

# What will happen when money runs out for indigent parent representation pilot programs?

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Having attorneys representing indigent parents has shortened the time that children and parents are separated, and has led to more reunifications of families in Department of Human Services investigations of allegations of abuse and neglect, according to Youth Court judges supervising four pilot programs.

But private foundation money and a federal grant that fund the pilot programs are set to end in December 2014. Judges from Adams, Forrest, Harrison and Rankin counties, representatives of the Attorney General and Department of Human Services and other stakeholders met April 17 with representatives of grant provider Casey Family Programs to assess progress, and discuss whether Casey would continue funding.

No other funding source has been identified to continue to provide attorneys for indigent parents in the pilot counties, much less expand the program statewide.

“Our question is, is our investment enough, and is it working in the right way,” said Casey Family Programs Senior Director Isabel Blanco. “If we don’t figure this out, we are going to come to a screeching halt because there just isn’t enough money.”

Forrest County Court Judge Michael McPhail said, “ If you remove the attorneys, we just go back to our old way.”

Mississippi is the only state in the country that does not statutorily provide an attorney for indigent parents facing possible termination of parental rights in allegations of abuse and neglect. Termination of parental rights means that the children are taken away and placed in foster care, and put up for adoption. Before the pilot program began, Madison County Youth Court was the only youth court in the state which appointed attorneys to represent parents.

Seattle-based Casey Family Programs, the nation's largest private foundation focused on foster care and improving the child welfare system, in 2012 gave a \$100,000 grant for a two-year pilot program that pays for attorneys to represent indigent parents in cases which could lead to termination of parental rights. Harrison County, which has the largest number of cases, received \$50,000 in Casey Family Programs funding for a full-time attorney. Adams and Forrest counties received \$25,000 each to pay for attorney representation. The Administrative Office of Courts provided \$45,000 through a Court Improvement grant to fund the Rankin County program.

The grant period is set to end in December 2014. Blanco said it is possible that an extension of funding could be requested.

Grant money was intended to be a start-up, not permanent funding, judges acknowledged.

Judges who approached legislators regarding possible funding for parent representation found little interest. Parents accused of abuse and neglect get no sympathy, said Adams County Court Judge John Hudson.

Casey Family Programs requested data that will show the impact on the pilot counties, including comparing the outcomes of cases in which there was attorney representation with cases in which parents were unrepresented. Judges in the pilot counties say that they have seen a great improvement with attorney representation.

Judge McPhail said, “In the end, we are shortening the stay of children in custody,” and that saves money.

Having attorney representation early in the process may enable parents to show that there is no need to remove a child from the home at all, said Rankin County Court Judge Thomas Broome.

Judge McPhail said, “The critical stage is when the children are taken.”

Avoiding placement of a child in Department of Human Services custody results in thousands of dollars in savings in DHS staff time, court time, housing, health care and other expenses, said Harrison County Court Judge Margaret Alfonso. And it’s far better for the child.

The Department of Human Services regards having parental representation as beneficial. Department of Human Services Deputy Director Mark Smith said, “In most cases, it’s really helped us a lot.”

Mississippi’s status as the only state that does not statutorily provide attorneys for indigent parents has drawn national attention, including from civil rights entities, Judge Broome said.

“The question is whether we manage the changes, or someone else manages it for us. It may become a federal civil rights case,” Judge Broome said. “I think if we don’t get something in place, they are going to sue us.”

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