

Parent Representation in Child Abuse and Neglect Proceedings and Request for Appropriation

From: **Supreme Court’s Commission on Children’s Justice**

Background:

The **2017** Legislature **appropriated \$200,000** supplanting expiring grant funds from Casey Family Programs which had supported the effort since 2012. Due to the efforts of the Casey Foundation, the Kellogg Foundation and now the legislature, parent representation expanded to 12 counties. In **2019** the appropriation was increased to **\$278,500**.



The Supreme Court’s Commission on Children’s Justice Funding Request:

The Commission requests the **appropriation to the AOC of \$136,500** and the **appropriation to OSPD be increased by \$187,000** for a total of **\$465,500**

Cooperative Effort with Counties:

Since 2017, due to the efforts of the legislature and our foundation partners we have been able to expand provision of parental representation to a total of 18 counties-- **Adams, DeSoto, Forrest, Hancock, Harrison, Jackson, Rankin, Hinds, Bolivar, Pearl River, Marion, Lamar, Lee, Union, Pontotoc, Itawamba, Tishomingo, and Alcorn Counties**. In order to receive funds from either the state appropriation or foundation awards those counties are required to, and have matched, those funds with local appropriations. **Those counties are contributing \$512,000 annually.**

Cooperative Effort with Foundations:

Casey Family Programs, the Kellogg Foundation and the Court Improvement Project have invested hundreds of thousands of dollars in our state over the past eight years to advance this effort. In the past year alone, **Casey Family Programs** has provided **\$232,000**, the **Kellogg Foundation \$57,000**, and the **Court Improvement Program \$60,000** for a **total of \$349,000**. **The Foundations have committed to continue the infusion of funds into Mississippi for the purposes of expansion, provided the state supplant funds dedicated to present counties.**

Thus, in 2019, Mississippi benefitted from **total expenditures of \$1,139,500** for this effort.

County Contributions	512,000	
State Contribution	278,500	
Grants/CIP Contribution	349,000	
Total		1,139,500

Plans for Expansion:

If the additional appropriation is approved, the Parent Representation Task Force has developed plans to expand into **Warren, Yazoo, Lauderdale, Clay, Issaquena, Lowndes, Monroe and Prentiss** Counties.

Efforts Reap Fiscal Benefits for the State:

Over the two years, the pilot counties with parent representation experienced a significant drop in children in foster care. **The pilot counties census of children in care in November of 2017 was 2701. Less than three years later, that figure dropped dramatically to 1513, a reduction of 1,188 children.** If those 1,188 children had remained in MDCPS custody, the cost of foster care board payments alone would have been a minimum of \$831,600 a month, or \$9,979,200 per year. The actual amount is significantly higher.¹ **After deduction for federal reimbursement, direct state costs would have been \$5,987,520 per year for just those pilot counties.** Not included are the ancillary costs of social

worker and staff time, etc. Other initiatives of the Department played a role in this reduction; however, parent representation was a significant factor.

Benefits to Mississippi’s Children and Families:

The most important benefit, of course, is to the families and children of Mississippi. In courtrooms where parents are represented:

Parents are better informed of their rights AND responsibilities to engage the system to accomplish reunification;

1. Parent attorneys assist in finding services to meet the needs of the parents which hastens the permanency process;
2. CPS staff are held accountable and the quality of their work has improved across the pilot sites;
3. Alternative plans (relative care, adoption, etc.) are pursued more quickly due to more timely representation unveiling those parents who are unwilling or unable to engage the system to accomplish reunification;
4. Children spend less time in foster care;
5. Children experience fewer moves and placements reducing trauma; and
6. Critical reunification or other permanency for foster children is being accomplished more quickly.

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Federal Government Creates New Policy—Match of State Funds for Counsel

In December of 2018, the federal government recently recognized the critical role played by parent attorneys in child welfare positive outcomes by providing a match to state funds expended for representation of parents, children and the agency, which is approximately 20% in Mississippi. MDCPS and the Children’s Commission are working now on a plan to maximize recovery. The additional funds will allow more rapid expansion into other areas of the state. The plan will produce a minimum of **\$269,000**. We are presently polling all counties to capture expenditures we can use to apply for match.

Other state studies reveal that substantial cost savings to state government.

Studies in the states of Oregonⁱⁱ, Washingtonⁱⁱⁱ, California^{iv}, and New York^v have confirmed substantial reduction in foster care and removals and produced considerable savings of millions of dollars to government.

The primary benefit for the children is they have an enhanced opportunity to avoid foster care; and, if placed, to exit foster care and reunify in a timely manner with safe and nurturing parents. If that is impossible, they will enjoy more rapid permanency being placed with other family members or concerned caretakers

An additional benefit to the state is the substantial savings noted above!

ⁱ Board payments made to a foster family range from \$696.90 to \$876.60 per month based on the age of the child. Special needs children receive up to \$981.30. My calculations are based on the lower amounts rounded to \$700 per month. The true average payment is significantly higher

ⁱⁱ **Oregon** study concluded that maintaining children in foster care is expensive. It pointed out that monthly foster care maintenance payments, Medicaid costs, social worker and service provider salaries and administration costs all contribute to this expense. Effective parent representation programs that reduces the number of children entering foster care and shortens the length of time in foster care by shortening the time it takes to achieve permanency will substantially reduce ***these hard cost***.

ⁱⁱⁱ A study by the state defender in **Washington** found that such programs can potentially save the state millions of dollars. The study included some 8,000 children, a little less than twice what we have in foster care. The study found that if the children were reunited with family or achieved other permanency just one month earlier on average, the state would have ***saved \$3 million*** in maintenance payments alone, not including social worker and service provider salary costs.

^{iv} In **California**, a study compared participating counties and non-participating counties. The study found that counties with parent attorneys had five times the rate of non-participating counties in reducing removals, reducing foster care time, hastening permanency to reunification or adoption. The study found that government could save about \$7625 per child per year. Mississippi per child may be lower, but at even a fourth of that sum, the amount for the 4700 children in our state's care translates to ***\$11,000,000*** saving.

^v **New York** concluded that its parental representation sites prevented the need for foster care for many children, reduced the length of stay of other children and reduced the rate of children re-entering the system. 50% of clients avoided foster care entirely. Where foster care occurred, statistics show that children in families with representation stayed in foster care an average of 5 months compared to a one year average for non-representation. Further, children of parents with representation reentered the foster care system after their case was closed at a rate of 1% compared to 15% statewide. Thus, for every child prevented from entering foster care, or for every child whose length of stay is reduced by months, the system can save thousands of dollars. In fact, parental representation in New York City has ***saved the foster care system more than \$30 million***.