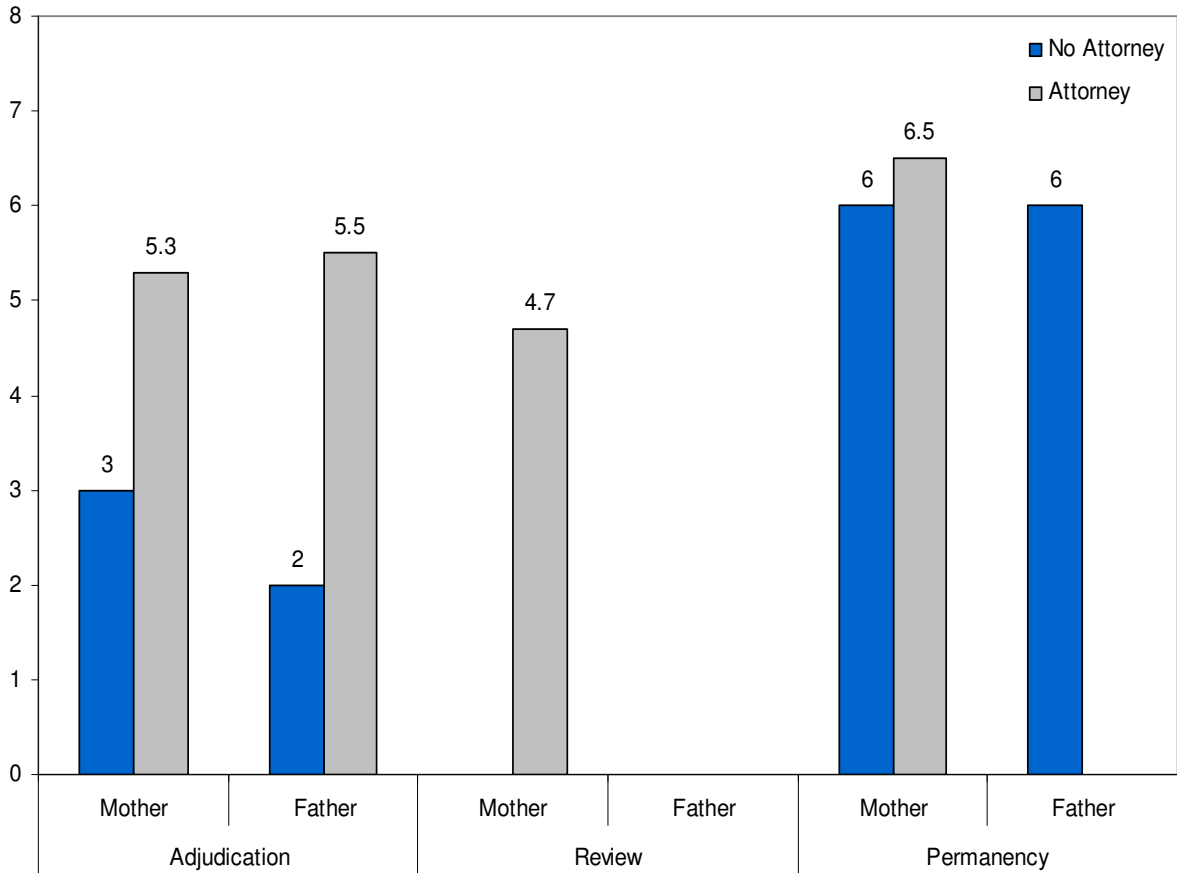


Figure 3. Average Hours of Visitation, per Day, across Hearings and Groups in Forrest County

The type of visitation (supervised or unsupervised) was also examined to determine whether there are differences between cases with and without an attorney. At adjudication, 100% (n = 3) of parental visitation was supervised for parents without an attorney, compared to 88.9% (n = 8) for parents with an attorney. At the review hearing, this trend changed. Parents who had no attorney received supervised visitation in 50.0% (n = 1) of cases, compared to 100% (n = 5) of cases in which the parents had an attorney. This trend changed once again at the permanency hearing. Parents who had no attorney received supervised visitation in 100% (n = 1) of cases, compared to 50% (n = 1) of cases in which parents had an attorney. It should be noted that these data contain information from multiple cases. Therefore, it should not be inferred that a single case had supervised visitation at the adjudication hearing, then unsupervised visitation at the review hearing, and then supervised visitation again at the permanency hearing.

## CONTINUANCES

We examined the number of continuances between cases with and without an attorney. This was to explore whether having an attorney would lead to more or fewer case continuances. Prior research has indicated that continuances are a barrier to achieving permanency,<sup>11</sup> and can extend the duration of the juvenile dependency case and the children's stay in foster care.<sup>12</sup> Cases in which parents had no attorney were continued, on average, 1.17 (SD = .75) times, compared to 1.60 (SD = 1.45) times for cases in which parents had an attorney. In only 3 of the 17 cases was a continuance at the request of the parent's attorney. It was not always clear as to the reason for the continuances (e.g., more preparation time or conflicting dates), but information was available on two requested by the parent's attorney. These continuances were requested to establish paternity and to locate one of the fathers.

## COURT-ORDERED SERVICES

We examined whether the number of services differed between parents who did and parents who did not have an attorney. Mothers and fathers who had an attorney had fewer court-ordered services than mothers and fathers who had no attorney. On average, mothers who did not have an attorney had 3.83 (SD = 2.40) court-ordered services, compared to 3.27 (SD = 2.02) for mothers who had an attorney. On average, fathers who did not have an attorney had 2.17 (SD = 2.56) court-ordered services, compared to 1.07 (SD = 1.94) for fathers who had an attorney. Figure 4 indicates the percentage of individual court-ordered services for mothers and fathers.

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<sup>11</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>12</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>

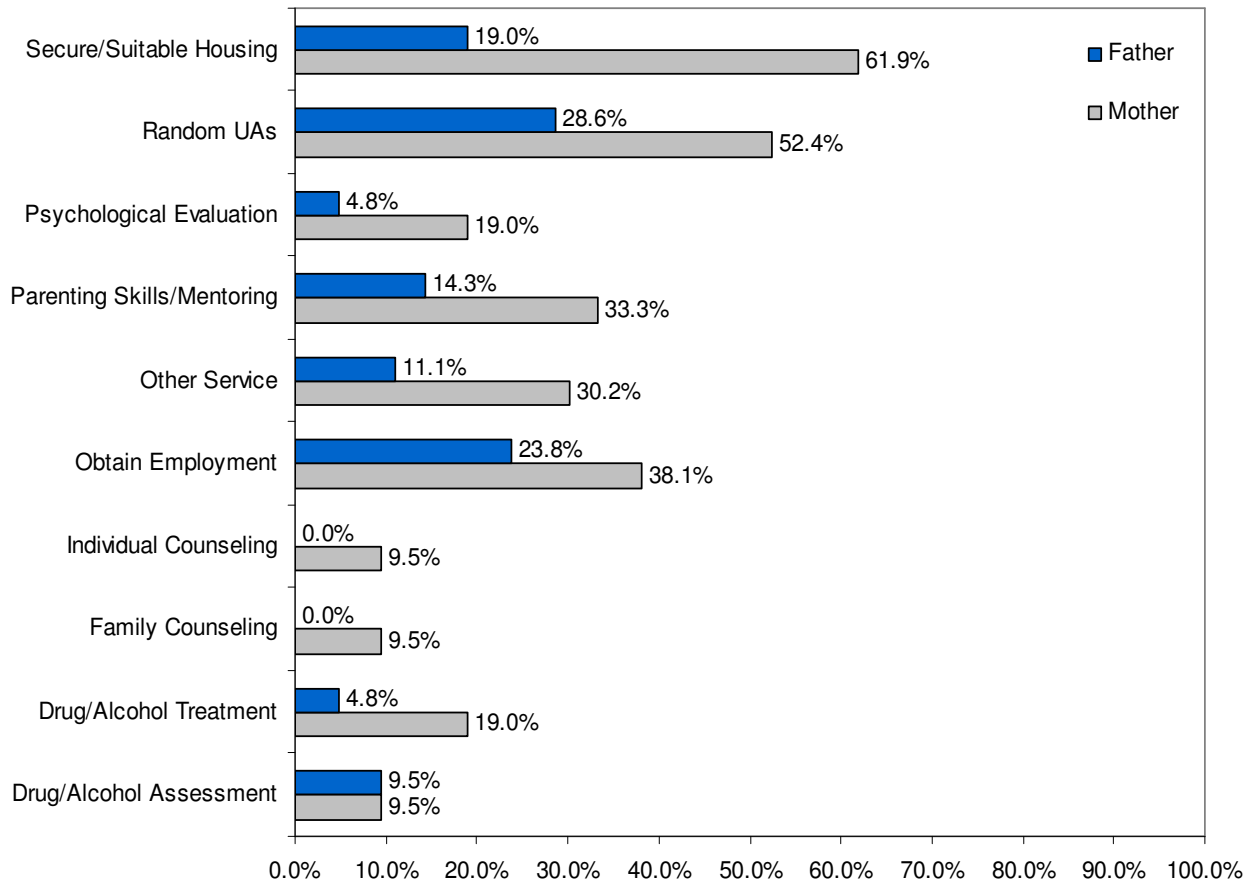


Figure 4. Percentage of Court-Ordered Services for Mothers and Fathers in Forrest County

## RANKIN COUNTY

In Rankin County, 92.8% of children (n = 64) were removed from their parents. After removal, 9.1% (n = 6) children remained with the charged parent, 16.7% (n = 11) were placed with the non-charged parent, 60.6% (n = 40) of children were placed with a relative, 7.6% (n = 5) were placed in foster care, 3.0% (n = 2) was placed in a group or treatment facility, and the placement of two children could not be determined. The primary allegations against the mother that precipitated the child's removal were neglect (75.4%; n = 52), physical abuse (2.9%; n = 2), and emotional abuse (1.4%; n = 1). The three most common presenting problems associated with these allegations were substance abuse (30.9%; n = 21), incarceration (14.7%; n = 10), and "other" problems (15.4%; n = 10). "Other" problems included the child having head lice and the mother medically neglecting the child.



The primary allegations against father were neglect (26.1%; n = 18), physical abuse (5.8%; n = 4), and sexual abuse (1.4%; n = 1). The three most common presenting problems for fathers were substance abuse (17.4%; n = 12), “other” problems (10.1%; n = 7), and incarceration (7.2%; n = 5). The “other” problems included the father sexually abusing the stepsister while the child was in the house and kicking the child out of the home. See Figure 5 for the percentages of each presenting problem across mothers and fathers.

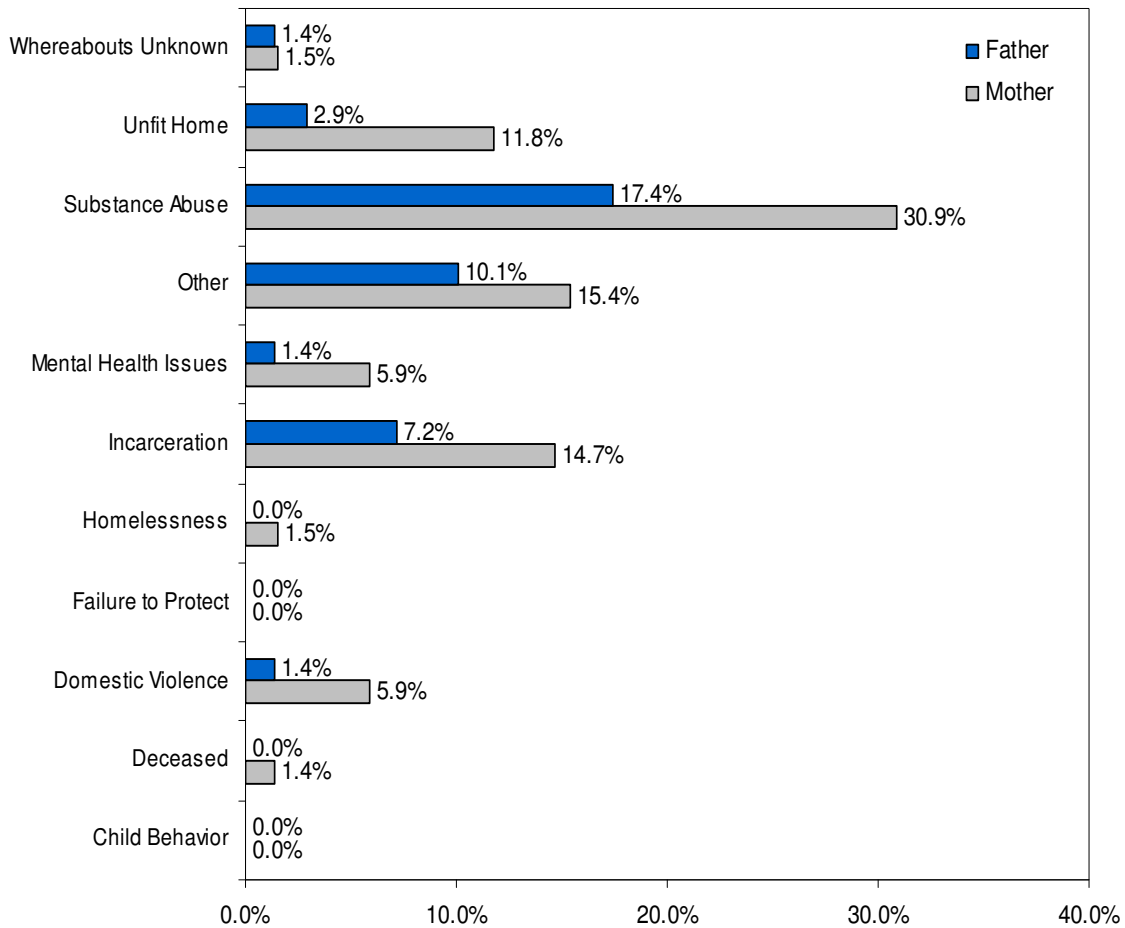


Figure 5. Presenting Problems for Mothers and Fathers in Rankin County

Unlike Forrest County, the number of cases coded in Rankin County allowed for the use of inferential statistics. Descriptive statistics describe what is occurring, while inferential statistics are used to, among other things, examine whether differences that appear between groups on a given outcome measure (e.g., number of allegations or age of child) are statistically significant (i.e., not due to chance).

Each set of analyses examined outcome differences across three comparisons: (1) no attorney versus attorney, (2) attorney versus advice and counsel, and (3) no attorney versus advice and counsel. Findings that indicate significant differences allow researchers to make judgments concerning whether the results are dependable or whether they occurred by chance. Significant differences have a high probability of being dependable.

## 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. The three groups did not differ from one another on any measure. Therefore, it is assumed that these cases were similar from the outset.

## TIME TO ATTORNEY APPOINTMENT

For those parents who received an attorney, the average amount of time from petition filing to attorney appointment was 68.7 (SD = 133.6) days for mothers and 49.2 (SD = 69.6) days for fathers. The longest a mother went without an attorney was 504 days, while four mothers received an attorney 64, 23, 3, and 3 days, respectively, prior to the petition filing. The longest a father went without an attorney was 139 days, with one being assigned an attorney seven days prior to the petition filing. Overall, 76.1% (n = 16) of mothers and 66.6% (n = 4) of fathers had an attorney at or before the adjudication hearing, with four mothers (19.0%) and two fathers (33.3%) receiving an attorney at the shelter hearing.

## SHELTER HEARINGS

It is not common practice to waive the shelter care hearings in Rankin County. Across all groups, 95.7% (n = 66) had a shelter hearing. However, parents who had an attorney or advice and counsel were more likely to have a shelter hearing. The only cases that did not hold a shelter hearing (n = 3) were those in the no attorney group. The likelihood of having a shelter hearing was significantly higher for the attorney group (100.0%) than the no attorney group (87.0%). The other groups did not significantly differ from one another.

## APPEARANCE OF PARENTS

Although there were no significant differences across the three groups, the percentage of appearance for mothers and fathers across the life of the case was trending in the expected direction (based on findings from other studies about parent appearance at hearings when represented by counsel). As depicted in Figure 6, mothers and fathers who had an attorney were present in court more often than mothers and fathers who had no attorney or who received advice and counsel.

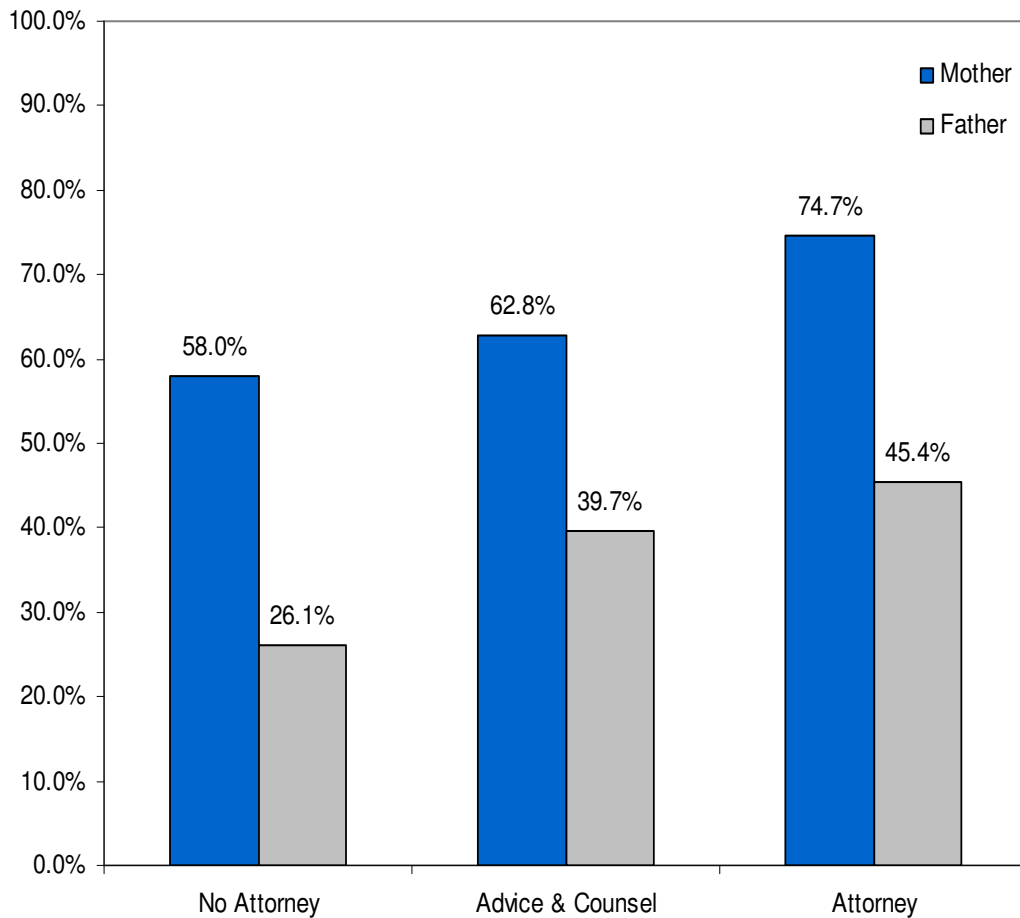


Figure 6. Mother and Father Presence at Hearings across Groups in Rankin County

## CHILD PLACEMENT

We examined whether there were any differences in placements for children between the three groups at each hearing. Unlike Forrest County, some parents in Rankin County had an attorney by the shelter hearing. Therefore, shelter hearings are included in all analyses.

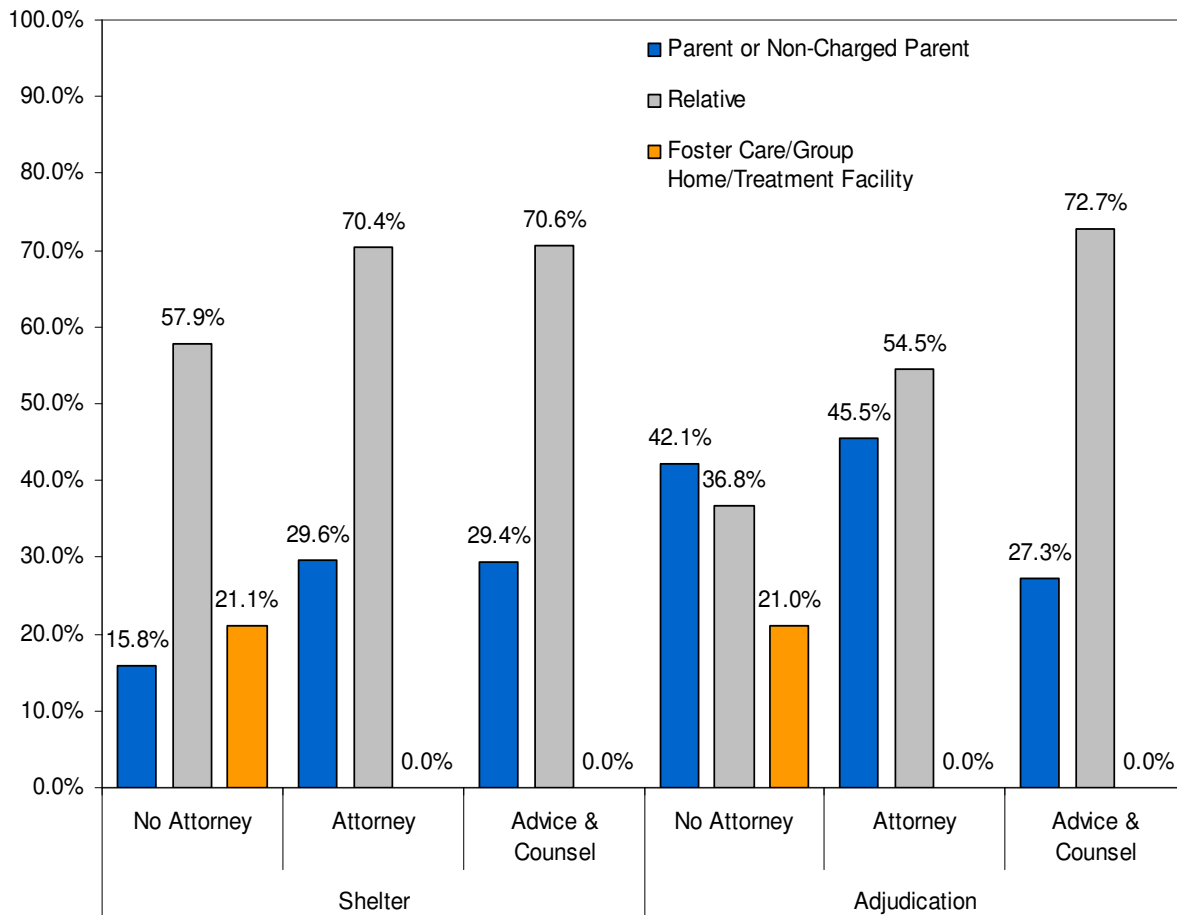


Figure 7. Child Placement at Shelter and Adjudication Hearings across Groups in Rankin County

The most common child placement across all groups was with a relative. However, there were significant differences in placements across the three groups. The attorney group significantly differed from the no attorney group at the shelter and adjudication hearings, but did not differ from the advice and counsel group at either hearing. As indicated in Figure 7, none of the children whose parents had an attorney were in foster care at the shelter or adjudication hearings. For children whose parents did not have an attorney, 21.1% (n = 4) were in foster care at the shelter hearing and 21.0% (n = 4) were in foster care at the adjudication hearing.

The no attorney and advice and counsel groups also differed with regard to the child's placement at the shelter hearing. None of the children whose parents received advice and counsel were placed in foster care at the shelter hearing.

At the time of data collection, few cases had reached a review ( $n = 16$ ) or permanency hearing ( $n = 6$ ). Of those cases that did have a review or permanency hearing, the differences across the three groups on placements persisted. For children whose parents had no attorney, 28.6% ( $n = 2$ ) were in foster care at the review hearing and 33.3% ( $n = 1$ ) were in foster care at the permanency hearing. Children whose parents had an attorney or received advice and counsel were not placed in foster care at the review or permanency hearings. The children in these groups were with their parents or relatives.

The total number of placement moves across the life of the case was compared across the three groups. There were no significant differences across groups. On average, children whose parents did not have an attorney had 1.00 ( $SD = .62$ ) total placements, children whose parents had an attorney had 1.12 ( $SD = .65$ ) total placements, and children whose parents received advice and counsel had 1.18 ( $SD = .73$ ) total placements.

## 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 significant differences across the groups on any of these outcomes. However, the number of contested hearings was higher for the attorney ( $n = 3$ ) and advice and counsel ( $n = 2$ ) groups than the no attorney group ( $n = 0$ ). In the attorney group, 10.5% ( $n = 2$ ) of mothers and 10.0% ( $n = 1$ ) of fathers did not stipulate to any allegations. In the advice and counsel group, 12.5% ( $n = 1$ ) of mothers stipulated to some allegations and 25.0% ( $n = 1$ ) of fathers did not stipulate to any allegations. In the no attorney group, 100% ( $n = 15$ ) of mothers and 100% ( $n = 5$ ) of fathers stipulated to all allegations. Figure 8 provides the percentage of parents who stipulated to all allegations across the three groups. Similar to Forrest County, these findings suggest that parents who receive an attorney or advice and counsel are stipulating to fewer allegations than parents who have no attorney.

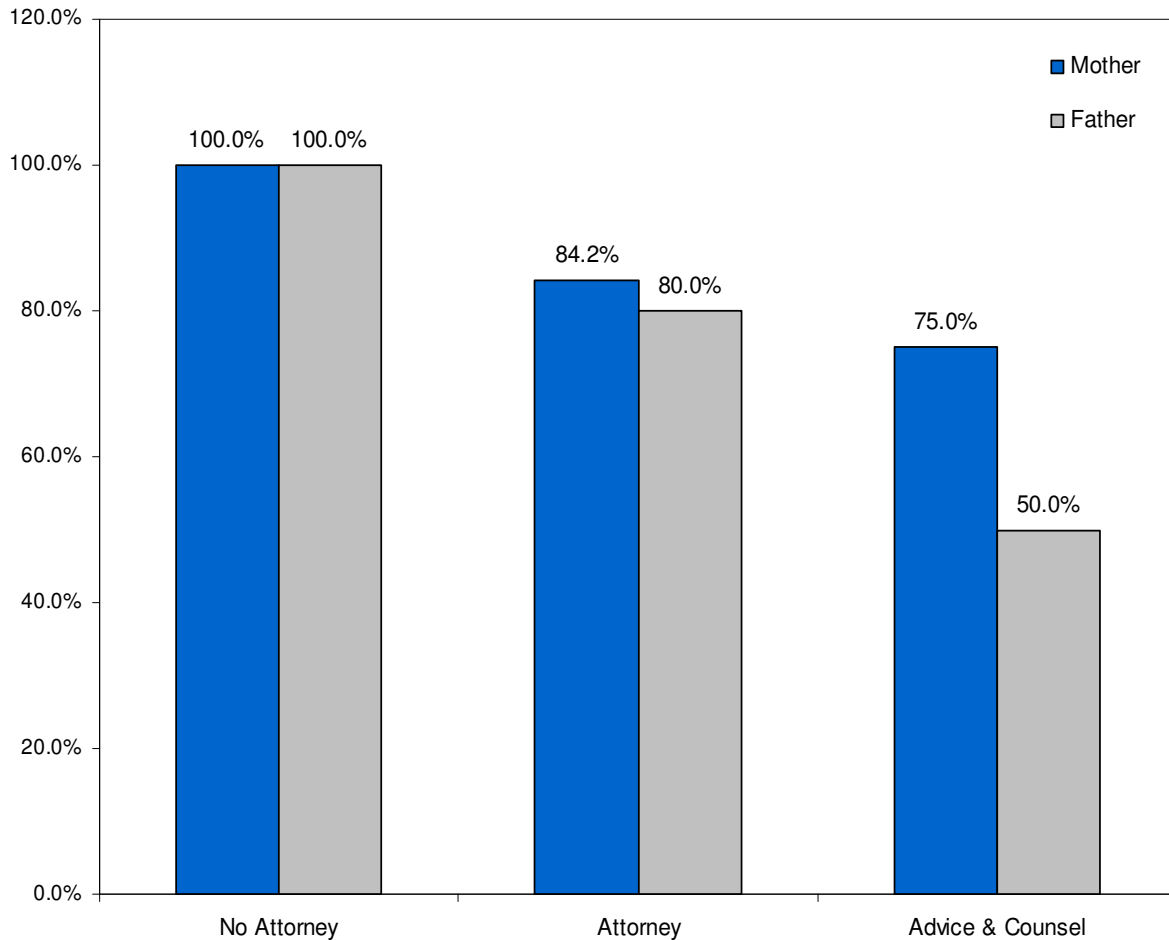


Figure 8. Percentage of Stipulation to All Allegations for Mothers and Fathers across Groups in Rankin County

## VISITATION

The amount (days per week and hours) and type (supervised or unsupervised) of visitation was examined to compare differences across groups. There were no significant differences across groups on the number of days of visitation, the number of hours of visitation, or the type of visitation across hearings. However, the amount and type of visitation was not easily identifiable in the case files. Much of these data were missing.

## CONTINUANCES

We examined the number of continuances across the three groups. The attorney group did not differ from the no attorney or advice and counsel groups. On average, the number of

continuances for the attorney group was .58 (SD = .81). However, the no attorney and advice and counsel groups did significantly differ on the number of continuances. On average, the number of continuances for the no attorney group was .35 (SD = .78) compared to .93 (SD = 1.28) for the advice and counsel group. Only 1 of the 22 cases with a continuance was at the request of a parent's attorney. It was not always clear as to the reason for continuances, but information was available to indicate the continuance requested by the attorney was to prepare for trial.

## COURT-ORDERED SERVICES

We examined whether the number of court-ordered services differed across the three groups. Figure 9 presents the percentage of individual court-ordered services for mothers and fathers. The no attorney and attorney groups significantly differed on the number of services for the mother. The average number of services for the mother was .83 (SD = 1.23) in the no attorney group and 1.93 (SD = 1.79) for the attorney group. The attorney and advice and counsel groups also significantly differed. The average number of services for the mother in the advice and counsel group was 1.00 (SD = 1.32). The no attorney and advice and counsel groups did not differ on the number of services for the mother.

The number of court-ordered services for the father did not differ across groups. On average, fathers were ordered .61 (SD = 1.12) services in the no attorney group, .66 (SD = 1.04) services in the attorney group, and .35 (SD = .70) services in the advice and counsel group.

The relationship between the number of court-ordered services and presenting problems was also examined. Unlike Forrest County, the number of court-ordered services was positively correlated with the number of presenting problems for mothers and fathers. The higher the number of presenting problems for mothers or fathers, the higher the number of court-ordered services each one received. However, this does not help to inform the significantly higher number of services for mothers in the attorney group because, on average, the number of presenting problems for the mother was .83 (SD = .66) for the attorney group, .88 (SD = 1.17) for the advice and counsel group, and .91 (SD = .51) for the no attorney group.

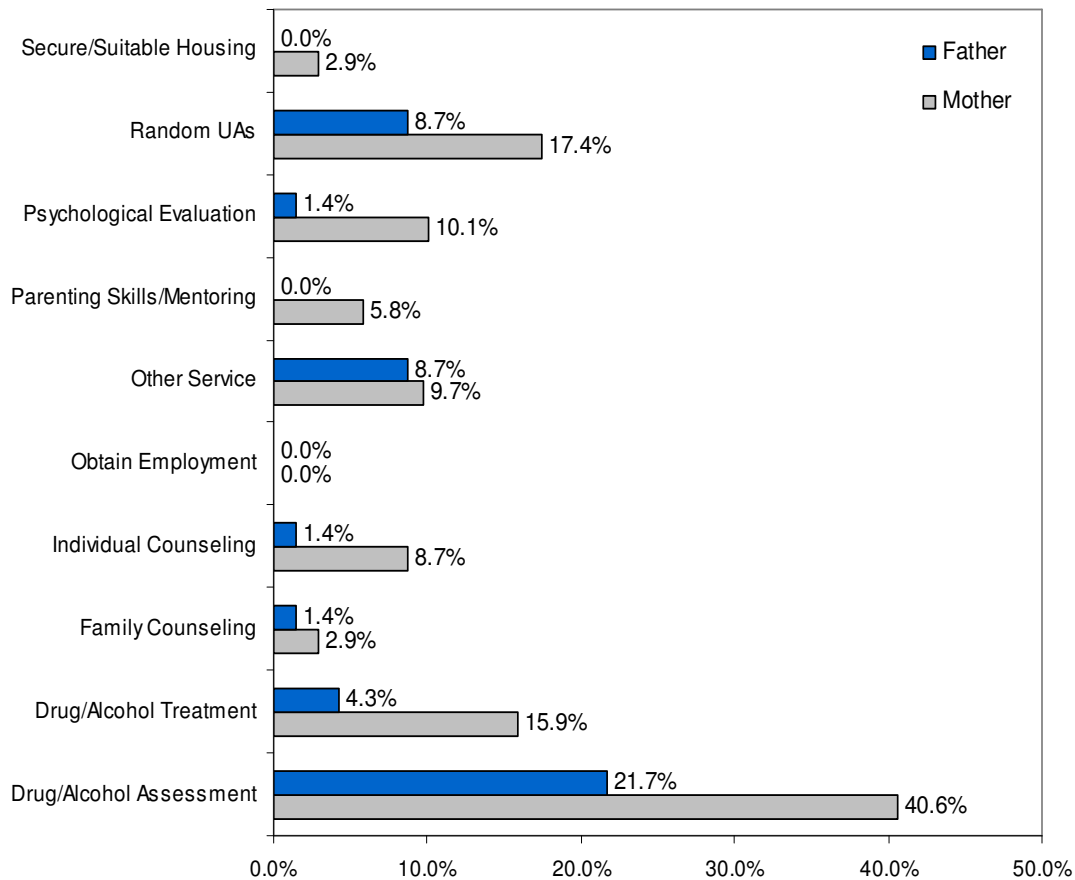


Figure 9. Percentage of Court-Ordered Services for Mothers and Fathers in Rankin County

## RESULTS – PARENT SURVEYS

Forty-two mothers and 20 fathers completed surveys. Three survey respondents did not indicate whether they were a mother or father. The respondents were primarily parents who had been involved in the child welfare system for a short period. The median length of time cases had been open was 5 months (n = 57). Most respondents were custodian parents (n = 34) and for those who were not, the children were with their other parent (n = 13) or with other relatives (n = 13) at the time of removal.

The number of surveys was large enough to allow for the use of inferential statistics. One purpose of these analyses was to examine differences in perceptions of parents' courtroom experience depending on whether they received legal representation. Of the parents surveyed, 60.3% (n = 38) did not have an attorney, 25.4% (n = 16) had a court-appointed attorney, and



14.3% (n = 9) had hired their own. We did not make any differentiation between private or court-appointed counsel. Both of these groups were collapsed into an “attorney” group. A second purpose of the analyses was to examine differences in parents’ perceptions of their experience with their attorney. In this instance, court-appointed and hired attorneys were compared to one another.

## COURTROOM EXPERIENCE

There were no significant differences between the attorney and no attorney groups on parents’ perceptions of their courtroom experience. However, examining the mean response values between the two groups reveals some interesting trends.

As indicated in Table 1, parents who had an attorney indicated more agreement to the statements “I helped make the decisions for my case,” “I understood what I am supposed to do next,” and “My questions were answered.” Parents who had an attorney also indicated less agreement to the statements “The judge treated me with respect,” “I had a chance to speak,” “I agreed with the case plan ordered for me,” “I understood what happened in court today,” and “I agree with the decisions made in court today.” Although none of these differences were significant, they do suggest that attorneys are providing parents an opportunity to help make case decisions. However, they may also want to consider allowing parents the opportunity to speak in court, asking parents whether they need clarification on what occurred in court, and acquiring further input on the case plan. In support of this contention, prior research indicates that increasing a parent’s sense of voice and perception of procedural fairness is related to an increase in agreement with case outcomes.<sup>13</sup>

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<sup>13</sup> Wood, S. M., Russell, J. R., & Summers, A. S. (2012, March). *PPCD research memo: Assessing parental engagement in Kentucky*. Reno, NV: National Council of Juvenile and Family Court Judges.

Table 1. *Parental Perceptions of Courtroom Experience across Groups<sup>a</sup>*

	No Attorney	Court-Appointed Attorney	Hired Attorney	Hired or Appointed Attorney
The judge treated me with respect	4.66	4.59	4.56	4.58
I had a chance to speak	4.45	4.41	4.00	4.26
I helped make the decisions for my case	3.67	4.17	4.00	4.10
I agreed with the case plan ordered for me	4.33	4.23	4.11	4.19
I understood what happened in court today	4.58	4.59	4.44	4.54
I understand what I am supposed to do next	4.53	4.78	4.67	4.74
My questions were answered	4.26	4.41	4.33	4.38
I agree with the decisions made in court today	4.39	4.28	4.33	4.30

<sup>a</sup>A five point rating scale was used where 1 = Strongly Disagree and 5 = Strongly Agree

## ATTORNEY EXPERIENCE

None of the perceptions were significantly different between the court-appointed and hired attorney groups on parents' perceptions of their experience with their attorney. However, as indicated in Table 2, court-appointed attorneys were perceived as higher on all statements, with the exception of "My attorney seemed knowledgeable about the court process" and "My attorney helped me get the services I needed."

Overall, these findings suggest that the court-appointed attorneys are being viewed more favorably than hired attorneys. To improve upon their performance, however, court-appointed attorneys may consider obtaining additional training on the court process, ensuring that they are discussing potential services with their clients, and soliciting feedback from their clients about potential services. It seems plausible that if parents were afforded the opportunity to provide input into which court-ordered services are required, they would be more apt to comply with the case plan.

Table 2. *Parental Perceptions of Attorney Experience across Groups<sup>a</sup>*

	Court-Appointed Attorney	Hired Attorney
My attorney helped me complete my case plan	4.67	4.00
My attorney helped me understand what I needed to do	4.81	4.44
My attorney seemed knowledgeable about the court process	4.63	4.67
My attorney helped me get regular visits with my child or children	4.43	4.33
My attorney argued for what I wanted	4.50	4.33
I am satisfied with my attorney's communication with me before hearings	4.56	4.22
My attorney helped me get the services I needed	4.25	4.33
Having an attorney is helpful in my case	4.67	4.56

<sup>a</sup>A five point rating scale was used where 1 = Strongly Disagree and 5 = Strongly Agree

## RELATIONSHIP BETWEEN COURT EXPERIENCE AND ATTORNEY EXPERIENCE

For parents who had an attorney, an additional analysis was conducted to examine the relationship between parents' perceptions of their court experience and of their attorney. For this analysis, the agreement scores for parents' perceptions of the court experience were aggregated to create a total court experience score. The total agreement scores for parents' perceptions of their attorney were also aggregated to create a total attorney experience score. The highest possible value for each was 40.

The responses to the court experience and the attorney experiences were significantly and positively correlated. As parents' positive ratings of their perceptions toward their attorneys increased, their positive ratings of their perceptions about their courtroom experience also increased, and vice versa. For example, the higher a parent's agreement to the statement "My attorney argued for what I wanted," the higher their agreement to the statement "I agree with the decisions made in court today." These findings suggest that having positive perceptions toward their attorney is related to positive perceptions of the court experience.

The number of times an attorney made contact with his or her client prior to a hearing was also examined. On average, court-appointed attorneys had more contact with their clients before each hearing than hired attorneys—2.73 compared to 2.25.

## OPEN ENDED RESPONSES

At the end of the survey, parents were asked, “Is there anything else you would like to tell us about your experience in court today?” Twenty-five parents responded. Fourteen of these parents did not have legal representation, whereas the remaining 11 did. Because these sample sizes are so small, no inferences can be made from this commentary regarding any overall differences between parents with and without attorneys. In fact, most of the commentary was positive and quite similar in nature regardless of whether parents had counsel. Yet, many of these comments do provide insight into parents’ experiences and their perceptions of judges and attorneys.

### PARENTS WITHOUT ATTORNEYS

Six (42.8%) of the 14 parents without attorneys expressed favorable perceptions of the judge. Specifically, they commended the judges’ fairness, understanding, and willingness to listen and answer their questions. An additional six (42.8%) parents commented about their positive experiences with the court. These comments typically indicated that parents felt they were treated fairly and were grateful for the opportunity to improve their lives (e.g., “I was treated fairly and given a chance to right my wrongs” and “I have a lot of respect for this court”). Two (13.3%) of the comments in this sample were negative, with one opining that the judge was “short and condescending” and the other citing long wait times.

### PARENTS WITH ATTORNEYS

Over half (54.5%; n = 6) of the comments provided by the 11 represented parents reflected positive evaluations of the court or of their experiences in court. Comments focusing on the overall experience included, “For the first time, I’m not nervous in court. I feel good” and “This experience has changed my life for the better.” Additional comments noted that the environment was fair and professional, and expressed appreciation for services offered. One parent’s comment in this sample described a positive experience with his or her attorney (“She helped

mediate a lot of our matters...she made things happen which motivated me to continue doing good”).

Four (36.3%) comments were unfavorable. Three of the comments expressed negative perceptions of the judge, stating the belief that the judge was unfair, did not speak loudly enough, and “spent too much time complaining about (his/her) workers.” The remaining comment expressed dissatisfaction with the hearing’s outcome.

## ADDITIONAL COMMENTARY FROM REPRESENTED PARENTS

Represented parents received two additional open-ended questions. The first asked, “Is there anything else you would like to tell us about your experience with your attorney?” Seven parents, 3 with private counsel and 4 with appointed counsel, responded. All comments were positive and were similar for both privately retained counsel (e.g., “My attorney was awesome! She really made things start happening”) and appointed counsel (e.g., “She is awesome...I loved how whenever I told her I needed something she got it done”).

The second question asked, “Is there anything you wish your attorney would have done differently?” Eight parents responded “No,” with two who had appointed attorneys providing further favorable commentary (e.g., “She was a blessing. I will recommend a lot of other people to use this service”). Finally, one parent with a retained attorney commented that they wished their attorney “had more contact with me.”

## DISCUSSION

The purpose of this research was to examine differences in parent hearing experiences and short-term case outcomes between cases that did and did not receive legal representation. Several findings suggest that assigning attorneys to parents may be a beneficial practice. First, across both counties, mothers were present in court more often across the life of the case when they had an attorney versus when they had no attorney. In Rankin County, fathers were also present more often across the life of the case when they had legal representation. Although it is not captured in this data, having an attorney may help parents attend court more often because they now have an increased sense of accountability. If parents miss a hearing, their attorney will likely contact them and inquire as to why they could not attend. Another possibility is that having

an attorney helps parents feel a sense of support. Parents who do not have an attorney may want to attend court, but the juvenile dependency process may be foreign and intimidating to them. Conversely, parents who have attorneys have a proponent and someone to help allay their concerns.

Second, there was a general trend across both counties that children whose parents had an attorney were placed in foster care less often than children whose parents had no attorney. Once again, the data do not capture the mechanism for this outcome, but it may be due to the advocacy of the attorney. Having an attorney may help parents advocate for the placement of their children with a relative, as opposed to foster care. Parents without an attorney may not feel comfortable challenging the court on its placement decision.

Third, parents who had an attorney were stipulating to all allegations less often than parents who had no attorney. A likely explanation for this finding is that having legal representation allows parents the ability to challenge some or all of the allegations being presented by Child Protective Services. Moreover, an attorney would be experienced enough and knowledgeable about their clients to know how to properly address the allegations. Parents without legal representation will likely not know how to articulate their arguments properly and will concede to all of the allegations.

Fourth, parents who had an attorney did not rate their courtroom experience as significantly different from parents who did not have an attorney. There were trends that suggested that parents who had an attorney had an increased sense of voice in their case decisions, they understood what they are to do next, and they had their questions answered. However, there were also trends that indicated that parents who had an attorney did not agree with their case plan, did not believe that they had a chance to speak, and did not agree with the decisions made in court. These findings suggest that attorneys are bolstering parents' courtroom experience and engagement, but there are areas that could be further improved.

Fifth, parents with court-appointed counsel had a more positive attorney experience than parents who had hired their own attorney. These findings suggest that the training given by the ABA and Mississippi AOC were beneficial for improving the practices of court-appointed attorneys.

Finally, there was one area in which we found conflicting results. The number of court-ordered services for parents with an attorney varied between Forrest and Rankin Counties. In Forrest

County, parents with an attorney received fewer court-ordered services than parents without an attorney. In Rankin County, parents with an attorney received more court-ordered services than parents who had no attorney or received advice and counsel.

There are several possible explanations for the findings regarding court-ordered services. In Forrest County, there may be fewer services for parents with an attorney because the court may examine more carefully a parent's strengths and think through what services are more realistic and important to order. An alternative explanation may be due to the number of presenting problems for parents. That is, if parents have more presenting problems, then it would be expected that these parents require more services. We examined this notion by looking at the relationship between the number of presenting problems and court-ordered services. The results supported this assumption for fathers (with or without an attorney), but not mothers. A third explanation is that attorneys may be advocating for "right-sizing" services. That is, parents are being required to complete the most tailored and beneficial services targeting the safety risks that prevent reunification.

In Rankin County, parents with an attorney may have received a higher number of court-ordered services because of communications between the attorneys and parents. When meeting with their attorneys, parents may concede that they need certain services to strengthen them as caregivers and help their families. For example, a mother may be brought before the court for substance abuse issues; however, through conversations with her attorney, the mother may indicate she becomes frustrated with her child easily and does not know how to handle her parenting obligations. Due to these conversations, the mother's attorney may request anger management classes that are independent of the initial case issues.

Although the explanations for the number of court-ordered services in each county are plausible, they are also speculative. Future data collection is needed in this area to help draw more definitive conclusions regarding whether assigning attorneys is related to more or fewer services, as well as whether more or fewer services are related to positive case outcomes.

While many of the current findings are positive, they are also preliminary. Several limitations should be addressed before drawing conclusions regarding assigning parents attorneys. First, follow-up data collection is necessary after cases have closed. While some of the short-term research questions contained in this report can be answered prior to case closure (e.g., number of stipulated allegations), some of them require information from the entire case or, at the least,

the permanency hearing. In addition, the ability to ask the crucial, long-term research questions regarding parent representation (e.g., timeliness of case outcomes, final placement outcomes, and timeliness of case processing) requires knowing information across all points of the case. Requiring this amount of time is common in juvenile dependency research. For example, a study published by Courtney and Hook on the effects of enhanced legal representation for parents used data that were collected over a four-year period—children who entered care for the first time in 2004 to 2007 were followed through the end of 2008.<sup>14</sup>

In addition, to permit stronger analyses using inferential statistics, a larger number of cases should be collected at each site. The number of cases collected from Rankin County is sufficient to make simple comparisons (e.g., comparing the number of services between groups), but it does not allow for more intricate analyses (e.g., whether attorney representation is related to better outcomes after accounting for allegation type, number of allegations, race of the child, etc.). These more intricate analyses are required to account for other possible explanations for the research findings. For example, the finding that parents who have an attorney appear at court more often may not be related to having an attorney. Parents who have an attorney may show up at court more often because they have fewer presenting problems, because they have less severe allegations, or because they are more in compliance with their case plan. It is difficult, given the number of cases in this study, to add these components into an analysis.

With all of the aforementioned caveats aside, assigning parents legal representation in Mississippi appears to be a practice that warrants further investigation. The current results are preliminary and cannot, at this point, provide a definitive answer regarding whether parent representation is a beneficial practice. In fact, the results show that there are no effects in some early areas of cases (e.g., number of placement moves, amount of visitation, and likelihood of allegation stipulation). However, the parent representation pilot project should continue because: (1) the current data show promising trends and (2) prior research<sup>15</sup> has shown that parent representation does not always make a difference early in a case, but can have a later effect that results in higher rates of reunification or placement with a non-charged parent. As the project progresses and more data are collected, a clearer picture of the relationship between attorney representation and juvenile dependency outcomes should emerge.

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<sup>14</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.

<sup>15</sup> Oetjen, J. A. (2003). *Improving parents' representation in dependency cases: A Washington State pilot program evaluation*. Reno, NV: National Council of Juvenile and Family Court Judges.