

January 2023

AN OVERVIEW OF CHILD WELFARE IN MISSISSIPPI

Research Findings

A REPORT SUBMITTED TO CASEY FAMILY PROGRAMS
BY THE CHILDREN'S FOUNDATION OF MISSISSIPPI

The logo for the Children's Foundation of Mississippi. It features a large, stylized white letter 'C' on the left. To the right of the 'C', the words 'CHILDREN'S' and 'FOUNDATION' are stacked vertically in a white, sans-serif font. A small blue handprint icon is positioned to the right of the word 'FOUNDATION'. Below this, the words 'OF MISSISSIPPI' are written in a smaller, white, sans-serif font. A thin blue horizontal line is located between 'FOUNDATION' and 'OF MISSISSIPPI'.
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 “THIS CHAPTER SHALL BE LIBERALLY CONSTRUED TO THE END THAT EACH CHILD COMING WITHIN THE JURISDICTION OF THE YOUTH COURT SHALL BECOME A RESPONSIBLE, ACCOUNTABLE AND PRODUCTIVE CITIZEN, AND THAT EACH SUCH CHILD SHALL RECEIVE SUCH CARE, GUIDANCE AND CONTROL, PREFERABLY IN SUCH CHILD’S OWN HOME AS IS CONDUCIVE TOWARD THAT END AND IS IN THE STATE’S AND THE CHILD’S BEST INTEREST. IT IS THE PUBLIC POLICY OF THIS STATE THAT THE PARENTS OF EACH CHILD SHALL BE PRIMARILY RESPONSIBLE FOR THE CARE, SUPPORT, EDUCATION AND WELFARE OF SUCH CHILDREN; HOWEVER, WHEN IT IS NECESSARY THAT A CHILD BE REMOVED FROM THE CONTROL OF SUCH CHILD’S PARENTS, THE YOUTH COURT SHALL SECURE PROPER CARE FOR SUCH CHILD.” MCA § 43-21-103. CONSTRUCTION AND PURPOSE. 49

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Executive Summary

The overall goal of this project is to provide information that can be used to improve both programming and policies throughout Mississippi's child welfare system while also spotlighting areas that are working well. This report highlights findings from the major areas of study: 1) research engaging foster youth, biological parents, foster parents, and judges); 2) a special advisory committee on child welfare; 3) public health outreach with Mississippi Historically Black Colleges and Universities (HBCUs) and Harvard T.H. Chan School of Public Health (HSPH); and 4) a scholar-in-residence on child welfare. It concludes with policy/program considerations that can inform ways to elevate and strengthen child welfare programming and services in Mississippi.

SECTION I: Research Findings

In the Spring of 2022, the Children's Foundation of Mississippi (CFM) contracted Elucidata, LLC to collect data from four distinct groups along the continuum of care of Mississippi's foster children and youth: youth court judges and referees, foster parents, biological parents, and foster youth currently in the care of Mississippi Child Protection Services. This effort was launched as part of a greater effort funded by Casey Family Programs to gain a better understanding of Child Protection Services in Mississippi.

To fulfill this directive, Elucidata completed interviews to inform surveys for two stakeholder groups: foster parents and youth court judges and referees. Surveys were then deployed to these groups. Further, Elucidata conducted in-depth interviews with biological parents and gathered field notes from a parent advocate working directly with biological parents who are working to complete the steps in their permanency plan toward reunification. Finally, a survey was deployed to youth currently in Mississippi Child Protection Services' care. **A summary of the perspectives of each group can be found below, with concrete data, participant responses, and specific suggestions for change to follow in the body of the report.**

Judges

The thirty-two judges and youth court referees from whom we heard made one thing clear: abuse alone is rarely responsible for the cases brought to court. The court often sees cases related to neglect or a combination of neglect and abuse. Moreover, the survey revealed that "intentional neglect" is the rarest type of neglect seen in court. The primary issues contributing to neglect cases in court include addiction, lack of financial resources, lack of familial support, and having a child with complex needs.

Accordingly, many methods suggested by judges to support Mississippi's foster children include providing more resources to families *before* advancing them to court and focusing more on prevention than removal. Preventative resources include food banks, volunteer services, free parenting classes, and low-cost or free childcare. Relatedly, judges expressed the desire for a more organized, policy-approved pathway for churches and communities to provide help. Some judges expressed concerns about social work practices that can be improved to increase court efficiency, while the majority of judges' comments focused on CPS system-wide changes. Overall, judges felt that better training, higher pay, and more hires could mitigate high turnover, help social workers to better manage their caseload, and reduce the number of cases transferred between workers.

Biological & Foster Parents

The primary observation gleaned from the biological parents and Parent Mentor with whom we worked closely echoed that of the judges: in a Mississippi context, neglect rarely means intentional disregard for children but, rather, indicates an inability to consistently provide for children due to poverty. Fittingly, judges reported that the second and third most prevalent reasons for neglect cases were lack of financial and familial support. Steps in a CPS improvement plan that include things like getting a car are often not attainable for impoverished families in the state, where 28% of children live in poverty.

However, the perspectives of parents and judges did not always align. Compared to judges, biological parents and foster parents were more likely to feel intentionally neglected by social workers and CPS. Both biological and foster parents emphasized the need to save easily-accessible copies of CPS policy on their phones, as CPS workers were perceived as either intentionally avoidant, unaware of CPS policy themselves, or uninvested in their cases. At least one parent felt that the social workers were doing their best with limited resources. However, consistent, overlapping claims from parents about having to initiate contact with CPS and commit to months of outreach with little feedback makes two things clear: 1) Many CPS-involved families *want* to do what is best for their child and are their child's ardent advocates. Neglect is rarely intentional. 2) More funding and resources for CPS and rural communities could help parents get the support they need.

Foster Youth

Youth who participated in our survey shared their grit and excitement for the future through their responses. Most youth are gainfully employed or seeking employment, have plans to continue their education, and feel optimistic about their future. They actively seek care for themselves and feel their basic needs are being met. Youth shared above-average ACE scores and an associated need for mental health support. Despite these challenges, youth remain positive about their future, with nearly 60% ranking their positivity as a 9 or 10 out of 10, underscoring the resilience of this population.

SECTION II: Special Advisory Committee on Child Welfare for the Children's Foundation of Mississippi

The Special Advisory Committee on Child Welfare was established as a multi-disciplinary research and policy advisory team to promote sound programmatic and policy recommendations instructive to improving child welfare policies and practices, programs and support services in the state. The structure for the Special Advisory Committee on Child Welfare (Advisory Committee) was developed based on best practices culled from a review of the literature and in consideration of the specific needs of the CFM and its partner organizations. Recruitment and solicitation of members broached a cross-section of child-serving agencies, organizations, and other stakeholders. Special efforts were made to ensure diversity, equity, and inclusion and to have representation for families (families of origin and foster families) and foster youth. Invitations to join the Advisory Committee were enthusiastically received; all who were asked consented. When fully implemented, the Advisory Committee will have representation from Health; Legal/youth court; Legal/Advocacy programs; Youth court system; Parents (peer/foster parents); Education; DHS-Youth Services; Business; Mental Health; Youth (in transition/independent); Faith community; Law enforcement; Child Protection Services; and

Guardian ad Litem. As of December 2021, only the business community and youth representation have not been finalized.

The Committee has held its initial meeting (November 2021) and will meet quarterly to continue and expand the work.

SECTION III: Public Health Outreach and Partnerships

Student Fellows and Interns

For the past three years, CFM has supported graduate research fellows from the T.H. Chan School of Public Health at Harvard University and the University of Alabama at Birmingham to provide students the opportunity to expand their public health research capacity. Student engagement continued in the summer of 2022, with two student fellows participating from the Harvard School of Public Health. Efforts were made to extend this learning opportunity, via an internship with CFM, to students attending two Historically Black Colleges and Universities (HBCUs) in the state: Tougaloo College and Jackson State University.

Recruitment of students from the HBCUs presented some initial challenges, but we were able to onboard an undergraduate student from Tougaloo College during the fall semester. Connections were established with Jackson State University that may facilitate a future social work student site placement.

Graduate fellows were required to complete an independent research project, focusing on an aspect of child welfare and culminating in a policy brief. Students were paired with state agency leaders to facilitate their development of the research issue, formulate questions, supply context, and provide general information, feedback, and support.

One research project examined innovative approaches to improving care for foster children, focusing on behavioral health and value-based payments. The primary recommendations resulting from this study were:

1. Establish wrap-around services for children in foster care in community settings to receive behavioral screenings in homes, schools, and other trusted community locations.
2. Establish a dedicated task force comprised of leaders from the Division of Medicaid, Department of Mental Health, Mississippi Child Protection Services, policy advocates, families, and other relevant stakeholders to identify performance metrics for Therapeutic Foster homes (TFH).
3. Utilize VBP to incentivize more providers to offer care for behavioral health issues in the foster care population.

The second brief focused on improving mental health services for children in the Mississippi foster care system. The primary recommendations resulting from this study were:

1. Create a robust inter-agency support system for family-based care settings
2. Leverage cross-system collaboration to invest in community-based care
3. Reduce caseloads among MDCPS caseworkers and case managers
4. Integrate trauma-based therapy within family-based settings
5. Improve the accessibility of therapeutic foster homes

SECTION IV. Scholar-in-Residence Program

The project benefitted from having a virtual scholar-in-residence (SIR), Judge John Hudson. Judge Hudson's contributions included: providing feedback on various surveys, developing

interview guides, providing contact information for judges across the state, meeting with graduate students to offer feedback on their policy briefs, and assisting in establishing the CFM's child welfare advisory board. An 'added value' to the project has been the development of a white paper by Judge Hudson entitled Modern History of the Mississippi Trial Court System as it relates to Child Welfare."

The development of this paper provides a broader context for the project. The document includes an overview of the relationship between the various components of the judicial system, delineating how each type of court relates to the youth courts. It reviews the history of the courts and their influence on the current youth court and referee courts serving Mississippi's 82 counties. This is followed by a thorough discussion of the Mississippi Youth Court Act of 1979 and the evolving roles of the youth courts in Mississippi, spotlighting challenges and markers of improvement over the past three decades. The subsequent section discusses parent representation in Mississippi youth courts, with a specific focus on the past decade. Other significant highlights include improving reasonable efforts in training and collaboration and how these efforts to help improve the court systems will support positive outcomes for children and families in Mississippi.

SECTION V: CFM's Blueprint –Phase II for Improving Outcomes for Youth

The CFM has recently released the second phase of its' Blueprint II: Improving Outcomes for Mississippi's Youth. This document summarizes research in the priority areas of access to mental health services, transitions out of foster care, comprehensive health education, life skills education, and post-graduation preparedness and examines interventions that have been successful in other states to address these needs. The link to the Blueprint Phase II can be found on the CFM website (<https://childrensfoundationms.org>).

SECTION VI. Policy and Programmatic Considerations

The final section contains policy recommendations informed by the research and additional sources supported by this project. Policy and programmatic recommendations center around the following areas:

- Resources (professional and community)
 - Hire more child protection service workers and include adequate pay to stabilize the workforce
 - Provide more information to foster parents and biological parents about resources that are available
 - Increase the available services to children, youth, and families across the state, with a particular focus on mental health services and wrap-around services
- Judicial system
 - Create a unified youth court system with full-time judges who are focused explicitly on child protection and juvenile justice matters
- Training and professional development
 - Consideration for improving training and professional development of child protection service workers with a particular focus on preparation for court hearings, timely data entry prior to court, and review of home visits protocol

- Increase training for judges and referees
- Housing
 - Increase available housing opportunities for youth, with a particular focus for youth in transition
- Education
 - Create specific pathways with youth transitioning out of care for an educational/career development plan

Introduction/Background

Casey Family Programs (CFP), through service agreement (No.220359), contracted with the Children's Foundation of Mississippi (CFM) to:

- Conduct research to lift the voices" of various groups across Mississippi's child welfare system, including foster youth, biological parents, foster parents, and judges;
- Establish a child welfare advisory committee;
- Collaborate with Mississippi Historically Black Colleges and Universities (HBCUs) and Harvard T.H. Chan School of Public Health (HSPH),
- Establish a 'scholar-in-residence' on child welfare and,
- Provide input on child welfare of Phase II of CFM's Blueprint for Improving Outcomes for Youth.

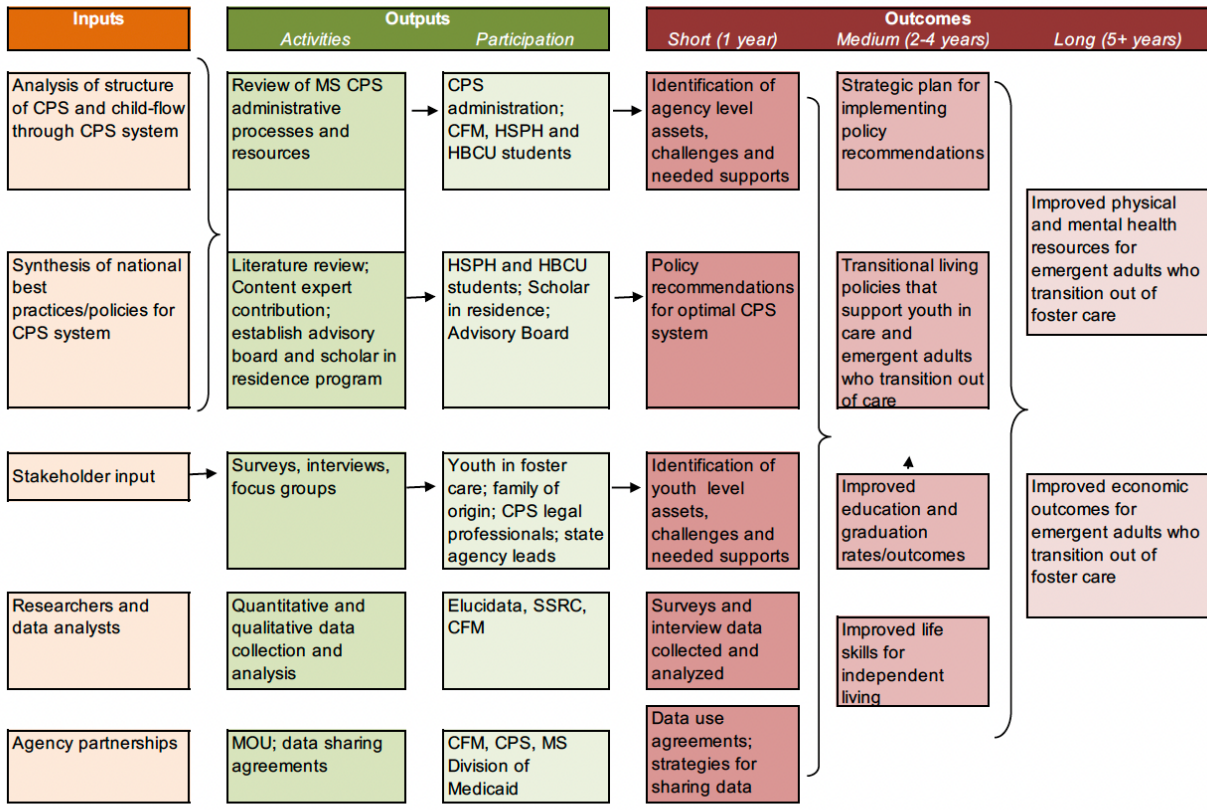
The resultant overall goal is to provide information that can be used to improve both programming and policies throughout Mississippi's child welfare system while also spotlighting areas that are working well across the child welfare system in Mississippi. This report comprises each of the components noted above, followed by policy/program considerations that can inform ways to elevate and strengthen child welfare programming and services in Mississippi.

The CFM conducted this work in partnership with Elucidata, LLC and Mississippi State University's Social Science Research Center, as well as several consultants and students. This report follows a two-month planning phase—November 2021- December 2021 and builds upon the logic model from the previous contract. (Service Contract No. 21066 with CFP).

The logic model visually represents a program or project to show linkages between activities and anticipated outcomes. It also can include assumptions on which the model is based and external factors that may impact the full implementation of the model. The model for this project depicts the following:

- Input and resources necessary for the implementation
- Outputs- products that result from activities
- Activities implemented to achieve outcomes
- Participants- individuals/agencies, etc., engaged in activities
- Outcomes (short, medium, and long term)-changes or results of activities and outputs

Overview: Analyze system of care of MS CPS to inform policy development and implementation that improve outcomes at all stages of the continuum of child welfare services



Assumptions : Resources and funding are available to meet the needs of youth; agencies have technological capacity to share data

External Factors: Some policy changes and/or funding decisions may require action by the MS legislature

SECTION 1: RESEARCH FINDINGS

Data Collection Methods

The interview guides were approved by the Casey Family Programs Internal Review Board (HSRC # 2022027). Four foster parents, three youth court judges, and two biological parents provided direct input in these interviews. Foster and biological parents were incentivized with \$20 Walmart or Amazon gift cards.

The foster parent and judges survey instruments were approved by the Casey Family Programs Internal Review Board (HSRC # 202243). Seventy-three foster parents and 32 judges and referees completed the survey.

Finally, the survey instrument distributed to youth was approved by the Casey Family Programs Internal Review Board (HSRC # 2022044). Thirty youth completed this survey and were offered an incentive of a \$25 Walmart or Amazon gift card.

Analysis Methods

Judges/Referees and Foster Parents: Descriptive statistics and crosstabulations were completed using IBM SPSS statistical package and Microsoft Excel. These findings were corroborated by qualitative responses within the survey and the feedback provided in the semi-structured interviews.

Biological Parents: Two in-depth, semi-structured interviews were completed with biological parents, and field notes from a parent advocate were provided to the research team. These notes included discussions and case notes with ten biological parents. Data were reviewed for themes, and those themes are included in this report.

Youth: Descriptive statistics and crosstabulations were completed using IBM SPSS statistical package and Microsoft Excel. These findings were corroborated by qualitative responses within the survey.

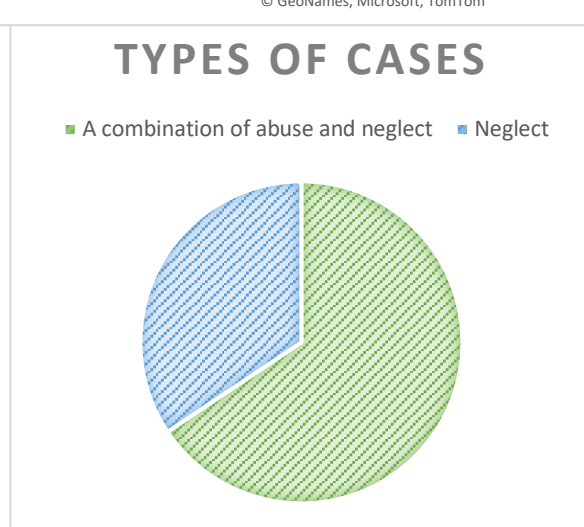
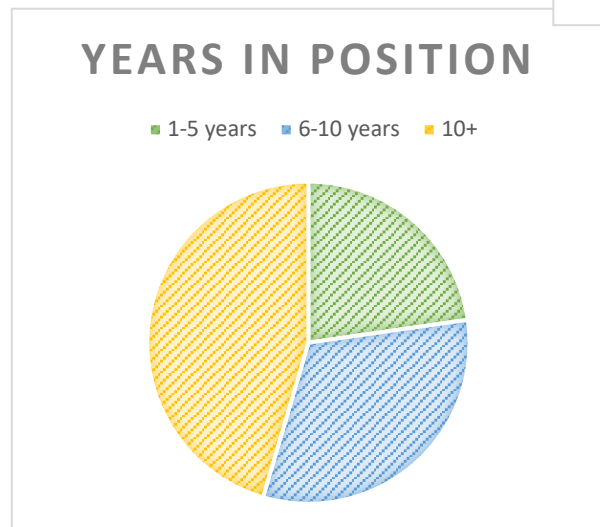
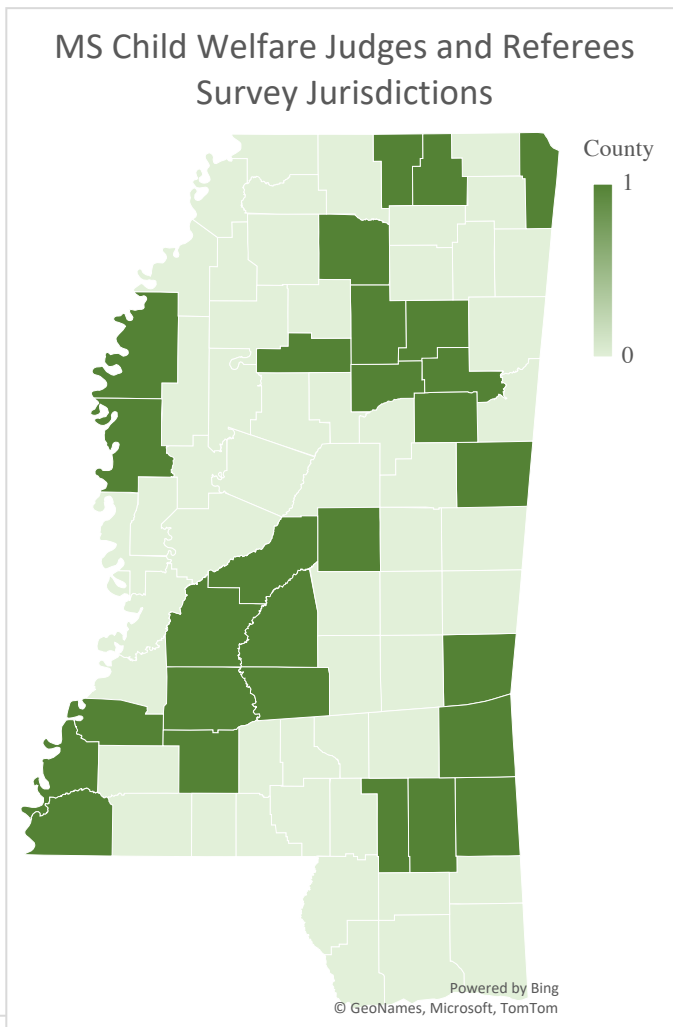
Judges & Referees

Thirty-two youth court judges and referees across the state completed the MS Child Welfare Judges and Referees Survey in December 2022. The distribution of 25 judges and referees who shared their jurisdiction is shown in the map (right).

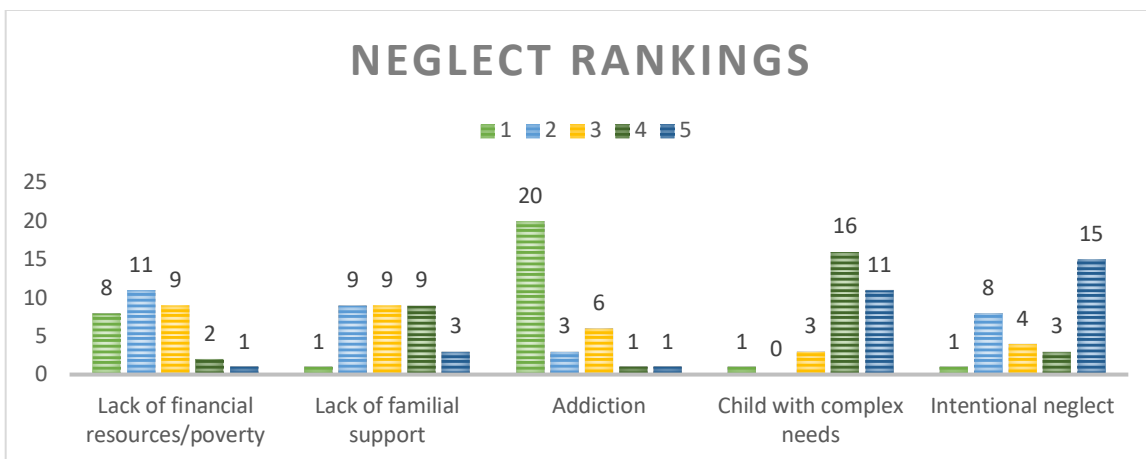
About the Court

Nine participants reported being county judges, while 23 reported being referees. When asked how long they have held their current position, most reported being in service for more than ten years.

Participants were asked what types of cases they most often see in their court among three types: abuse, neglect, and a combination of abuse and neglect. No respondents reported that most of their caseload was comprised of abuse cases. Most described their cases as a combination of abuse and neglect.

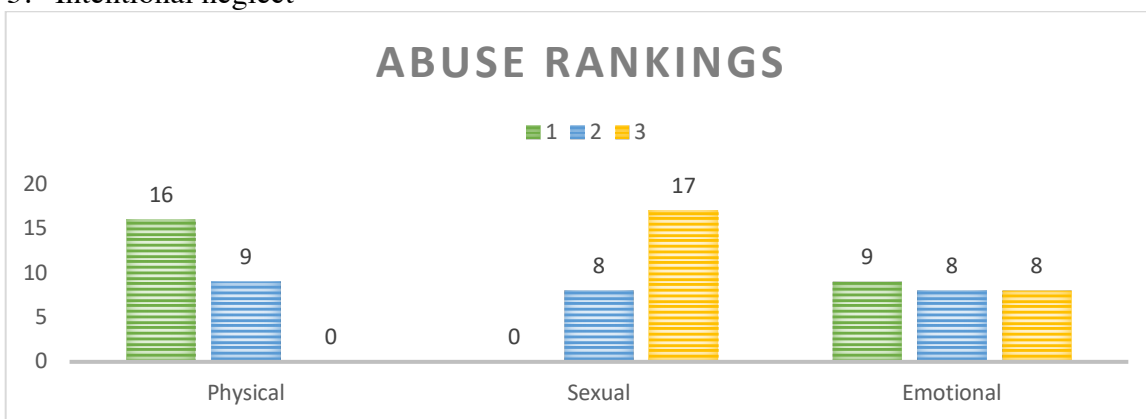


We next asked "What are the primary issues that lead parents to be seen by your court?" and presented five options for neglect and four options for abuse for respondents to rank in order of most to least common.



For neglect, respondents ranked the issues as follows:

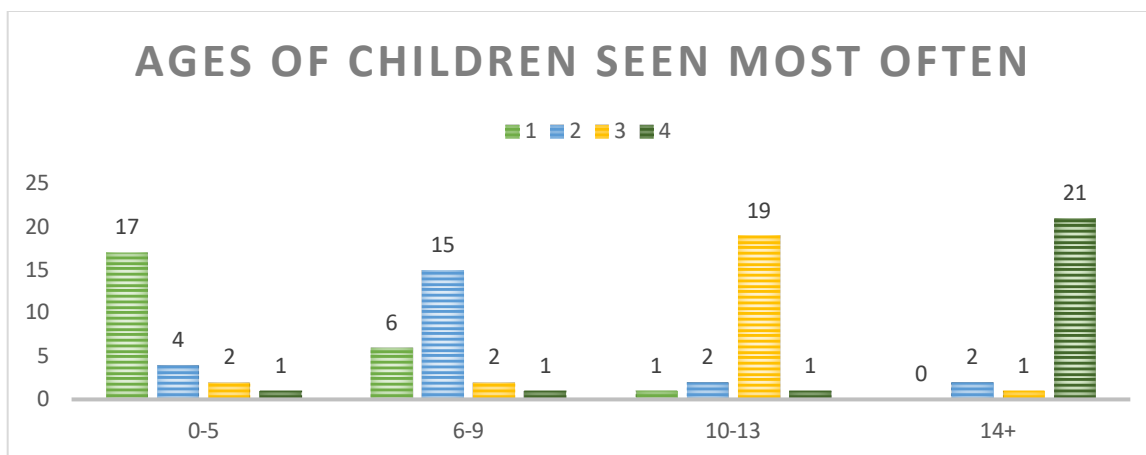
1. Addiction
2. Lack of financial resources
3. Lack of familial support
4. Children with complex needs
5. Intentional neglect



For abuse, respondents ranked the issues as follows:

1. Physical
2. Emotional
3. Sexual

When asked the age groups of those they typically see in their court, respondents shared the following:



So, these respondents saw the following age groups most to least often:

1. 0-5
2. 6-9
3. 10-13
4. 14+

To further understand the court system landscape, we asked a brief series of open-ended questions regarding the judges' and referees' thoughts on critical issues impacting Mississippi courts. Themes from the responses and supporting quotes are shared below.

What do you think makes Mississippi unique when it comes to CPS cases?"

Rural Counties are Struggling

- *Rural counties are hurting."*
- *We are a rural state with some areas (like mine) with limited resources."*
- *The lack of resources is most unique."*

Challenging CPS Practices

- *When the plan becomes adoption, CPS is slow to suggest TPR, and the Attorney General's office has too few attorneys to do the TPR work."*
- *Turnover rate and lack of training."*
- *Too many open positions. Promoting unqualified workers into supervisory positions."*
- *I believe that our churches and communities want to step in and help, but there is no organized way for them to assist that would fit into policy."*

Unique Family Challenges

- *"Poverty and drug usage are a big factor in our CPS cases."*
- *"The number of single parent homes. Numerous children born to single mother"*
- *"Our high level of poverty and educational deficiencies, coupled with lack of access to services."*

Large, Supportive Networks

- *"We are a small state and our CPS workers are generally familiar with most residents within our county."*
- *"[T]here tends to be more "fictive kin" such as Godparents or God-siblings willing to accept custody of our children."*
- *"In rural Mississippi, we have family to help."*

"How do you engage mental health agencies both public and private with your court?"

Several respondents shared that they maintain these relationships through the guardian ad litem, CPS, or Court Appointed Special Advocate (CASA) workers. Specific approaches mentioned include the following:

- *"We routinely contact them to come out and work with us, as well as having monthly collaboration meetings."*
- *"We have a contract with MSU Department of Psychology and a psychologist who is at court will help us with referrals. Also, our CPS and DYS workers are very familiar and have solid contacts with agencies and residential treatment locations."*
- *"Referral[s] are made to public and/or private providers. Staff will assist in making arrangements for evaluations and placements."*
- *"Our court has a mental health liaison in our court at every court date."*
- *"Invite to be present during hearings for quick referrals."*
- *"I order counseling or evaluations through court proceedings or as needed on a[n] informal basis. We provide services through Pine Belt or other private counseling services. Also, we provide assessments through Alliance or Brentwood."*
- *"I ask the mental health professionals to come to court."*
- *"Active Community Team Meetings and Allow mental health workers in courtroom as supports to families."*
- *"I call them, but mental health resources in this state are pitifully lacking and nonexistent, especially to rural counties."*

"What do you do to support the mental health of your staff?"

Most respondents shared that they check in with their staff, encourage open communication, encourage time off, and remind their staff to try not to take work home with them. Other specific strategies mentioned include the following:

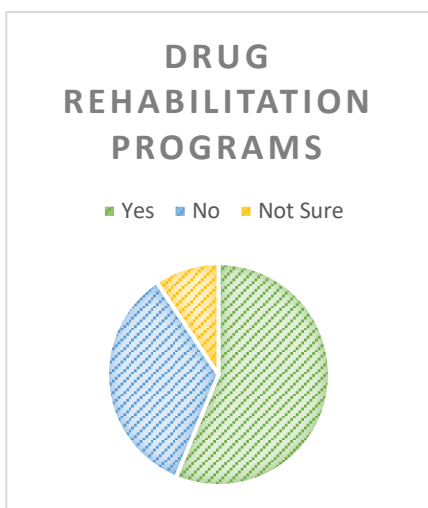
- *"We have team lunches and give flex time, as well as provide time to share with co-workers. Also we provide training opportunities to learn how to handle secondary trauma."*
- *"I try to give them comp days off and send them home to rest when I see they are struggling. We need mental health services but have not found a provider."*
- *"2 mental health days per year, wellness Wednesdays."*

"What do you do to support your own mental health?"

Three participants mentioned exercise and four mentioned talking to their peers and mentors. Other specific strategies mentioned include the following:

- "I take off but to be honest you can never get away from this."
- "I help provide opportunities to others and also work on the farm in addition to having two dogs which act like therapists."

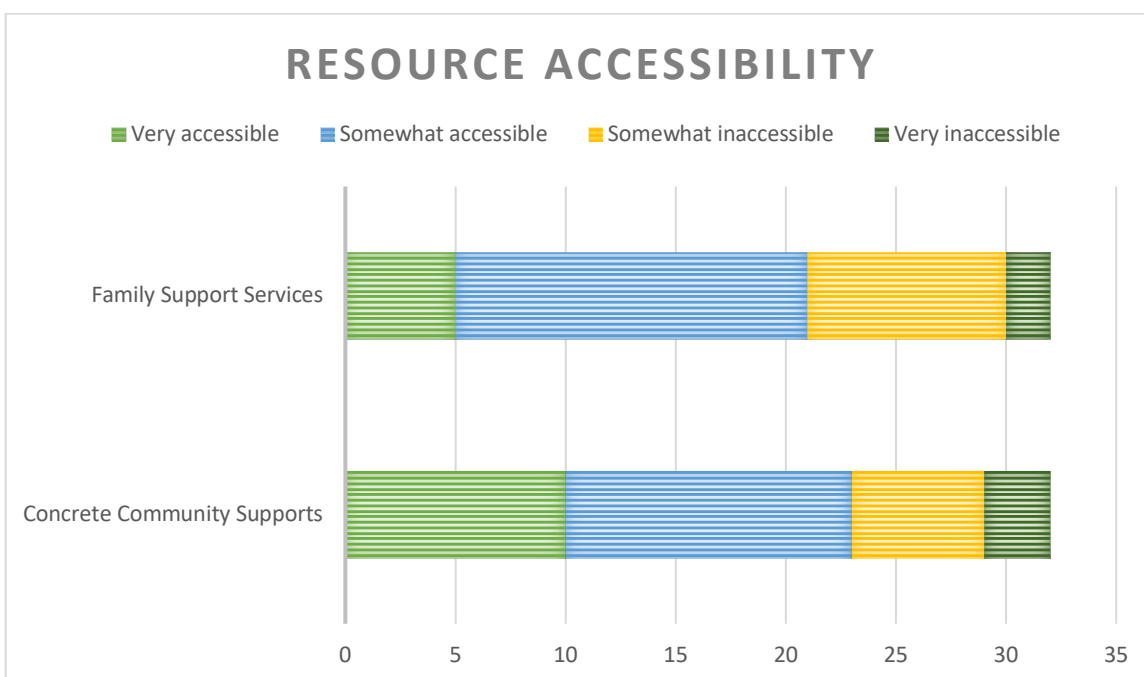
Community Resources



We asked about the availability of drug rehabilitation programs. Most (56%) reported "Yes." With this question (among others described later), we also provided an opportunity for respondents to list drug rehabilitation programs in their area. A full list of these services, among others listed in later questions, can be found in Appendix A of this document.

Next, we asked *how* available resources were for children and families in the respondents' community, breaking resources for families into two categories:

1. Concrete community resources (e.g., food vouchers, food banks/pantries, volunteer services, bill payment assistance)
2. Family support services (e.g., free parenting classes, low-cost/free childcare)



Relationship with CPS

We next asked respondents about their court's relationship with Child Protection Services in a series of open-ended questions. Themes from the responses and supporting quotes are shared below.

First, "What could CPS do differently to support your work?"

Provide Better Support to Case Workers

Supporting case workers was the most common suggestion among judges and referees. Participants encouraged CPS to support social workers by increasing the number of staff, providing high-quality training, and increasing workers' pay.

- *"Stabilize the workforce so cases are not transferred between workers, Train workers to evaluate safety and risk better and have generally better investigation skills."*
- *"Hire more frontline workers. I have a great relationship, but the workers are overworked."*
- *"I have a fantastic CPS worker but resources are extremely limited - housing, employment, transportation, etc."*
- *"Provide more qualified workers. I understand the funding is always an issue. But until the State decides to pay more money for qualified social workers, this will always be an issue."*
- *"Concentrate on the social workers training and increase their pay."*

Improve Social Worker Practices In-Home

Respondents provided suggestions for improving relationships with families and investigative practices of social workers. These practices could be improved through the training, increased staffing, and additional resources mentioned in the above theme.

- *"Visit parents more often."*
- *"Investigate homes more often and report findings."*
- *"Investigate better and have 1st hand witnesses instead of relying on hearsay."*
- *"CPS could focus on empowering the clients and better manage their caseload. Also, it would help if CPS were responsive to their clients."*
- *"Consistency by all workers to diligently seek resources for families. Due diligen[ce] is needed by all workers for the benefit of the families in each case."*

Improve Preparation for Court

Several respondents also provided specific suggestions for social workers to better-prepare them for court.

- *"Timely and complete input of MYCIDS¹ information and documentation."*
- *"If they filed the court summaries earlier, it would make a great difference to me."*
- *"Bring their files with them to court. Prepare for being a key witness."*

¹ Mississippi Youth Court Information Delivery System. For more information, visit: https://courts.ms.gov/trialcourts/youthcourt/youthcourt_mycids.php

Thinking Outside the Box

The final theme in the suggested methods for supporting the court, referees and judges encouraged CPS to think outside the box when it comes to supporting families. Supporting families better can help prevent removals.

- *"I would like CPS to help provide more resources to parents and children. They need to be willing to think outside the box."*
- *"If we worked more on prevention than removal, that would be helpful."*

The next question in this series asked the opposite: "What do you believe you and/or your staff can do differently to support CPS in its mission?"

Improve Communication and Coordination

Respondents underscored the importance of the court being accessible to CPS workers to answer questions, provide follow-up training, and collaborate closely for the good of the families they serve.

- *"We could set more family team meetings and reduce time between court hearings. Having monthly court hearings will greatly aid the process."*
- *"I believe it is crucial for CPS and all facets of youth court to work closely together. It is important to listen to one another."*
- *"Better communication and follow up."*
- *"More courtroom training."*
- *"Assist with options of placing children."*

Request Additional Information from Social Workers

Several respondents expressed interest in learning more about how the court could better support workers in the field. One such participant suggested the following:

- *"I constantly think of this. I would like to see a reverse survey that the workers complete for the Court system."*

The third question in this series was "Do you provide training or other opportunities for CPS staff to understand what you expect from them in CPS proceedings? If so, how often?"

Twelve respondents did not provide such training. Those who did provided trainings quarterly, annually, or informally on an as-needed basis. One respondent noted that the high turnover among social workers makes it difficult to keep up with the trainings. Another respondent shared that she provides training and *"the Prosecutors, Guardians Ad Litem also provide sessions with the agency upon request."* A final note for this section is that a few respondents again underscored the importance of having open communication with county-level CPS workers:

- *"[I provide trainings] Formally, annually. However, my court administrator is in constant communication regarding expectation."*

- *"I go to their trainings with them. I am in constant contact with the supervisor for my county to ensure she and I are informed."*

The fourth question in this series was "How do you maintain relationships with your local CPS contacts?"

Overwhelmingly, respondents shared that they keep communication lines open, with 23 respondents sharing that they have "constant communication," "daily or weekly discussions," or that CPS workers have their personal cell phone number. Two respondents shared more specific, unique approaches to maintaining these relationships:

- *"Staffings, Trainings and Annual Social Worker Appreciation Luncheon."*
- *"We invite them for our lunches and allow them to use our facilities to conduct meetings and team building exercises."*

We also asked about formal efforts to collaborate with key stakeholders and CPS through the following questions:

- Have you convened a local collaborative composed of key stakeholders to assist the youth court and CPS in performing its mission to work in the best interest of the children and families in your county?
 - Are you and court staff regular participants in the collaborative?
 - How often does it meet?
 - Does the collaborative have 501c(3) or similar status?
- Absent your convening the collaborative, does one exist in your jurisdiction dedicated to assistance in Child Welfare and/or juvenile delinquency?

Twelve respondents had convened such a local collaborative, while seventeen reported that they had not. Nine respondents reported that they are regular participants in the collaborative. One respondent specified that their non-participation was intentional: *"Staff only. I do not attend due to ethical considerations."*

Regarding the frequency of meetings, one collaborative meets weekly, seven meet monthly, one meets quarterly, and one calls meetings as-needed. Regarding the 501c(3) status, three respondents confirmed this status and one noted that they are in the process of applying. One respondent shared that *"It does not. We have had one in the past but found it difficult to maintain. Now all donations go through our County Board Office."*

Finally, five respondents stated that additional organizations exist in their community to support child welfare. Specific programs mentioned are provided in the listing of community resources in Appendix A.

Establishing Best Practices

The final section of content questions were requests for best practices regarding different specific court procedures. One participant shared that a critical piece of the puzzle for all of these best practices is having a full-time, qualified court administrator. Timeliness (ensuring that hearings

and reviews happen frequently and as soon as possible) emerged as a theme across all components. Other, specific best practices are summarized below.

Shelter Hearing Procedures

- Making reasonable efforts to not remove the child is critical at this hearing. Ensure that you have this hearing as soon as possible. Be patient as facts are revealed. Try not to make an emotional or reactive decision but rely on the facts gathered and presented in court.
- *“It all starts with this hearing, so get it right.”*
- Have a family team meeting prior to this hearing to establish rapport, ensure that all team members are properly introduced, and ensures all members’ input is valued.
- Explain the proceedings in detail and introduce the key team members to parents. Provide specific information to the parents on how to get their children back if removal is decided.
- *“Removal of a child from their home is traumatic and you should explore all avenues before removal.”*

Adjudication & Disposition

- Be familiar with community resources. Encourage parental use of these resources.
- Explain these proceedings to parents and (newer) attorneys. Participants need to know what to expect. Listen to parents and make sure they know you are here to help.
- Address all parties by name.
- Maintain patience but ensure these hearings are completed as expeditiously as possible.
- Listen to evidence presented AND look at CPS records before making a decision.
- Ensure parents, CPS, and the court are on the same page with expectations.
- Have a parent representative at all stages.

Permanency & Reviews

- Complete these as required on the family service plan.
- Ensure that the plan is realistic and, in the child’s, best interest.
- Ensure that parents are fully informed.
- Ask any question that emerges, but specifically ask about the quality and quantity of effort by all parties since the previous hearing.
- Ensure that all of these efforts are noted in the record.
- Praise parents for good work on service agreements but be firm when needed.
- Encourage parents to complete the tasks in the service agreement to limit the time the children are out of the home.

CPS & Court Relations

- Maintain a positive working relationship with CPS contacts and be clear about expectations.
- Strive to communicate effectively, act with transparency, and be supportive and respectful of each person’s role.

- Keep regular meetings with leadership, social workers, and court staff to maintain relationships. Hold regular joint trainings at least quarterly and set clear expectations.

Community Engagement

- Ensure that the public is aware of services offered.
- Encourage churches and community leaders to identify potential foster families.
- Invite community members and professionals to engage in child welfare efforts. Empower them to identify and fill gaps in service.

Other Best Practices

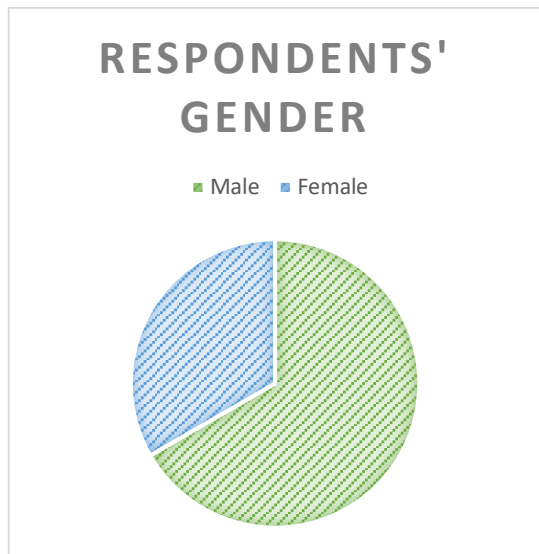
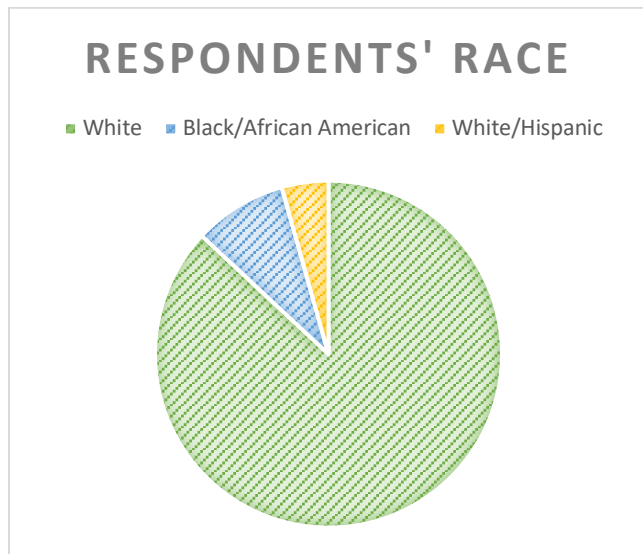
- *“Keep things moving in the process and use humor appropriately. Provide hope in all that you do.”*
- *“Do not be afraid to think outside the box. Each situation is different as is each child. Try to tailor your plan to the needs of the family and child.”*
- It would be best to make youth court staff full-time in all counties.
- Hold regular court trainings with county CPS agents to ensure new workers are trained well.

Advice for New Judges

- *“[For referees], Your position is part time, but that doesn’t mean that you should not be involved full time.”*
- *“Seek advice from other judges and the jurist in residence. No question is stupid! They have travelled the road before you so make good use of them.”*
- *“Pray without ceasing for wisdom”*
- *“Know the law, connect with other judges, listen to the testimony and don't rush to judgment, show compassion”*
- *“Judges have to be the team leader and step out from behind the bench and seek/develop resources.”*
- *“If you are a sensitive person, this job can eat you alive.”*
- *“Hope for the best but expect the worst”*
- *“Don’t get complacent about your position. What you do makes a big impact on many lives.”*
- *“Get rid of any ego and be ready to do some of the hardest things in the law...yet we get no respect. We touch and impact more lives than any other court.”*
- *“Don't assume one case is like another---life doesn't always fit in the boxes.”*
- *“Do the right thing for the kids no matter how difficult.”*
- *“Be sure to have regular meetings with your team”*
- *“Be prepared - adapt - patience- creativity- you are doing something very, very important and you will be disappointed as much or more than being gratified- but don’t be discouraged.”*
- *“Be open, supportive and respectful.”*
- *“Always keep in mind how your decisions can have lifelong impact on the child.”*

Demographics

Our final section requested demographic information from respondents. Most respondents were white, most identified as male, and the average age of respondents was 61, with a range of 41-82.



Foster Parents & Biological Parents: Qualitative Data Analysis

The research team conducted formal interviews with two parents, one of whom is a Parent Mentor in Biloxi, MS. We then worked closely with the Parent Mentor to glean the experiences of ten additional parents with whom she has worked closely during the data collection period. In this role, the Parent Mentor observes court proceedings, links parents with local resources, and provides guidance, transportation, and practical assistance.

In addition, the research team conducted a focus group with four foster parents to inform a survey, the results of which are forthcoming. Below we share common themes and specific examples of these families' experiences that emerged from the qualitative data collection efforts.

“The Burden is on Us” and “They’ll pray with us, but they won’t help us”

We repeatedly heard that the burden of the work is placed not on CPS workers, but on the biological and foster parents. Both groups of parents reported initiating contact with CPS and continuing to have unanswered questions after months of CPS involvement.

Parents consistently report having to reach out to social workers and the courts themselves to follow up, get clarification on expectations, and receive updates about their case. Foster parents and biological parents shared that they keep a copy of CPS policies on their phone for quick reference. Still, the rights and responsibilities of parents are not well-understood.

Biological Parents:

- One biological parent shared that his CPS worker was screening his calls and that he often had to borrow a friend’s phone to get through to someone.
- *“I downloaded the [CPS Policy] book for [my] County. I read it and none of this is in it.”*
- *“I don’t know what my rights are, really. Did I have a right to know my baby was in the hospital? What do I legally have a right to know?”*

Foster Parents:

- *“Most people I talk to in CPS don’t know their own policy.”*
- *“They’ll pray with us, but they won’t help us.”*
- *“Policies and practices haven’t been updated in 20 years.”*
- *“The social workers are doing the best they can with the information they have. Most of them just don’t have good information.”*
- *“[My biggest recommendation is to] save a PDF of CPS policy on your phone.”*

“Poverty is not a Crime” and “There is No One on the Parents’ Side.”

The Parent Mentor we worked closely with throughout this data collection period repeated this phrase often. She shared that the definition of “neglect” is often difficult to separate from poverty. Steps in an improvement plan that require things like getting a car are not attainable for these families. Hearing stories like this require us to ask **if the funds provided to a foster**

family were instead directed to the biological family, would they be able to improve their circumstances to no longer meet the definition of neglectful?

Mississippi is a unique context. Poverty is prevalent among children here, with 28% of Mississippi children living in poverty as compared to 19% of children nationally.² Further, much of the state is rural and parents living in rural areas report struggling to find critical resources like affordable childcare and healthy foods. These findings are corroborated by the Judges and Referees Survey. A lack of financial resources and a lack of familial support were the second and third most prevalent reasons judges and referees reported seeing neglect cases. They further reported that a lack of resources in rural counties is a significant issue for families, including those working with Child Protection Services.

² <https://datacenter.kidscount.org/data/tables/43-children-in-poverty?loc=26&loct=2#detailed/2/26/true/2048,1729,37,871,870,573,869,36,868,867/any/321,322>

Foster Parents – Quantitative Data Collection

Seventy-three foster parents across the state completed the MS Foster Parents Survey in January of 2022. These foster parents live across 22 counties and serve 36 counties, providing coverage to 44% of Mississippi counties.

About the Journey

We first asked participants about their personal journey and experience serving as a foster parent. The results of these items are shared in the tables below.

How many children are currently placed with you?			
	Frequency	Percent	Total number of children
0	14	19%	0
1	32	44%	32
2	17	23%	34
3	9	12%	27
5	1	1%	5
TOTAL	73		98

About how many years have you served as a foster parent?		
	Frequency	Percent
Less than one year	9	13%
1-5 years	50	71%
5-10 years	9	13%
10+ years	2	3%
TOTAL	70	

About how many placements have you had?		
	Frequency	Percent
1	18	25%
2	15	21%
3-9	33	45%
10+	7	10%
TOTAL	73	

How well is your current placement going?		
	Frequency	Percent
Extremely well	32	56%
Somewhat well	11	19%
Ok	13	23%
Poorly	1	2%
No current placements	13	23%

TOTAL	57	
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Care Types

To assess the kinds of care foster parents provide, we asked the following:

Do you typically have short-term or long-term placements?		
	Frequency	Percent
Short term	3	4%
Long term	47	66%
A mixture of short and long term	21	30%
TOTAL	71	

What age groups do you serve?		
Age Groups	Frequency	Percent
0-5	53	73%
6-9	22	30%
10-12	21	29%
13-15	14	19%
16-18	12	16%
18+	2	3%
TOTAL	73	

Do you serve children with disabilities?		
	Frequency	Percent
Yes	24	33%
No	49	67%
TOTAL	73	

Is your home a therapeutic home/are you a therapeutic foster parent?		
	Frequency	Percent
Yes	3	4%
No	70	96%
TOTAL	73	

New Placements

To gain information about the process of receiving new placements and the experience of foster parents in that process, we asked the following:

When a child enters your household, do you feel you have sufficient information about them to care for them?		
	Frequency	Percent

I always have enough information	5	7%
I usually have enough information	30	44%
I usually don't have enough information	19	28%
I never have enough information	19	28%
TOTAL	68	

When asked, “What information could CPS have provided in your first placement that would have been helpful?” foster parents offered the following suggestions:

- Medical and personal information of the child, including any diagnoses, medications, and allergies they may have
- Local resources that are available
- List of any appointments the child has upcoming
- List of important dates (parental visits, court dates, etc.)
- Any concerning behaviors the child has exhibited
- Any criminal history
- Access to paperwork (e.g., Medicaid information, social security card, CPS’s letters for the child’s school, birth certificate)

How often do the children in your care have to change schools?		
	Frequency	Percent
The children I care for stay in their original schools	6	9%
Some children I care for have to change schools	11	16%
Not currently caring for a child, OR children I care for are not of school-age	29	42%
Most children I care for have to change schools	23	33%
TOTAL	69	

How often are the children in your care from a different community?		
	Frequency	Percent
The children I care for are from my same community	14	20%
Some of the children I care for are from a different community	17	24%
Most children I care for are from a different community	40	56%
TOTAL	71	

Interactions with CPS

We next inquired about foster parents’ relationship and interactions with CPS. After a general likert-scale item assessing satisfaction, we then asked a series of open-ended questions to gain further insight into this topic.

How satisfied are you with your relationship with CPS?		
	Frequency	Percent
Very satisfied	9	17%

Somewhat satisfied	20	37%
Neutral	10	19%
Somewhat dissatisfied	15	28%
Very dissatisfied	19	35%
TOTAL	54	

The open-ended questions included the following:

- What could CPS do differently to support you better?
- What could CPS do differently to support the children in your care better?
- What topic(s) would be helpful to learn more about at this stage in your foster care journey?
- What else would you like for CPS to know about your experiences?

Responses to these qualitative questions were thematically analyzed and the take-aways are shared below:

1. Foster parents request more honesty and transparency.
2. Foster parents request more mental health support for the children in their care.
3. Foster parents request more consistency among workers.
 - Ensure that children have at least one person on their advocacy team who remains consistent throughout their time in CPS care.
 - Ensure that workers are consistent in following CPS procedures regarding visits and contact with foster families.
 - Ensure that workers are focused on the child's best interest rather than the biological parents' best interest.
 - Assure workers that foster parents can and want to serve as an advocate for the children in their care and have specialized knowledge of the children to share.

Demographics

Respondents were mostly female (84%), mostly white (81%), and mostly in their 30s or 40s (65%). The range of ages was 23 to 67 years old.

Youth in Transition

We received 30 usable responses to the Youth survey from the sample of 244 email addresses to which it was sent (12.3% completion rate). Because of this limited number of responses, we have excluded some analyses from this report to ensure the participants' anonymity.

About the Youth

Participants were between 16 and 20 years old, with most participants (40%) being 19 years old. Most participants were black (44.8%) or white (37.9%), with the remaining 17.3% of participants being multiracial or identifying as another race. Most participants (67%) were female. Only 10% of respondents were parents and 20% had experience in juvenile detention. Most participants (82.6%) reported currently having or currently seeking a job, while only 17.4% shared that they were not on the job market.

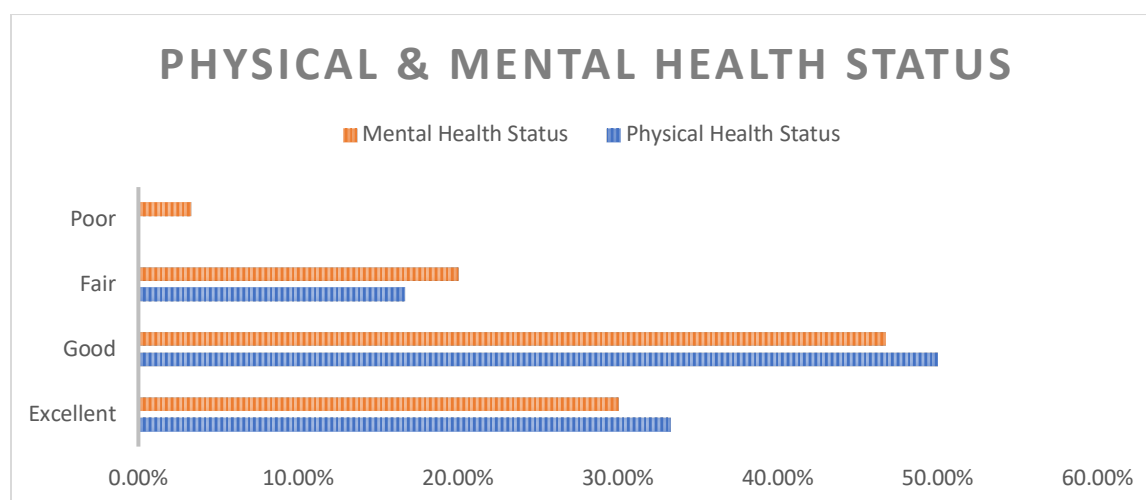
One-third of youth had experience with housing insecurity, and 20% reported having couch-surfed some or many nights. Forty percent of youth report having one or two placements while in care, while 60% report 3 or more placements.

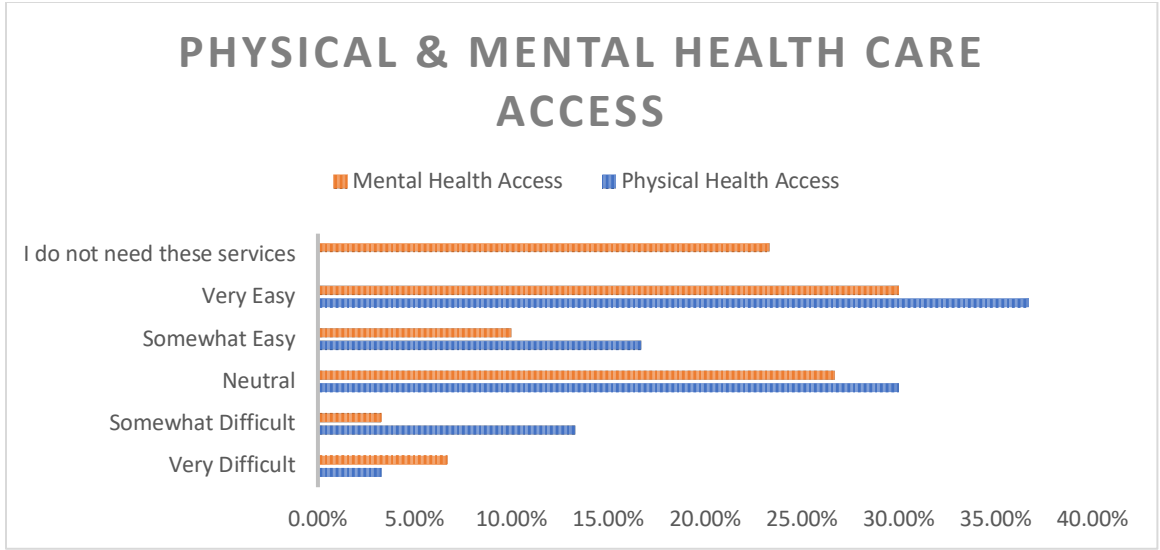
Education

Half of participants had completed high school or a GED at the time of the survey, while the other half were in grades 10-12 in high school. Participants were overwhelmingly interested in attending postsecondary education (96.7%), and 46.6% had concrete plans to do so. Eighty percent of participants had heard of the Free Application for Federal Student Aid (FAFSA) and 53.3% had already completed it.

Health

We asked youth to rate their physical and mental health status and ease of access to services.





We then included an assessment for Adverse Childhood Experiences (ACEs), which includes 11 items that indicate childhood trauma. On average, youth scored a 4 out of 11. The most reported ACE was losing a parent through divorce, abandonment, death, or another reason, to which 64.3% of youth responded in the affirmative.

Despite these challenges, participating youth report that they feel positive about their future, with 58.6% ranking their positivity as a 9 or 10 on a scale of 1-10. This finding underscores the overwhelming resilience of this population.

SECTION II: Special Advisory Committee on Child Welfare for the Children's Foundation of Mississippi

Overview and Background

One of the goals of this project was to establish a multi-disciplinary research and policy advisory team to promote sound programmatic and policy recommendations that could be instructive in improving child welfare policies and practices, programs, and support services in the state. The Children's Foundation collaborated with child-serving agencies (e.g., the Mississippi Department of Child Protection Services and Division of Medicaid) to identify and solicit diverse representation from interests that were either directly linked to child welfare (including impacted children and families) or social institutions and/or agencies that address issues that put families and children at risk for future involvement with the child welfare system.

In preparation for launching the Special Advisory Committee on Child Welfare (hereafter referred to as the Advisory Committee), CFM conducted an environmental scan to identify best practices and recommendations for developing a statewide advisory board to protect children. The following guiding principles were offered and taken under advisement in determining the formation and structure of the committee:

- The purpose of an Advisory Committee is to advocate for a consumer-driven system of child welfare services and supports that promotes self-determination, empowerment, recovery, resilience, health, and the highest possible level of consumer participation in all aspects of community life including work, school, family, and other meaningful relationships.
- General functions of an Advisory Committee:
 - Serve as the primary, ongoing forum for articulating and building a consensus among consumers, families, advocates, providers, planners, and state agencies;
 - Monitor the status of child welfare services and programs in the state;
 - Provide recommendations related to improving child welfare services, practices, programs, and support services;
 - Use data to guide discussions and inform policy recommendations.
- The membership should be comprised of a manageable number of representatives from state agencies who provide child health and child welfare services; child advocacy organizations; consumers, foster care alumni; child and family support organizations; education system representatives; law enforcement representatives; faith communities; business communities; policy makers; and health care providers. A manageable number could range from 12-21 members. Attention to diversity in the recruitment/selection of members is essential.

Process for Recruiting

The CFM leadership team and community partners were asked to identify the roles/types of representatives to include on the Advisory Committee. Based on the results of the research and the specific intent and functionality of this Committee, it was decided to solicit individuals from the following areas:

Health (oral and pediatric), Legal/youth court, Legal/Advocacy programs, Youth court system, Parents (peer/foster parents); Education; DHS-Youth Services; Business; Mental Health; Youth

(in transition/independent); Faith community; Law enforcement; Child Protection Services; Guardian ad litem;

Individuals were identified and recruited through personal contacts; all individuals who were asked to serve on the Board agreed. The only two positions that had not been filled at the time of the initial meeting were a youth representative and someone from the business community. The membership of the current advisory committee is in Table XXX.

Advisory Committee on Child Welfare		
<i>Name</i>	<i>Representation</i>	<i>Title</i>
Tami Brooks	Health	Pediatrician
Tom Broome	Legal/youth court	Youth court judge, Rankin County
Willie Brown	Public At Large Representative	U.S. Army Corp of Engineers
David Calder	Law School/Child Advocacy	Clinical Professor, University of Mississippi
Juan Cloy	Law enforcement	Deputy Director Training/Outreach, Council for a Strong America
Kathleen Cook	Legal	Special Asst. to MS Attorney General
Trent Farve	Legal/youth court	Youth court judge, Hancock County
John Hudson	Legal	Jurist-in- Residence (Youth Courts), MS Supreme Court
Shirley Kennedy	Law education	Director of Child Advocacy, Mississippi College
Toni Kersch	Youth Services	Deputy Administrator, MS Dept of Human Services
Angela Marshall	Child Advocate	Guardian ad litem, Hinds County
Patti Marshall	Legal	Assistant State Attorney General, retired & Board member, Children's Foundation of MS
Margaret Middleton	Health/Legal	Attorney III, MS Division of Medicaid
Kesha Perry	Educational Researcher	Key Concepts, III
Eddie Rester	Faith community	Minister, Christ United Church
Carol Russell	Legal/youth court	County Court Judge, Forrest County
Andrea Sanders	Child Welfare	Commissioner, MS Department of Child Protection Services
Pamela Scott	Higher education	Professor of Social Work, Jackson State University
Christine Simmons	Parent	Peer-to-peer Parent consultant
Holly Spivey	Education Policy	Director of Government Relationship, MS Department of Education
Lynda Stewart	Mental Health	Director of Youth Services, MS Dept of Mental Health
Connie Baird-Thomas	Research	Associate Director, MS State Social Science Research Center
Karla Tye	Child Advocacy	Executive Director, Child Advocacy Centers of MS

Russell Woods	Philanthropy	Senior Director, Systems Improvement Division, Casey Family Programs
OPEN	Youth (transition or independent)	
OPEN	Business	

The inaugural one-hour meeting was held on November 14, 2022, via Zoom. Members were given a brief overview of the CFM and the purpose of the Committee. Data partner Elucidata presented findings from focus groups conducted with foster youth with the opportunity for the Committee to offer feedback and reflections.

The Committee will continue to meet quarterly, with the next meeting tentatively scheduled for late February 2023. We anticipate sharing the findings of this report at the next or subsequent meeting and scheduling the remaining meetings for 2023.

Section III. Public Health Outreach and Partnerships

Student Fellows and Interns

For the past three years, CFM has supported graduate research fellows from the T.H. Chan School of Public Health at Harvard University and the University of Alabama at Birmingham to provide students the opportunity to expand their public health research capacity. Student engagement continued in the summer of 2022 with two students from the Harvard School of Public Health: Rosie Batista, a doctoral student in public health and participant in the child protection candidate certificate program, and Amit Kumar, from the MPH program in health policy.

Efforts were made to extend this learning opportunity, via an internship with CFM, to students attending Historically Black Colleges and Universities (HBCUs) in the state. For the first year, Tougaloo College and Jackson State University, located in the Jackson area, were selected because of their proximity to the Foundation, allowing for more meaningful engagement and interaction with the project team. Moreover, two of the project team are alums of these HBCUs and have established relationships that we anticipated would facilitate the process. In the future, additional opportunities will be explored to expand this initiative to other HBCUs.

Tougaloo College is a small, private, four-year liberal arts college located in Tougaloo, MS, on the outskirts of the MS capital city. Annual enrollment averages approximately 700 students. It offers primarily undergraduate degree programs. Jackson State University is the state's largest HBCU and is recognized as an R2 "Doctoral Universities: High Research Activity" institution based on the Carnegie Classification of Institutions of Higher Education. It offers 47 undergraduate programs and 50 graduate degree programs.

The initial contact was made with the President of Tougaloo College in late fall of 2021, but an appointment could not be scheduled until the spring of 2022. The internship concept was enthusiastically received, and the project was referred to the Director of Student Internships to work through the logistics. Given the timing of the conversation, a student was identified to begin in the summer. Unfortunately, the student could not complete the assignment, and two other students were placed. Both students committed to the project before the beginning of the fall semester, but after classes began, they declined to participate for various reasons. One final attempt was made to recruit a student mid-fall semester, and a senior political science major, Amber Jackson, was presented as a candidate. Ms. Jackson was able to join the team and made a significant contribution, given the limited amount of time that she was able to work on the

project. The student's career plans after graduation will likely involve a gap in degree programs, and she may be able to continue her work with CFM as other projects are initiated. The undergraduate student conducted literature reviews to support the data collection efforts of our data partner Elucidata. The topics covered included the emancipation of minors, foster family stress management, and the pros and cons of mandatory reporting requirements for abuse and neglect. She also assisted in editing the final report. The initial plan was for the undergraduate and graduate students to work together; unfortunately, the timing did not allow for interaction with the Harvard graduate students who were with the CFM in the summer of 2022. The graduate school of social work at Jackson State University offers its students semester-long experiential learning opportunities (field placements). The Director of placements was interested in the CFM as a site; however, there is a somewhat lengthy application and approval process that could not be completed within the time limits of the child welfare project. The university is still interested in CFM as a placement site, and there have been ongoing conversations regarding the application process. Although the student placement did not come to fruition, the Director did agree to serve on the Advisory Committee.

Student Research and Policy Briefs

One of the requirements for the graduate fellow students was to complete an independent research project, focusing on an aspect of child welfare and culminating in a policy brief. Students were paired with state agency leadership to facilitate the development of the research issue, formulate questions, supply context, and provide general information, feedback, and support as they completed the research requirements. Amit worked with the Division of Child Protection Services, and Rosie with the Mississippi Division of Medicaid. CFM team leaders also met weekly with the students to support their progress.

The students visited Mississippi for a week in August. They met face-to-face with state agency leads, community-based organizations and several public health, public policy, and education officials both in the Jackson area and across other parts of the state.

Rosie's research examined innovative approaches to improving care for foster children, focusing on behavioral health and value-based payments. The primary recommendations resulting from this study were:

1. Establish wrap-around services for children in foster care in community settings to receive behavioral screenings in homes, schools, and other trusted community locations.
2. Establish a dedicated task force comprised of leaders from the Division of Medicaid, Department of Mental Health, Mississippi Child Protection Services, policy advocates, families, and other relevant stakeholders to identify performance metrics for Therapeutic Foster homes (TFH).
3. Utilize VBP to incentivize more providers to offer care for behavioral health issues in the foster care population.

Amit's research focused on improving mental health services for children in the Mississippi foster care system. The primary recommendations resulting from this study were:

1. Create a robust inter-agency support system for family-based care settings
2. Leverage cross-system collaboration to invest in community-based care
3. Reduce caseloads among MDCPS caseworkers and case managers
4. Integrate trauma-based therapy within family-based settings

5. Improve the accessibility of therapeutic foster homes

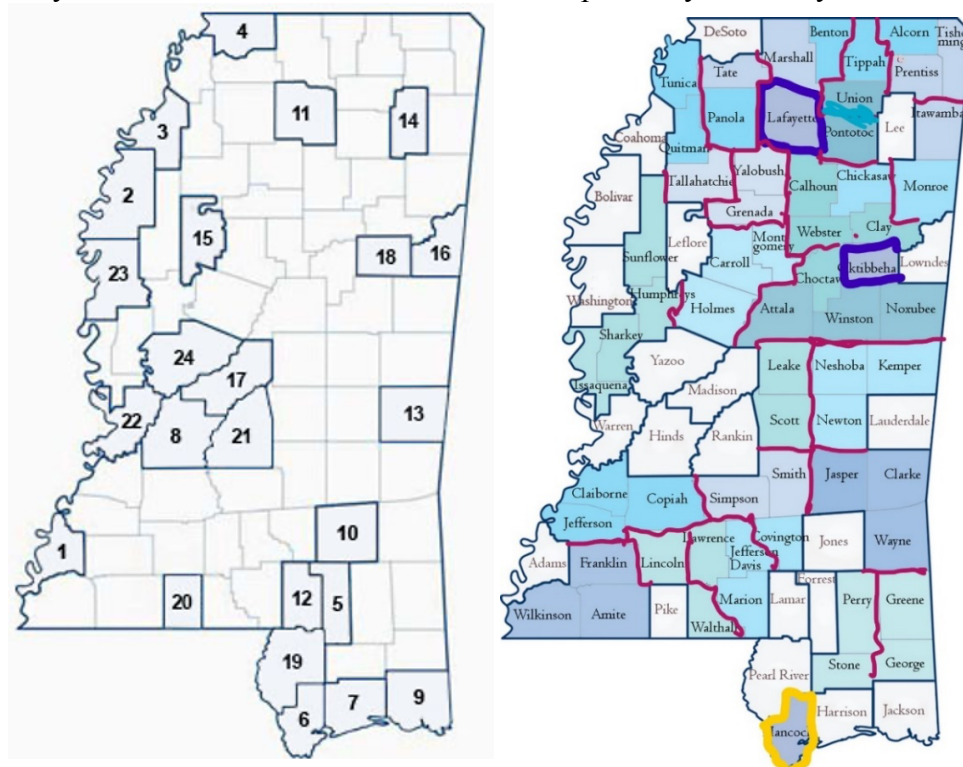
SECTION IV. Scholar-in-Residence Program

The project benefitted from having a virtual “scholar-in-residence” (SIR), Judge John Hudson. As a contractual Scholar in Residence, Judge Hudson’s contributions included: providing feedback on various surveys, developing interview guides, providing contact information for judges across the state, meeting with graduate students to offer feedback on their policy briefs, and assisting in the establishment of the CFM’s child welfare advisory board. An additional ‘added value’ to the project has been the development of a white paper by Judge Hudson entitled “Modern History of the Mississippi Trial Court System as it relates to Child Welfare.”

The development of this paper provides a broader context for the project. It provides essential information to a wide array of individuals in the field of child welfare in Mississippi. We envision this as a “living document” that can be updated on the CFM website and used as a resource.

Judge Hudson’s paper includes an overview of the relationship between the various components of the judicial system, delineating how each type of court relates to the youth courts. It reviews the history of the courts and their influence on the current youth court and referee courts serving Mississippi’s 82 counties. The attached maps reflect the current geographical differences across the state, depicting which counties have county courts as the youth courts with full-time judges and which counties have referee courts (part-time judges and practicing attorneys). The numbered counties are county court counties and the unnumbered are primarily served by referees.

Also included is a map depicting a new statewide county court system providing full-time judges to all counties with a suggested county district plan. The counties outlined in magenta are suggested new county courts. This plan is discussed in detail in the paper attached as Appendix B.



This is followed by a thorough discussion of the Mississippi Youth Court Act of 1979 and the evolving roles of the youth courts in Mississippi, spotlighting challenges and improvement markers over the past three decades. The essential elements of a proposed unified youth court

system with full-time judges charged with matters about child protection and juvenile justice are described in the paper. These elements include: uniformity, county court jurisdiction, full-time jurists, state courts, adequate support funds, size of county court districts, alignment of counties to share circuit or chancery courts based upon geographical location, population, caseloads, and determination of the clerk of the court between youth court matters and non-youth court matters. Further discussion of the resultant benefits of a unified court system follows.

The subsequent section discusses parent representation in Mississippi youth courts, with a specific focus on the past decade. The contributions of Casey Family Programs beginning in 2012 are notable for their initial and ongoing support of pilot sites for parent representation in four Mississippi counties. Additional counties have been added through other philanthropic, state, and matching local funds. The benefits to children and their families are outlined in this section, and the substantial economic return on investments (ROI) for the state of Mississippi is noted.

Other important highlights of the Hudson paper include improving reasonable efforts in training and collaboration. Improved data systems and national training models to help improve the court systems will support positive outcomes for children and families in Mississippi. The complete paper is attached in Appendix B.

Section V: CFM’s Blueprint –Phase II for Improving Outcomes for Youth

Phase II/Background

The CFM has recently released the second phase of its’ Blueprint II Improving Outcomes for Mississippi’s Youth. As noted in the executive summary, the years between nine and eighteen years of age is full of transitions. Moving from childhood to young adulthood can be a challenging process even under the best of conditions and with a strong support system. Unfortunately, many Mississippi youth do not make the journey successfully and fail to reach their full potential as young adults. This is a steep climb for youth in foster care when the supports for bridging this transition are often not as strong.

In 2020 and 2021, the Children’s Foundation of Mississippi (CFM) asked those with experience working with children and youth in this age group throughout Mississippi what they considered the greatest needs of this population and which strategies were most likely be successful in meeting these needs, the following priority areas were identified using this input, along with data from multiple surveys and reports:

- Access to mental health services,
- Transitions out of foster care,
- Comprehensive health education, and
- Life skills education and post-graduation preparedness.

This *Phase Two* of the *Blueprint* summarizes research in each of these priority areas and examines interventions that have been successful in other states to address these needs. It starts with those areas applicable to the entire target population: comprehensive health education and life skills education, then follows with those areas addressing populations with special needs: access to mental health services and transitions out of foster care.

The current project allowed the research team to gain additional information to inform the section of the Blueprint entitled Youth In Care Transitions (YIT). An excerpt from this section of the Blueprint’s recommendations for YIT of this follows:

YIT are a population deserving targeted attention not only due to their intense needs and vulnerability but also because the state has a unique responsibility for their care and well-being. Their lives are often repeatedly disrupted, complicating the continuity of attention to their needs. When they come of age to transition out of foster care, they may not be well-prepared for this move. Weak data systems can further hinder the state’s efforts to prepare these youth for this transition. Fortunately, all foster children are eligible for health coverage through Medicaid, which provides a central source for much of their health data. Mississippi can gain insight from examples of strategies that have been successful in other states to improve transitions out of foster care including the following:

- *Build a data-sharing infrastructure,*
- *Implement a standardized electronic health record,*
- *Develop health protocols and guidelines for foster youth,*
- *Improve training of health care practitioners,*
- *Expand coordinated telehealth,*
- *Collaborate with specialist organizations,*
- *Coordinate with schools for screening, and*
- *Implement health passports.*

Please see Appendix for the full section on YIT. The link to the Blueprint Phase II can be found on the CFM website. (<https://childrensfoundationms.org>)

Section VI. Policy and Programmatic Considerations

As noted throughout this report, this current service agreement project has yielded tremendous opportunities to elevate numerous “voices” across Mississippi’s child welfare system. These “voices” include older youth in care or transitioning out of care, biological parents, foster parents, and youth court judges and referees.

The survey findings and additional information gleaned from interactions with service providers, judges, literature reviews, and students’ briefs have individually and collectively informed this project work. Additionally, the paper written by the SIR provided valuable, historical context, illuminating some of the current child welfare opportunities, particularly with the current youth court system in Mississippi.

The following general policy and programmatic considerations result from the above findings. The listing does not reflect any priority ranking.

- Resources (professional and community)
 - Hire more child protection service workers and include adequate pay to stabilize the workforce
 - Provide more information to foster parents and biological parents about available resources
 - Increase the available services to children, youth, and families across the state, with a particular focus on mental health services and wrap-around services
- Judicial system
 - Create a unified youth court system with full-time judges who are focused explicitly upon child protection and juvenile justice matters
- Training and professional development
 - Consideration for improving training and professional development of child protection service workers with a particular focus on preparation for court hearings, timely data entry prior to court, and review of home visits protocol
 - Provide specific training on topics related to trauma to biological parents, foster parents, child protection service workers, and judges
- Housing
 - Increase available housing opportunities for youth, with a particular focus on youth in transition
- Education
 - Create specific pathways with youth transitioning out of care for an educational/ career development plan
 - Increase opportunities for youth to complete the FAFSA applications

In addition to the above general policy and programmatic considerations noted above, the following recommendations emerged from the research findings specific to *CPS Policy and Practice and Future Research*.

CPS Policy and Practice

Biological parents shared that having [only] two visits per month with their child during removal was harmful to their relationship. Foster parents reiterated this concern, expressing that biological parents cannot maintain healthy relationships with children when only seeing them two times per month for about an hour.

Biological parents shared that the method of removal of taking children from school is inappropriate. This causes undue stress for the parents. Procedures should mandate contact with the parents before removal from environments outside the home.

Biological parents suggest that police should be trained to engage CPS in cases that emerge with families who are already working with CPS.

Foster parents requested that the following information be included in the training:

- A chain of command [organizational chart] starting in their local district and going up to Jackson
- A list of local resources
- Links to resources about trauma by age that are online and can be referenced any time
- Information about local foster parent support groups

Systems Change

A recurring theme across stakeholder groups was the need for additional- and high-quality- mental health services. In rural counties, judges and referees described these services as “virtually nonexistent,” further explaining that beds for critical cases were few. Drug rehabilitation services in their community were only known and identified by 56% of respondents, indicating a great need for increased capacity and awareness of existing programs, as well as an increase in locations to ensure accessibility of these resources.

Establish collaborative, local relationships between CPS workers and law enforcement. These two bodies often work in tandem, and a strong relationship between them provides the opportunity for better outcomes for children and families.

It was also noted that training for CPS workers and law enforcement on protocols for custody removal and court orders is needed.

Future Research & Training

Findings from the Judges and Referees Survey indicate a need to survey child protection service workers in Mississippi to better understand their needs and how the courts, foster parents, and CPS can support their work.

Foster parents requested additional, specific training and materials. This provides an opportunity to develop research-based materials and distribute them to foster families.

For instance, those who participated in the focus group offered these six tips to new foster parents:

1. *Document everything--If it's not right, say something immediately*
2. *Save a PDF of CPS policy on your phone*
3. *Decide up front how much distance/closeness you are [or are not] comfortable between you and the biological family (your contact information, work, etc.)*
4. *Find a support group as soon as possible, especially foster parents that have kids your kids' age. Go in person whenever possible.*
5. *The social workers are doing the best they can with the information they have. Most of them just don't have good information*
6. *You won't regret doing this if you focus on the kids.*

Further, participants in the surveys requested training on the following:

- Trauma:
 - How to help children/youth cope with trauma
 - Mental health resources to address trauma
 - Healing from secondary trauma
 - Coping with loss when placement leaves
- Autism
- Transitioning a child from care to college
- Adoption processes & TPR
- Court processes

In sum, these research findings have reinforced challenges and opportunities within Mississippi's child welfare system. Systems alignment and training can improve services, programming and policies. Determining ways to increase response rates of youth in care and foster parents is essential for future research.

In concert with the CPS and other partners, including the CFM's child welfare advisory board more insights can be provided by the above mentioned policy and programmatic considerations can be prioritized for the goal of improved outcomes for children, youth and families engaged in the child welfare system.

Appendix A: Community Resources

Drug Rehabilitation Services

New Life Deliverance Center

Hellfighters

Lifecore (Region 3)

Broken Lives

Transformation Ranch

Talbot House

Family Treatment Court

Pine Belt (Crossroads)

Clearview Recovery

Born Free

Friendship Connection

Harbor House

Mendenhall – Region 8

Hazlehurst – Region 8

Fairland

Family Intervention Court (Rankin County Youth Court)

Denton House

Youth Advocacy Groups

“The Quitman School District Superintendent is doing wonderful work. My collaborative committee is working with her.”

Kids Hub, Forrest County

Appendix B: Modern History of the Mississippi Trial Court System as it relates to Child Welfare

PREFACE

The creation of court systems to protect and create nurturing environments for children who are subject to abuse or neglect is a relatively new development in Anglo-American jurisprudence. While courts did in fact seek through prosecutorial powers to intervene in the most egregious cases to prosecute those guilty of heinous crimes, a protection system as we know today was nonexistent

The case of Mary Ellen Wilson, a severely abused orphan living in one of New York's worst tenements, Hell's Kitchen, first brought this need into focus. A religious missionary could get no help from local authorities. The culture of the day was that children were almost chattel and could be raised as the parent or guardian saw fit. Ultimately the missionary turned to the American Society for the Prevention of Cruelty to Animals, founded some fifty years earlier, for help. The lawyer for that society drew up the necessary papers and the child was removed. Out of that experience a nongovernmental charity for the protection of children was established.

By 1922 some 300 child protection societies were scattered across the country. The first juvenile court was established in Chicago in 1899. It was not until the second quarter of the 20th Century that these functions began to be transferred to governmental agencies. The great depression and the advent of social security system was another major turning point thrusting the federal government into child protection. It would take until this same time period for youth court structures to expand to all states.

The 1960s brought an explosion of interest in child abuse primarily because of the keen interest being paid by physicians. Many medical studies and reports were issued during this time including "The Battered Child Syndrome" by Henry Kempe and his colleagues. National publications picked up the coverage.

Foster care systems developed across these years and gradually supplanted orphanages for the care of these children.

In the 1970s the culture began to change and failure of the foster care system called for a more appropriate response. Federal legislation, described later, took on this challenge in cooperation with the states and their welfare agencies.³

In this paper, I seek to address that more modern history of our youth court system and how over the last quarter of the 20th Century and approaching the first quarter of the 21st, efforts have been made to improve the dispensation of justice to our families and children while also identifying some continuing areas of needed improvement.

MISSISSIPPI TRIAL COURT SYSTEM

Perhaps the most productive way to begin this review is to view the entire Judicial system of Mississippi and how each court relates to youth court and youth court matters.

Many believe Mississippi's system to be antiquated. Courts in Mississippi maintain old English separation between equity and law courts. They are constituted on a county basis even though many judges serve more than one county.

JUSTICE COURT. Every County has a Justice Court and the number of judges serving it is determined by the county's population. This court is a small claims court with jurisdiction up to

³ *A Short History of Child Protection in America*, by John E. B. Myers, 42 Fam. L. Q. 449 2008-2009

\$3500 in civil litigation and the court usually is the first court which handles criminal cases. The justice court judge may issue search warrants, arrest warrants, conduct preliminary hearings in felony criminal cases, set and conduct bond hearings, and conduct trials in misdemeanor criminal cases or traffic offenses. The position is elected⁴. Save those elected Municipal Courts, these are the only judges who are elected in partisan elections.

MUNICIPAL COURT. In counties with municipalities there is often a municipal court who shares concurrent jurisdiction with the justice court for offenses which were committed within the municipal limits. They also have jurisdiction over city traffic violations and violations of municipal ordinances. The municipal court has no civil jurisdiction. Some municipal judges are elected but most are appointed by city boards or other officials⁵.

PRIMARY CONSTITUTIONAL COURTS. Most other states have a unified system where the trial court system is vested in one district court per jurisdiction. That court can have several judges who will share the numerous responsibilities. In Mississippi, however, we have two distinct constitutional trial courts. They are the Circuit Court and the Chancery Court.

- **CIRCUIT COURT.** The Circuit Court is sometimes referred to as the court of law. This court hears all felony criminal cases. It also hears all civil cases involving damages suffered by a party. Medical malpractice, automobile accidents and the like are heard here. This court serves as the appeals court for justice and municipal court in most counties. There are some exceptions. Ordinarily, a Circuit Judge serves more than one county and some as many as five. The state is divided into 22 circuit court districts. The position is elected in a non-partisan contest every four years⁶.
- **CHANCERY COURT.** The Chancery Court is commonly called the court of equity. It will hear such cases as property line disputes and other equitable disputes. However, most of the caseload is related to family law, divorce, child custody and wills and estates. The chancery judge, referred to as the Chancellor, serves more than one county in most instances and one as many as eight counties. The state is divided into 20 Chancery districts. This court plays a significant role in youth court. In those counties without a county court, the youth court is in the jurisdiction of the chancery court. Most of those counties are served by a part-time referee who has been appointed to that position by the senior chancellor in that county's district. The chancellors are elected in non-partisan contests every four years⁷.

STATUTORY COURTS: The legislature can and have created special courts created by statute to hear and consider limited jurisdiction. Youth Court jurisdiction has been one of those specially provided courts.

- **COUNTY COURT.** In most of the more populated counties, the county has constituted a statutorily established court called the county court. The 21 county courts serve approximately 75% of the state's population. The County Court is the closest Mississippi example to the District Courts found in other states. Jurisdiction includes all civil disputes up to \$200,000, the appeals court for justice and municipal courts, all matters

⁴ Mississippi Supreme Court Website: <https://courts.ms.gov/trialcourts/justicecourt/justicecourt.php>

⁵ Mississippi Supreme Court Website: <https://courts.ms.gov/trialcourts/municipalcourt/municipalcourt.php>

⁶ Mississippi Supreme Court Website: <https://courts.ms.gov/trialcourts/circuitcourt/circuitcourt.php>

⁷ Mississippi Supreme Court Website: <https://courts.ms.gov/trialcourts/chancerycourt/chancerycourt.php>

relating to eminent domain, concurrent misdemeanor jurisdiction and can be assigned felony cases by the Circuit Judge. The most significant jurisdiction reserved to the county court is the youth court. In the one judge counties, this responsibility easily takes up more than half of the time of the judge. In multi-judge counties the responsibilities are usually divided between youth court and all other responsibilities. Jackson, Harrison, Hinds, Rankin, Lee and Desoto Counties have individual judges dedicated to just youth court. Every county that has a population of more than 50,000 has to establish a county court. The position of county court judge is elected in non-partisan contest every four years⁸.

- **YOUTH COURTS.** In 1979 the Mississippi Legislature created the present youth court system. Every county had a youth court⁹. In the counties with county courts this jurisdiction was placed there. In the other counties the youth court was part of the jurisdiction of the chancery court. The legislature vested in the youth court jurisdiction over all delinquency, status offences, neglect, and abuse cases. In removal cases the youth court works with the family and the department of Child Protection Services to reunify, if possible, and if not, to accomplish other permanency as quickly as possible.
- **REFEREE COURTS.** As referenced above, referee courts serve the balance of the counties not served by county courts which are primarily in rural parts of the state. These are part-time judges and practicing attorneys. They are appointed to the position by the senior chancellor in their district¹⁰.

⁸ Mississippi Supreme Court Website: <https://courts.ms.gov/trialcourts/countycourt/countycourt.php>. As of the time of this research the website has not been updated to include the addition of the new count courts in Lafayette and Oktibbeha Counties.

⁹ Mississippi Supreme Court Website: <https://courts.ms.gov/trialcourts/youthcourt/youthcourt.php>

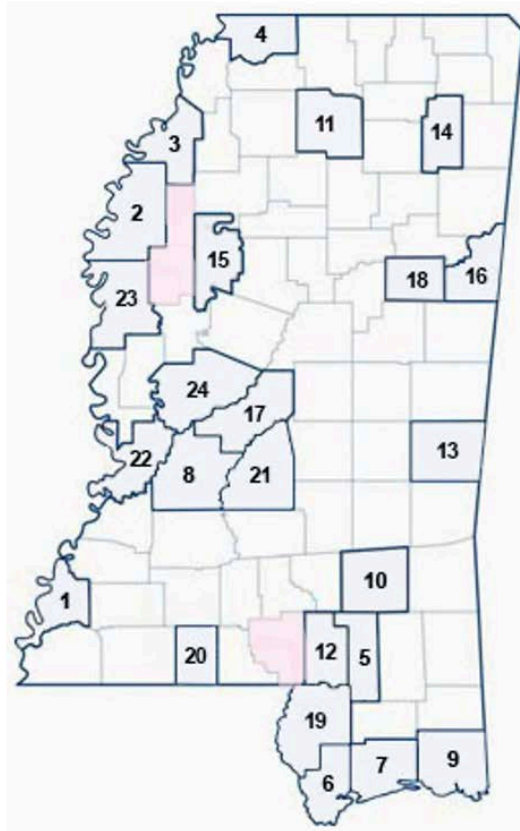
¹⁰ See footnote 7.

MAPPING OF YOUTH COURTS¹¹

County Judges hear cases in their county--Highlighted in Blue-Gray

1. Adams County Court
2. Bolivar County Court
3. Coahoma County Court
4. Desoto County Court
5. Forrest County Court
6. Hancock County Court
7. Harrison County Court
8. Hinds County Court
9. Jackson County Court
10. Jones County Court
11. Lafayette County Court
12. Lamar County Court
13. Lauderdale County Court
14. Lee County Court
15. Leflore County Court
16. Lowndes County Court
17. Madison County Court
18. Oktibbeha County Court
19. Pearl River County Court
20. Pike County Court
21. Rankin County Court
22. Warren County Court
23. Washington County Court
24. Yazoo County Court

Sunflower and Marion County-rose highlight- regularly heard by
Chancellors
Referees hear rest of Counties-no highlight.



INTERACTION BETWEEN THE YOUTH COURT AND OTHER COURTS.

The youth court and the other courts, as expected, have contacts involving a myriad of issues.

- *Justice and Municipal Courts*—The primary interplay with this court is the rare occasion where the youth court is removing a case from the jurisdiction of that court where the justice court judge has exercised jurisdiction in a case where original jurisdiction is with the youth court.
- *Circuit Court*—most interplay with the circuit court occurs within the delinquency jurisdiction of the court. The youth court has jurisdiction over all crimes committed by a juvenile under the age of 18 except for capital offenses, offenses which carry a life sentence, and a host of other delineated offenses primarily around the use of a firearm. Youth Courts can transfer to the circuit court any of the offenses of original jurisdiction after the youth court holds a transfer hearing and generally shows that all resources of the youth court have been exhausted. Other interplay includes the disclosure of confidential youth court records needed by the circuit court in a criminal proceeding.
- *Chancery Court*—is the constitutional court that most relates to the youth court. As shared earlier, a few chancellors hear youth court matters. Most, however, are heard by appointed referees. In those counties, should the referee ultimately decide to change the

¹¹ Map with alterations by author from the Supreme Court of Mississippi Website
<https://courts.ms.gov/trialcourts/countycourt/countycourt.php>

permanent plan in the case to TPR/adoption, the case would then move to the chancery court for the TPR hearing and later adoption. In county courts, TPR proceedings are held in the county court for cases which began as an abuse or neglect adjudication. Subsequent adoption matters move to chancery court. Other interplay includes the disclosure of confidential youth court records needed primarily by the chancery court in a child custody proceedings..

JURISDICTIONAL LINES BETWEEN CHANCERY AND COUNTY COURTS.

The jurisdictional lines between county and chancery court have been somewhat gray over the years but are becoming clearer. The Chancery Court is charged with many responsibilities involving children and their well-being. The youth court, in some counties a part of the Chancery Court, is a statutory court with specific responsibilities relating to children who are alleged to be victims of child abuse or neglect. Most times the two jurisdictions work well together to meet the needs of children and their families. However, sometimes they clash and the picture turns gray.

The graying began with the finding of the Supreme Court in *In the Interest of D.L.D., 606 So 2d 1125 (1992)*. In that case a dispute between courts arose where the youth court of Wilkinson County and the Chancery Court of Amite County. The mother and father of a young girl had lived in Amite County and had filed for divorce there. The father moved to Louisiana and the mother to Wilkinson County. Subsequently, an allegation of abuse arose in Wilkinson County. The youth court heard the case and adjudicated the child sexually abused. Additionally, it entered a no contact order on the father, the person the youth court found as the perpetrator of the abuse. The youth court placed custody with the mother. Meanwhile, in Amite County the chancellor rendered his decision in the divorce case. That order established visitation rights in the father. Thus, any action by the mother or the father to prevent or embrace the visitation would render them contempt of one of the court. The dispute made its way to the Supreme Court who found in abuse and neglect cases the youth court, not the chancery court, had exclusive jurisdiction in the matter.

Subsequently, a few aggrieved chancellors prevailed upon the legislature to insert into the statutes that the chancellor could maintain jurisdiction in an abuse or neglect action if the allegation of abuse or neglect first arose during the pendency of a case involving the custody of the subject child. Later, youth court rules of practice were established which provided that the statute required chancellors in those cases to follow the youth court rules in deciding these cases, a requirement which has been largely ignored.

A new issue arose as a result of a child neglect action which was proceeding in the Jackson County Youth Court. The child was removed from its mother and placed in foster care with a family in another county by the Jackson County Youth Court. The case proceeded with numerous failed attempts to reunite with the mother. The youth court began actively working with the father of the child to place custody of the child with him. The removal from the mother were for reasons unrelated to the father. However, the father had served time in prison for statutory rape dating back to a relationship he had while in the Navy with a teenaged girl. He was 19 at the time and the relationship was consensual. No other criminal action occurred. The Jackson County Court was nearing placement of the child with him when the foster parents petitioned for termination of parental rights and adoption in Lincoln County, their home county. The Department of Human Services, predecessor to the Department of Child Protection Services, challenged the jurisdiction of the chancellor in Lincoln County. The Supreme Court ruled the

chancellor had jurisdiction¹². Subsequently, the chancellor terminated the rights of the father and approved the adoption of the child which was likewise affirmed by the supreme court¹³. These opinions opened the door to forum shopping whenever a foster parent or parent was unhappy with the proceedings in youth court.

The issue was mitigated when the legislature passed legislation placing exclusive jurisdiction of a child subject to abuse and neglect allegations with the county court where the original action began in the youth court/county court until termination of parental rights had been achieved or there was some other permanent disposition of the case¹⁴. In referee courts, the jurisdiction of the chancery court is attached when the referee referred a case for termination of parental rights.

Issues still arise between the two courts but, for the most part, the jurisdiction appears somewhat settled.

NATIONALLY RECOGNIZED YOUTH COURT RELATED EXPERTS.

Mississippi has distinguished itself as possessing some of the most notable and achieved juvenile court jurist in the nation. The primary reason is the longevity of judges serving in our county court system. Those judges are compensated at nearly the same level as the constitutional trial court judges which has caused our county court youth courts to become a court of destination instead of a steppingstone to another court.

Mississippi is striking different from other states which have adopted district court systems. Judges in those systems are primarily assigned to rotations in the different areas of responsibility by administrative or senior judges. Thus, in those jurisdictions, judges run or are appointed judges with general jurisdiction responsibility. Senior or administrative judges then divide the responsibilities among them. Seldom does juvenile/youth court receive any priority. Often the senior judges assign newly elected/appointed judges to three-year rotations in juvenile/youth court. Three years later they rotate out and over to a new jurisdiction. Thus, those courts do not enjoy the longevity experienced here in Mississippi. In fact, only those judges who demonstrate that they want to remain in juvenile/youth court or have become a senior judge and can assign themselves to the youth court bench spend comparable time on the juvenile/youth court bench as do Mississippi County Court Judges.

However, while the county court system can be touted as a strength, our referee system is not. We are blessed with several very good and dedicated referees. However, they are often underpaid and simply cannot dedicate the necessary time to systems improvement that can be done by a full-time jurist. The youth court depends on the judge being a convenor of community collaboratives to improve the system overall. The full-time judge has the opportunity to dedicate the time necessary to move that agenda forward. However, the referees are only paid for in court time and must dedicate valuable pro bono time to seek improvements common in county court counties. Thankfully, there are a few who have been able to do this.

There have been several attempts to bring about a full-time judiciary for youth court. To date those efforts have been unsuccessful. In the meantime, concerted efforts to improve the effectiveness and delivery of judicial function in those referee counties has resulted in significant progress and fewer errors. Those counties, however, still suffer from not having a committed full-time jurist.

¹² *Mississippi Department of Human Services v Watts*, 116 So 3d 1056 (Miss, 2013).

¹³ *Hartley v Watts*, 255 So 3d 114 (Miss, 2017).

¹⁴ Section 93-15-105, Miss Code 1972 Annotated.

AMERICAN CHILD WELFARE HISTORY AND FEDERAL STATUTES AND REGULATIONS THAT SEEK TO IMPROVE PRACTICE AND ACCESS TO JUSTICE FOR CHILDREN AND FAMILIES

Juvenile or Youth court history in America dates back to the 19th century. In the early part of that century, research in France for the first time brought to general attention the horrific maltreatment of children which was and always was commonplace. Prior to this time, treatment of children was rarely questioned by any authorities. Children were little more than property of parents to be done with as the saw fit. In the first half of the 19th century, progress occurred in but did not jump the language barriers. It was not until the 1870s and the case of *Mary Ellen Wilson* that approaches began to change. Mary Ellen was an 8-year-old orphan who was whipped and beaten on a daily basis by her foster parents leaving gruesome bruising and scaring. That case came to the attention of authorities due to the advocacy of American Society for Prevention of Cruelty to Animals. No organization founded around prevention of child abuse existed. Their position—surely children should at least enjoy the same protections as animals. Gradually thereafter, systems began to be developed to protect children. Youth court was born. In 1962, an article in the American Medical Association journal designated child abuse as a diagnoseable condition. Within 10 years all states would have mandatory reporting statutes¹⁵. The development of foster care paralleled these advances in child protection.

Foster care itself had also become problematic. Children were removed and placed with little or no intent to maintain them in their families. The federal government became an active partner in the foster care arena in 1961. From the advent their involvement in foster care, the “contrary to the welfare determination” was the first of the existing protections afforded to children and their families by the Federal foster care program. The statute then, and now, recognizes the severity of removing a child, even temporarily, from home. Under this provision, the court must determine that maintaining a child in their home is “contrary to their welfare.” This protection was required because Congress believed that judicial oversight would prevent unnecessary removals and act as a safeguard against potential inappropriate agency action. That requirement remains today and the finding must be included in the first court order sanctioning the removal of the child from home, as is explicitly required at section 472(a)(1) of the Act.

By the early 1970’s, authorities began to recognize that foster care was not working as was intended. Children were being removed from their homes with little effort to correct the circumstances so that the children could go home. The general accepted view was that a child would be better off in foster care. Sadly, this led to many children being caught up in what became known as “foster care drift”. Children would be moved from placement to placement with no opportunity to develop a sense of place.

CAPTA

Congress attempted to respond to this circumstance when, in 1974, they passed the Child Abuse Prevention and Treatment Act (CAPTA) which has been reauthorized several times most recently by Victims of Child Abuse Reauthorizations Act of 2018 (Pub. Law 115-424). The Act provides among other things, federal funding and guidance to states to support prevention, assessment, investigation, prosecution, and treatment activities and provides grants for demonstration programs and projects

ICWA.

¹⁵ *Child Abuse Background and History*, Thomson Reuters www.findlaw.com

In 1978, Congress addressed a sad chapter in our nation's history. Native American children had historically been removed from their homes and placed in notorious boarding schools with the expressed purpose to further their "assimilation" into American society. In other words, a concerted effort by the federal government to destroy the cultural ties of indigenous peoples in the United States. The attempt was to in effect erase Native American culture and families. Families were torn asunder with little fealty to the preservation of the family unit. Congress, attempting to correct this problem, enacted the Indian Child Welfare Act (ICWA) responding to this wholesale removal of Indian Children from their families. It provides standards for state courts to apply for the removal of Indian children from their families and the placement of children in foster or adoptive homes to prevent the break-up of Indian families, protect the best interest of Indian children and promote the continued existence of Indian tribes. With this Act, Congress introduced the requirement of "active efforts" to prevent removal by the child protection agency and "active efforts" to accomplish reunification. The burden of proof remained on the agency and that burden was by "clear and convincing evidence." Should the case journey to a termination of parental rights, then the burden of proof on the agency to prove its case escalates to "beyond a reasonable doubt¹⁶."

Many western states were dramatically affected. Mississippi was as well. The Choctaw Nation exist on reserved properties in our state and has resulted in regular interaction between our courts. Under ICWA, the identified tribe may require a transfer to their tribal courts if the child or parent are members of the tribe or eligible for membership. Under the act, the tribe determines the eligibility of membership in the tribe. Should the tribe desire transfer to their jurisdiction, the court will comply. If the tribe consents to jurisdiction of the local court, a common occurrence, then the local court must apply the mandates of ICWA.

Just two years later, the Mississippi Legislature statutorily created the youth court system for our state by enacting a code which at the time was hailed as model. The act defined jurisdiction, set forth procedures, established burdens of proof, and created what has been termed as a "best interest of the child" system. More on this later.

AACWA

Congress continued its mission to address the failing of the foster care system when it adopted in 1980 the Adoption Assistance and Child Welfare Act (AACWA). Pub. Law 96-272 (1980). The act is among the first federal laws addressing adoption and child welfare nationwide. It placed added substantial requirements on states' child welfare systems, including case reviews every six months, periodic permanency hearings, and required states to make "reasonable efforts" to prevent the removal and, in the event of a removal, to safely reunify quickly where possible. *See* 42 U.S.C. § 671 *et. seq.* The performance of these requirement was tied to the states ability to draw down foster care reimbursement funds. Congress placed oversight of this mission of the child welfare agency on the state youth courts and provided that failure to make the necessary finding would result in a loss of federal funding for foster care.

While acknowledging that reasonable efforts findings could "become a mere pro forma exercise in paper shuffling to obtain Federal funding", the committee was unwilling to accept as a general proposition that the judiciaries of the states would so lightly treat a responsibility placed upon them by federal statute for the protection of children." Unfortunately, the congressional fears became practical reality across the country.

ASFA

¹⁶ Discussion of the requirements and the proper procedure to implement ICWA
<https://www.bia.gov/bia/ois/dhs/icwa>

Seventeen years later in 1997, the congress once again visited the national foster care system. They recognized that with all the promise of AACWA, much remained unchanged on the ground in much of the country. Hence, congress passed the Adoption and Safe Families Act (ASFA). Pub. Law 105-89 (1997). Attempting to correct persisting problems in the foster care system, congress amended statutes previously enacted by the AACWA to further facilitate permanent placement and safety of children in foster care. It acknowledges the unique position of kin in the foster care system and the pursuit of placement with them where removal is necessary. Significantly, ASFA also added a new requirement that judges make findings of reasonable efforts to finalize permanency. *See* 42 U.S.C. § 675.

In 2000, ASFA Regulations 2000. 42 C.F.R. Part 1355 were published. The regulations adopted by HHS specified, among other things, provided that judicial findings of “reasonable efforts,” including findings that reasonable efforts to prevent removal, to accomplish reunification, or to accomplish other permanency, must be explicitly documented and made on a case-by-case basis. Likewise, findings of what became known as reasonable efforts by-pass had to be explicitly documented. More later on how these regulations have been incorporated into Mississippi practice.

An understanding of these critical pieces of national legislation, is critical to proper administration of justice in child welfare cases.

Congress has passed additional legislation expanding protections to families and children.

IN-DEPTH DIVE INTO MISSISSIPPI YOUTH COURTS

The Mississippi Youth Court Act of 1979 incorporated an emerging view of the role to be played by the judiciary in child welfare. Indeed, the construction statute establishing the court set out this new and dynamic purpose:

“This chapter shall be liberally construed to the end that each child coming within the jurisdiction of the youth court shall become a responsible, accountable and productive citizen, and that each such child shall receive such care, guidance and control, preferably in such child’s own home as is conducive toward that end and is in the state’s and the child’s best interest. It is the public policy of this state that the parents of each child shall be primarily responsible for the care, support, education and welfare of such children; however, when it is necessary that a child be removed from the control of such child’s parents, the youth court shall secure proper care for such child.” MCA § 43-21-103. Construction and purpose.

The youth court’s responsibility is to honor this mandate.

At its beginning, the court had little direction as to how to carry out its purposes. Primary focus was on delinquency matters and child protection was left almost solely to the child welfare agency. Then came the federal input into the courts with a clear direction that the court, the youth court, was to be the overseer of the mission of the department to protect families and children. In a recent discussion, the question arose as to how can a legislative branch of the federal government tell the judicial branch of state government what to do? Well, practically it cannot. However, the federal government can withhold from states federal reimbursement funds for foster care if they do not. Thus, the responsibility to ensure this compliance falls squarely on the shoulders of the youth court judge.

As set forth above, our youth court system is spread across four different court systems. In counties with county courts, jurisdiction lay with that court. In all other counties, jurisdiction

lies in the Chancery Court. Most chancellors assign referees to hear these cases. A few take on this responsibility themselves.

Historically, even though Mississippi had established a model youth court code in 1979, several key weaknesses existed which severely hampered meaningful access to justice.

Administrative support.

First, the youth court, neither in the county, chancery or municipal courts received any state support for administration. While Chancery and Circuit courts were being provided with state funded annual support, the same did not occur for the youth court. These court were considered creatures of the county and any support received would have to be supplied by the county even though every case they handled were cases which would be heard In state courts in their absence. This caused serious disparities across the state. Some were adequately supported, the vast majority were critically underfunded directly impacting their effectiveness and efficiently.

Judicial Compensation.

Second, there was no uniform compensation for judicial officers responsible for this jurisdiction. Mississippi Statute provided that county court judges could be compensated up to \$500 less than a circuit judge. However, the actual compensation was left to the local boards of supervisors. Compensation for those judges varied substantially over the state. When the legislature would increase circuit and chancery judge's compensation, county judges were left to their own negotiations with the County Boards of Supervisors to keep up. Over time, many of the county judges secured legislative enactment mandating that their compensation was tied to circuit judges. But several were not and annually sparred with their boards. Some of the differences were dramatic.

The circumstances for referees were even more inequitable. Each county paid what was negotiated, some on a case-by-case basis, others on salary based on time in court. In both circumstances referees were undercompensated. In one county where the county had resisted authorizing the employment of court administrative personnel until the court ordered compliance which was begrudgedly honored. Then, the next year, the beginning of a new term for the judge, the board cut the judge's salary by the same amount. Actions like these undercut the stability of the entire system.

Laity serving as Referees

Third, in referee courts the statute permitted the appointment of a lay person. Several referees were not attorneys and were expected to hear ever increasing complex youth court matters.

No uniformity in courts

Fourth, there was little to no uniform court system. While full-time jurist were hearing these cases in the more populace areas of the state, the rural area were still served by part-time referees, some of which were not attorneys.

No uniformity in practice

Fifth, there was no uniform practice in these courts. Every county approached matters differently. Circuit, Chancery and County Courts all had uniform rules developed to help bring about some uniformity, none existed in youth court.

These insufficiencies began to be addressed in the late 1980s with significant action over the next two decades. Unfortunately, some have not been addressed.

UNIFORM RULES OF YOUTH COURT PRACTICE

One major step toward uniformity was accomplished when our court commissioned the development of the Uniform Rules of Youth Court Practice. A supreme court commission, co-chaired by now Chief Justice Michael Randolph and Judge Thomas Storey, developed this extensive document edited primarily by William Charlton of the Mississippi Judicial College. The rules brought together in one place the procedural responsibilities of all youth court matters so that all disciplines involved in the youth court process had one place to find all procedurals matters¹⁷.

COUNCIL OF YOUTH COURT JUDGES

The council was established by the statutory scheme and charged with the responsibility to make recommendations to the legislature for improvements in the state's youth court system¹⁸. This council has been the epicenter of reform over the years. It is composed of all judges in the state exercising youth court jurisdiction. Its leaders have taken on many of the inequities set out above and sought improvement. Most of the improvement in the system that occurred at the behest of this council until in later years the Supreme Court's Commission on Children's Justice entered the fray.

The next three decades would witness significant gradual improvement in the youth court system. Much, though, remains to be done.

SUPREME COURT'S COMMISSION ON CHILDREN'S JUSTICE

The commission was developed primarily to address the needs of the Court Improvement Program, a program of the Children's Commission of the federal government where grants are provided all states to develop training for its judiciary, data reporting systems and other related matters. The Mississippi Commission, in conjunction with the Council of Youth Court Judges, has been crucial to the many improvements in the system which will be highlighted later.

The commission is composed of thirty plus members representing all executive departments, the legislature, the judiciary, prosecution, defense, court administration, guardians ad litem, people with lived expertise, business entities and others that would be helpful to moving forward improvement of the system. Many of the programs fueling the progress over the past decade originated in the commission. The commission under then Justice Randy Pierce conducted a listening tour around the state seeking information in order to make recommendations for the improvement of the Youth Court System. It made its report in December of 2013¹⁹. Many of the items recounted there have been the focus of the Commission as it continued its work. The report called for a uniform system of court, parental representation in youth court, seek funding and statutory authority to create in-house counsel for MDHS (now MDCPS) to advise case workers, create court improvement program in conjunction with DHS (now DCPS), and establish a state position of resident jurist, discussed next. The commission continues to operate true to its call seeking meaningful improvement in the entire child welfare system and making those recommendations and reports to the Supreme Court.

JURIST IN RESIDENCE PROGRAM

As noted above, the commission recommended the development of a position called the Jurist in Residence, based on a similar program in Texas. The Supreme Court adopted the

¹⁷ Mississippi Rules of Youth Court Practice

¹⁸ Section 43-21-125 Mississippi Code 1972 Annotated

¹⁹ see <https://courts.ms.gov/news/2013/12%2016%2013Commission%20on%20Children's%20Justice.php>

program in 2015. The individual holding the position is to be a retired long-term youth court judge. The responsibility of the position includes training judges, pursuing accountability for judges, advice and assistance for local judges encouraging the development of best practices, coordination with child protection agency and other executive agencies. The JIR regularly reviews court orders involving failure to include necessary reasonable efforts language and works with local courts to correct if possible and to prevent future missteps. The JIR is an immediate resource to all judges for advice and comment. The JIR advises the AOC and the court on legislative matters involving youth court matters and on the continuing development of the MYCIDS system to be discussed later. The JIR also serves in recusal and docket relief circumstances.

A STATEWIDE UNIFORM YOUTH COURT SYSTEM

Another prominent recommendation of the commission was the development of a statewide uniform system of courts to handle youth court matters. The initiative to develop such a system had been an ongoing quest over the past several decades. The work sought to develop a system which was affordable for the state and which would bring the most efficient and effective access to justice to families and children who are in our systems.

That effort dated back to the early 1990's. In those days, a commission tasked by the legislature issued a report which identified several critical weaknesses in the youth court system. It made several recommendations including the necessity of developing a uniform court system to handle youth court matters. Several of the recommendations were adopted, including that all youth court referees be attorneys and that all youth court judges including referees be required to undergo annual training on youth court matters. During the 1990's, the effort to enhance the county court system to bring this uniformity first was developed. Over decade later in 2006, the legislature appropriated court administration support funds²⁰ for youth courts. However, the critical recommendation of a uniform court system remains elusive.

Historical Prospective

The Mississippi Legislature first authorized development of county courts in the 1950's to assist in growing caseloads in the chancery and circuit courts in our more populated counties. The Legislation required establishment of a county when populations exceeded 50,000. However, any county or combination of counties were authorized to establish these courts. Several counties²¹ with populations less than 50,000 voluntarily did so. Others were added per statute. Today, twenty-four counties have county courts.

Further, the legislature placed exclusive jurisdiction of juvenile justice and child protection abuse and neglect cases in this court.

In counties without these courts, jurisdiction was placed in the chancery court and the chancellor was authorized to appoint referees to hear these cases. With few exceptions, youth court jurisdiction is heard in those counties by a referee who is a practicing attorney who presides over these cases as part time employment.

²⁰ Mississippi Laws, 2006, Ch. 539 Section 7

²¹ Adams, LeFlore, Lowndes, Yazoo, Lee, Pike, Madison, Rankin, Warren are present County court Counties that by the census of 1960 had populations below 50,000. Several of these Counties may have established County courts as a result of populations arising above 50,000. However, Adams, LeFlore, Yazoo and Pike never reached that census mark but still established County Courts. (1960 Census)

The National Council of Juvenile and Family Court Judges in the 1980's recognized that in several states youth court jurisdiction was being exercised by a myriad of judicial structures. The council found critical weaknesses in many of those structures prompting the council to recommend then and that all youth court related matters should be handled in a court on par with highest trial court in the state. The council in a recent report (2022), recognizes that lack of uniformity in some jurisdictions still persist and reaffirmed its position that judges serving this population should be full-time jurist compensated on par with the highest trial court in the state.

Beginning in the 1970's and continuing over the next three decades, the complex state and federal legislation as detailed above was enacted placing critical responsibility on the youth court judge to ensure that removal of children to foster care, thereafter reunification with parents and absent that other permanency for the children was being accomplished. Court time, hearings and expectations grew substantially. States, Mississippi included, suffered serious fiscal penalties for the failure of state agencies to meet benchmarks. Under these statues, the judge was expected to become a proactive agent of change as well as a reactor and arbiter of disputes. The federal legislation squarely places the heavy responsibility of oversight of the entire child welfare system, a multi-million-dollar enterprise, upon youth court judges.

The *National Council's* recommendation recognizes that the landscape has substantially changed and the subject matter jurisdiction, our children, demanded systems change. Unfortunately, Mississippi was and remains one of those states²².

Mississippi Efforts

Efforts to respond to this call began in the early 1990's with an attempt to establish a district court system with county court jurisdiction which was then championed by Senator Stephen Seals from Hattiesburg. That bill divided the state into numerous districts to hear county court and youth court matters. The state was to bear the entire expense of the new system. The bill passed the Senate but died in the House appropriation committee where cost concerns were cited.

Legislative leadership tasked the Council of Youth Court Judges to develop a legislative request for the improvement of the youth court system. Over the next several years, the council proposed and advocated plans which ranged from an expanded county court plan encompassing the entire state to the establishment of fifteen (13) new courts which when added to the existing county courts would cover approximately 87% of the state caseload. The proposal provided incentives for counties to cooperatively join to create a county court while also providing for enhancements for the referee system. The expectation was that once the new courts were being formed other counties would not want to be left out and would work with others to establish such courts.

Some political opposition arose from expected and unexpected quarters and each succeeding year the plan was tweaked to accommodate the opponents. The initiative passed the Senate annually and usually scuttled in the appropriations committee of the House. In 2000, the Supreme Court, under the leadership of Justice Lenore Prather, adopted the plan and sought approval. Unfortunately, an economic downturn doomed all request which would require any new money appropriated. The plans provided an affordable price tag for the additional courts. It

²² In our state youth court jurisdiction is heard in three different structures. County Courts in 21 counties (more populated areas) hear those cases accounting for approximately 75% of the statewide caseload. The balance of the cases are primarily heard by referees appointed by chancellors in other counties. These are part time attorneys paid by the counties. From time to time a chancellor will take on that responsibility and hear these cases.

also included court support funds for youth courts which did not exist at the time. In 2006, the legislature appropriated the support funds portion of the legislation.

In 2015 and 2016, Chief Justice Bill Waller of the Mississippi Supreme Court revived the effort and advocated the adoption of a similar plan which was supported by the Mississippi Bar and numerous other organizations. The initiative arose from a recommendation of the Supreme Court's Commission on Children's Justice in 2013 advocating the development of a uniform system of courts with full time judges to hear juvenile and child protection matters. The desire was to ensure that all our children and families who were so unfortunate as to have come into the judicial system was being served by a full-time committed judge. The plan made progress in the Senate but was once again scuttled in the house. Several of the key opponents, however, are no longer in the legislature nor are serving referees.

Senator Brice Wiggins has filed bills in the last several legislative sessions embracing this concept. The present initiative is essentially an updated version of the same plan

Essentials of the plan

Uniformity

1. The overarching focus of the plan was to develop as uniform a court system as possible which would insure competent and fair dispensation of juvenile justice and child welfare.
2. The plan would supplement the present system of county courts with twenty-one newly established county courts covering the rest of the state. Those courts will be multi-county districts.
3. Since 2016, Hancock County has voluntarily established its County Court and Lafayette and Oktibbeha Counties were required to establish a county court due to those counties exceeding the 50,000-person threshold in the 2020 census which mandated the establishment of the new courts.

County court jurisdiction

4. All county courts would exercise presently existing statutory jurisdiction i.e., youth court, civil jurisdiction up to \$200,000, appeals from municipal and justice courts, eminent domain matters, and any matter transferred from circuit or chancery court.

Full time Jurist

5. All the courts would be served by a full-time judge and would be compensated at the same or near the same rate as the circuit and chancery judges. *The National Council of Family and Juvenile Court Judges* long ago identified this as a critical essential and as stated above most recently reaffirmed its position. The subject matter jurisdiction of the youth court, our children, requires competent jurist with commitment to juvenile justice and child welfare. Hence, the national council advocates that the compensation should be equal to that of the trial court of general jurisdiction (circuit court). Courts exercising this critical jurisdiction must be viewed as destination courts attracting committed juvenile justice judiciary and not become a steppingstone to another court position (circuit or chancery).

Fortunately, in our state this has been accomplished in the counties with county courts. Further, most county court judges are compensated at \$1000 less than the circuit judges which substantially meets the national standard.

In fact, the strength of our system lies in those county courts. Due to youth court jurisdiction being placed in the county courts those seeking that position have a commitment to children and children's issues. When the public prepares to select a county judge they know him/her as the youth court judge. Issues in the campaign season revolve around that responsibility. As a result, innovated practices have been begun in our county courts that have been replicated nationally. Many national leaders in the youth court systems hail from Mississippi—most from County Courts. Our system attracts to the system those persons who have a heart for youth and youth court matters. Seldom do they pursue a different trial judge position. Youth court is their destination. Mississippi's children and families are the reasons they ran.

The judges would be required to hear all adjudication, disposition, permanency, permanency review and review hearings. They would be allowed to appoint special designees to hear emergency hearings, i. e. shelter and detention hearings and to enter emergency custody orders, should they not be able to preside due to conflicts in their schedule.

State courts

6. The county courts would become state courts and the state would become fiscally responsible for those courts. However, counties with presently existing courts would pay into the state treasury the amounts that they presently budgeted for compensation of the judge²³. Those with referee courts would pay into the state treasury the amounts presently appropriated for those court²⁴. However, any subsequent enhancements of the system would be an expense of the state. This provision substantially reduces the cost of creating a uniform system.

Adequate support funds

7. All county courts should receive support funds equivalent to that enjoyed by circuit and chancery courts. At a minimum, each new county court should receive support funds equivalent to that received by present county courts. County courts receive approximately \$60,000 per annum. There has been no adjustment in this figure since 2007 and needs to

²³ In 2000 that amount was \$111,311, which included salary and fringe, an updated fiscal note would be necessary. That amount would include the salary and fringe of the county court judge (\$1000 less than the circuit and chancery judges) and the court support funds for the new courts less the amount of support fund presently dedicated to the referee courts. Updated figures from referee counties would need to be secured reflecting how much referee counties are expending for their referees to apply to the cost of the enhancement.

²⁴ In fairness, the new county courts should have been required to pay into the treasury an amount equivalent to that paid by presently existing county court counties. That expense should be born by the counties it serves based on a caseload formula. However, during the legislative battles of the 1990's, it became apparent that requiring such a new expense to the counties would doom the effort. The better approach is to require those counties to pay into the treasury what they presently spend on youth court and the balance of the cost of the new courts will be born by state appropriation. The presently existing county court counties would benefit because their expenses for the court would be capped with all future enhancements becoming a state responsibility.

be evaluated. Some support funds are available for referee courts which would then merge into this system. However, a new appropriation would be required to ensure all county courts received this minimum support.

Size of County Court districts

8. The proposed new county courts would limit the number of counties in a cooperative court to no more than four, three if possible. The youth court act and federal legislation relating to youth court, require 24- and 48-hour hearings in detention and shelter cases. These are regular occurrences. The judge should be available for these hearings and only appoint designees for those impossible to handle because of conflicting court settings. Large meandering joinder of counties with substantial caseloads would be impossible to serve appropriately. Under no circumstances should a cooperative include more than four counties and such a cooperative should be established only where the geography or caseload of the cooperative was compact.

Join Counties share Circuit or Chancery Court districts where possible

9. The plan joins counties to create new county courts based on population, caseloads and geography. It seeks to join counties where two or more share either chancery or circuit districts. This consideration, while applied when possible, cannot be controlling. Population, geography, caseload, and other consideration take priority.

Clerk of Court

10. In the new County courts, the plan provides that the chancery clerk would remain the clerk of the youth court and the circuit clerk would become the clerk of the court in non-youth court related matters.

Collateral Benefit

While the focus of the need for expansion is to improve the juvenile justice and child welfare systems, there is an important collateral benefit to the planned expansion. County Courts across the state would bring relief to the circuit courts. Practically all collection, replevins and like actions along with most civil actions where the amount in controversy is below \$200,000 would be heard in this court. Additionally, eminent domain proceedings and appeals from municipal and justice courts would be handled in the county court.

Under this plan, 24 single county courts would continue as presently constituted. 20 new multi-county courts would be established which would cover the entire state.

Under this plan, the legislature will be able to create a new system of courts bringing uniformity to the youth court system and caseload relief to overcrowded circuit courts and in some cases chancery courts at a much lower fiscal note than would be required to carve a new system fully funded by the state. The fiscal note developed for the 2015 and 2016 legislature was just under three million dollars.

Improvement for all

It is important to note that the pursuit of this new system is not a comment upon the individual competency of those serving youth courts in non-county court counties. We have been

blessed with many in those positions who have served well the children of Mississippi. However, the pursuit of the new system is a recognition that the children will be better served statewide if all youth court matters were conducted before a full-time jurist dedicated to children's issues. We anticipate that those presently serving as youth court judge in those counties without county courts with a passion for children's issues will seek the positions of the new county judges. They would be the logical candidates. Upon election, those jurists would then not be hindered by the important demands of private practice and would be free to attend additional educational opportunities allowing them to pursue evidence based best practices for their area and to convene and participate in collaboratives to identify presently existing services, identify gaps in services and help fill those gaps by the development of services to meet the needs of the families and children in their jurisdiction.

Presently, access to evidenced based services are present in certain areas of our state and lacking in others. As verified by a Legislative PEER commission report, those services are far more extensive in county court counties. Those counties have full time judges working daily to meet needs in their counties. Much is developed by grants and other opportunities which must be pursued outside of the courtroom. Counties with county courts have that system in place. This enhanced system would bring to that reality all counties and more importantly to the children and youth in those counties.

Fiscal Benefits

All counties will benefit from the new system. Counties presently supporting county courts will have their support capped at present day costs. They will maintain their courts which they have so faithfully fiscally supported over the years. The counties in the new courts will benefit exponentially more. They will receive full-time jurists for minimal cost. Finally, the state will benefit, because it can create a twenty-first century statewide youth and county court system at a fraction of the costs had it been responsible for all costs. All then are winners, particularly the children and youth of Mississippi.

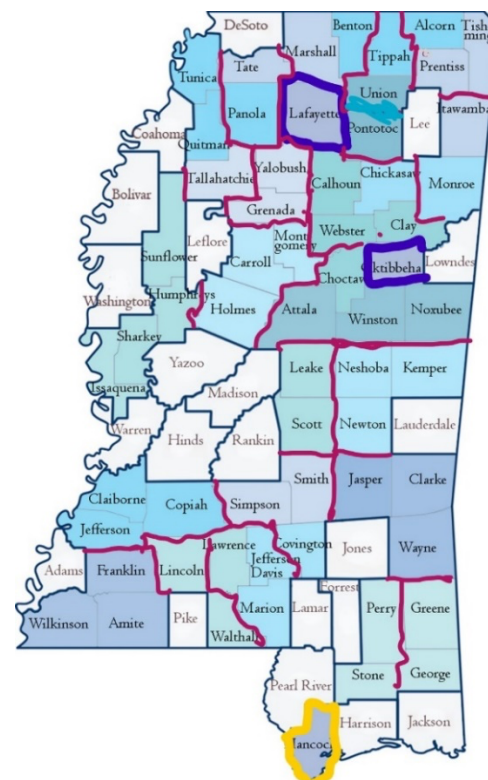
An example of the new statewide system

Below is a representation of possible districts which could make up the new system contemplated above. The final lines would be drawn by the legislature.

Revised New County Courts--and Youth Court Caseloads

Below, I have identified after each purposed new court the counties which share Chancery and/or Circuit Districts. If they are identified as sharing both means they share both Chancery and Circuit Districts. The desire is to join counties with existing relationships, if possible. In blue are the counties in the newly formed courts that have no previous relationship with the joined counties. Only 5 counties in the entire state fall into this category. The adjacent numbers are the number of adjudications and permanency hearings in youth court for the April 2020-April 2021 year; FC denotes the number of children in foster care on September 30, 2020

1. **Tate and Panola—share both—270; FC-34**
2. **Tunica, Tallahatchie & Quitman—Share Chancery—215; FC-10**
3. **Marshall & Benton—share both—281; FC-97**
4. **Tippah, Pontotoc & Union—Tippah/Union Share Circuit—Pontotoc & Union share Chancery—678; FC-204**
5. **Alcorn, Prentiss & Tishomingo—share both—527; FC 165;**
6. **Yalobusha & Grenada—Share Chancery—308; FC-29**
7. **Calhoun, Chickasaw & Clay—Chickasaw/Clay share Chancery—Chickasaw/Calhoun share Circuit—277; FC-43;**
8. **Itawamba & Monroe—share both—282; FC-123**
9. **Montgomery, Carroll & Holmes—Montgomery/Carroll-Circuit; Holmes—no relationship²⁵—155; FC-26;**
10. **Sunflower, Humphreys, Sharkey & Issaquena—Sharkey/Issaquena-Circuit; All-Chancery—394; FC-35;**
11. **Choctaw, Attala, Winston & Noxubee—Attala/Choctaw/Winston—Both; Noxubee no relationship²⁶—180; FC-45;**
12. **Leake & Scott—Share Chancery—228; FC-72;**
13. **Neshoba, Newton & Kemper—Neshoba/Kemper-Chancery; Neshoba/Newton-Circuit—265; FC-83**
14. **Jasper, Clarke & Wayne—Clarke/Wayne-Circuit—Jasper—no relationship²⁷—211; FC-11**
15. **Covington, Simpson & Smith—all-Chancery; Simpson/Smith-Circuit—431; FC-35**
16. **Claiborne, Copiah & Jefferson—share Circuit—Jefferson/Claiborne share Chancery—179; FC-60**
17. **Franklin, Wilkinson & Amite—Share Circuit; Amite/Franklin share Chancery—156; FC-29;**
18. **Lincoln, & Walthall—share Circuit—325; FC-49**
19. **Marion, Jeff Davis & Lawrence—all share Circuit; Lawrence/Jeff Davis-Chancery; —294; FC-84**
20. **Greene & George—George/Greene—Share Both--250 ; FC-77**
21. **Stone & Perry—have no relationship²⁸--226; FC-112**



This map shows a newly created map to accommodate request which arose in 2016. The new districts are outlined in magenta. The different shades of blue denote the 2016 offering. Hancock is outlined in gold because it has established their own county court since 2016. Lafayette and Oktibbeha are outlined in indigo to denote those counties have established new county courts as required by statute after the 2020 Census.

PARENT REPRESENTATIONS IN MISSISSIPPI YOUTH COURTS

Background:

²⁵ Holmes actually has a Circuit connection to neighboring Humphreys. However, adding them to that district would create a 5 county district and could become unmanageable.

²⁶ Noxubee Circuit and Chancery ties are separated by two county courts. The counties listed are contiguous.

²⁷ Jasper does have a Circuit connection to Smith but adding to that group would expand a heavy caseload and pull from its grouping a needed caseload.

²⁸ Stone is grouped with Harrison County for both chancery and circuit and Perry is separated from the rest of its chancery and circuit districts by a county court.

Prior to 2012, Mississippi was the only state in the country they had no provision whatsoever for parental representation in youth court²⁹. With the fiscal support and dedicated assistance of Casey Family Programs, pilots were established in Adams, Harrison, Rankin, and Forrest counties. Those programs were supported by Casey grants and AOC Court Improvement monies. Jackson and Hancock counties were soon added. The Kellogg Foundation joined the effort by funding programs in Hinds and Bolivar counties.

The Office of the State Public Defender joined the effort in 2016 and in 2017 the Legislature first appropriated \$200,000 supplanting expiring grant funds from Casey Family Programs which had supported the effort since 2012. Subsequent appropriations increased that funding to \$576,000. Thus, due to the efforts of the Casey Foundation, the Kellogg Foundation and the legislature, parent representation in Mississippi has expanded to **26 counties** which hears 70 % of the state caseload.

In 2022, the legislature appropriated an additional \$136,500 to the AOC to supplant Court Improvement Program and Casey Family Programs funded programs.³⁰ Further, the legislature maintained the funding to the Office of State Pubic Defender at its present level of approximately \$576,000.³¹

Cooperative Effort with Counties:

Counties participating (Adams, DeSoto, Forrest, Hancock, Harrison, Jackson, Rankin, Hinds, Bolivar, Warren, Marion, Lamar, Perry, Pearl River, Lee, Alcorn, Pontotoc, Itawamba, Prentiss, Union) and receiving funds from either the state appropriation or foundation awards are required to, and have matched, those funds with local appropriations. Those counties are contributing upward of \$578,000 annually³².

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 ten years to advance this effort. In the past year alone, Casey Family Programs has provided \$249,000, and the Court Improvement Program \$60,000 for a total of \$309,000. Casey Family Programs has committed to continue the infusion of funds into Mississippi for the purposes of expansion, provided the state supplant funds dedicated to present counties.

Plans for Expansion:

The AOC of the Supreme Court, the OSPD and the Casey foundation worked together to transfer the \$139,000 appropriated monies to the OSPD for future expansion with all the above counties being supported. In future years, Casey Family Programs will continue to work with OSPD to expand the program and established a permanent advisory committee to work with OSPD in the efforts. In our more rural counties this will require developing county conglomerates.

²⁹ Madison County Youth Court did provide parent representation but was a local provision by the

³⁰ To supplant grant funding in **Rankin, Forrest, Lamar, Marion, & Pearl River Counties**. These programs have been supported more than four years by grant funds.

³¹ County programs served by these funds are **Harrison, Hancock, Perry, Hinds, Desoto, Tippah, Alcorn, Tishomingo, Itawamba, Lee, Monroe, Pontotoc, & Union**. These funds also provide support for annual training of the attorneys and for appellate assistance.

³² A few counties have long provided parent representation and those expenditures are not included here.

Deepening of Representation:

In recent years, deepening of parent representation has been pursued. Deepening has involved adding social workers to pilot county parent representation teams. Most recently, parent advocates have been added in pilot counties. Parent advocates are individuals with lived experience who have been trained to assist parents navigating the system. The goal is to expand to the entire state with deepened parent defense teams.

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:

1. Parents are better informed of their rights AND responsibilities to engage the system to accomplish reunification.
2. Parent attorneys assist in finding services to meet the needs of the parents which hastens the permanency.
3. CPS staff are held accountable, and the quality of their work has improved across the pilot sites;
4. 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.
5. Children spend less time in foster care.
6. Children experience fewer moves and placements reducing trauma.
7. Critical reunification or other permanency for foster children is being accomplished more quickly.

Efforts Reap Fiscal Benefits for the State:

The 12 parent's representation pilot counties³³ continuously operating from July of 2017 to 2021 experienced a dramatic drop in children in foster care. The pilot counties census of children in care in July of 2017 was 3247. A little over four years later, that figure dropped to 1295, a reduction of 1952 children (60% reduction). Had those 1952 children had remained in MDCPS custody, the cost in foster care board payments alone would have been a minimum of \$1,464,000 a month, or \$17,568,000 per year. The actual amount is significantly higher.³⁴ After deduction for federal reimbursement, these reductions compute to a minimum state savings of \$12,297,600 per year for just those pilot counties³⁵. The 11 emerging programs³⁶ have experienced a 48% reduction in children in care between 2019-2021 being an additional savings to the state of \$2,826,000 for a total state savings of \$13,971,600 per year. A data review for the years 2017-2021 showed that counties without parent representation experienced a 18% reduction far less than that enjoyed in the parent representation counties but certainly impacted by them.

³³ Jackson, Harrison, Hancock, Forrest, Lamar, Pearl River, Marion, Adams, Hinds, Bolivar, Desoto, and Rankin.

³⁴ 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 a low mean foster care payment of \$750 per month. The true average payment is significantly higher.

³⁵ 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.

³⁶ Marion, Lamar, Pearl River, Tippah, Alcorn, Tishomingo, Itawamba, Pontotoc, Union, Tippah & Perry.

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

TRAINING AND COLLABORATIVES

Beginning in the 1990's, statutory requirements were enacted to require youth court referees to participate in 12 hours of continuing education on Youth Court related topics (Ref). The training conducted by the Mississippi Judicial College is open to all youth court judges including county court judges. Most county judges exercising youth court jurisdiction attend the annual training.

Beginning in 2016, that training has been enhanced by the Supreme Court's Commission on Children's Justice and the AOC presenting bi-annual trainings for entire court teams. The trainings were conducted in three sites across the state with the expectation for all courts and their teams to participate. The court team was made up of the Judge, prosecutor, defender, parent defender, Guardian Ad Litem (GAL), court administration, child protection services representatives, youth services representatives, service providers and common participants in court proceedings.

These multidisciplinary training have been conducted. The first focused on the needs for collaboration and instructed the counties on developing local collaboratives. The collaboratives were charged with doing a community survey to identify strengths and weaknesses in the local systems and to seek expansion of services to meet the needs. The second helped courts differentiate between safety and risk to the child. The training instructed on the trauma to children caused by removal from their home and helped courts to properly assess and only remove a child when warranted by true imminent risk. Then in 2021, the training focused on hope centered trauma informed courts.

REASONABLE EFFORTS

As noted above, Congress has placed upon youth courts the burden of oversight of the mission of child welfare agencies to ensure that children and families receive the best opportunity to remain a family and if that is not possible, children will find expedited permanency with kin or fictive kin while ensuring the children's safety and well-being. Agency workers are required to make meaningful reasonable efforts to assist parents and children to meet plan requirements to accomplish goals that will allow for the reunification or other meaningful permanency. All Mississippi Youth Court Judges were and are instructed on the art of making those reasonable efforts findings and the importance of a no reasonable efforts finding when the agencies efforts fail to meet reasonable expectation. Additionally, these findings improve the system and are instruments of systems improvement.

MISSISSIPPI YOUTH AND CHILDREN INFORMATION AND DATA SYSTEM (MYCIDS)

Around the turn of the century, the AOC took on the responsibility to develop a data system which would be used to track youth court data and assist courts in remaining compliant with federal and state time standards. Initially participation was voluntary. The system provided motion and order templates to get courts to take on this system.

In 2015, the Supreme Court mandated that MYCIDS become the official filing entity for all youth court hearings. This allowed the court for the first time to track several data points.

Our youth court system requires time standards for conducting certain hearings. MYCIDS tracks compliance with those time standards.

MYCIDS provides templates of court orders to assist the courts in making all necessary findings at that hearing. This benefit has brought some uniformity to youth court matters.

Recently, the system has been further expanded to require the “contrary to the welfare” and “reasonable efforts” findings in child protection cases to be included in court orders. Youth courts must make specific factual findings that the agency is conducting reasonable efforts to

- first, keep the family together, and if that is impossible and removal occurs,
- second, to accomplish reunification if safely possible, and if that cannot be accomplished to
- third, accomplish some other permanent placement for the child, with kin, fictive kin or another permanent plan.

The changes have had a demonstrable impact on alleviating errors and ensuring proper reimbursement to the state of federal Title IV-E reimbursement funds for foster care.

The AOC is working with the Mississippi Department of Child Protection Services to integrate MYCIDS with the newly developing department data system. This will enable two key entities in the child protection system to improve and expedite cases.

CONCLUSION

The youth court system in Mississippi has experienced leaps and bounds in improvement during the past forty years. It has evolved from a system with lay judges to a well-educated professional judiciary dealing with our most precious commodities—our children. The last forty years has transformed our systems to meet the complexities of ever increasing federal and state mandates. We have a proactive system aimed at meeting the needs of our families. There remains much to be done. The referee system has improved significantly but continues to be a less than ideal system which would be enhanced by a uniform system of full-time jurists. That system remains elusive.

The Mississippi system due to its longevity has contributed substantially to national youth court leaders. Judge Michael McPhail and then Judge Tom Broome both served on the National Council of Juvenile and Family Court Judges board of directors. They have attracted to Mississippi cutting edge court programs and have led numerous national trainings.

Today, Mississippi is poised to continue this progress. In recent elections, a new dynamic group of judges have been elected who are committed to continued progress.

Appendix C: Special Topics Papers

Special Topic: Mental Health of Foster Parents

Foster parents play a vital role in the outcome of a child's foster care (Gypen et al., 2017). However, the complexities of foster care can negatively impact a foster parent's mental health. A study by Mancinelli et al. (2021) found that foster parents faced increased levels of parenting stress over time compared to parents at large. Additionally, child-related stress— such as parent-child dysfunctional interactions and children's problem behavior— was found to be a primary source of parenting stress (Mancinelli et al., 2021). Parenting stress of foster parents can also be influenced by children's psychosocial problems (Mancinelli et al., 2021). Carew (2016) discussed how foster parents are at risk for developing secondary traumatic stress (STS) when caring for children who have undergone traumatic experiences. Carew (2016) found that 20% of foster parents reported moderate to severe levels of STS. Additionally, the same study revealed that foster parents met the criteria for post-traumatic stress disorder diagnosis due to being indirectly exposed to the traumatic experiences of their foster child (Carew, 2016).

While carrying the emotional burdens associated with foster parenting, caregivers lack support after placement (Kaasbøll et al., 2019). A study by Geiger et al. (2013) found that social support increased the likelihood of foster parent retention. Similarly, Hanlon et al. (2021) found that having peer support from an experienced foster parent contributed to foster caregiver retention. In a qualitative analysis of goals set by caregivers in pursuit of support for their foster child's emotional well-being, foster parents expressed the desire to share their caregiving experiences with other foster parents to create a support network (Ranzato et al., 2021).

Nevertheless, there is a demand for support from both informal and formal systems (Malette et al., 2020). While some foster parents value peer support, other foster caregivers find social support insignificant and instead desire quality professional support (Octoman & McLean, 2014). Consequently, some literature regarding foster caregivers' mental well-being suggests that foster care agencies should do more to support foster caregivers emotionally. Although some pre-service/in-service training and support services are available to foster caregivers, other intervention types, such as parent-child interaction therapy (PCIT), can help alleviate parenting stress (Blair et al., 2020; Mersky et al., 2015). Moreover, Cooley et al. (2017) and Miller et al. (2019) argued that child welfare agencies should promote self-care to foster parents by offering additional support groups with a self-care component and implementing self-care training. The use of technology such as virtual reality (VR) along with mental health services can present foster parents with realistic scenarios experienced in foster care to serve as training and allow caregivers to reflect on real-life situations (Kaasbøll et al., 2019).

While some training is provided to new foster parents, this training may not be adequate to support their mental health. The emotional health of foster parents is vital as it may influence their ability to provide consistent levels of care. To promote support for foster parents' mental health while simultaneously promoting foster child well-being, research suggests that caregivers should seek help from peers and other foster parents. Foster care agencies should consider implementing support groups and mental health services using more effective intervention methods such as PCIT.

Special Topic: Universal Mandated Reporting

Within the United States, each state has a law regarding who is required to report suspected instances of child maltreatment to Child Protective Services. Some states only require specific individuals from certain professions to make reports. In contrast, others require anyone who suspects child abuse or neglect to report it. This all-inclusive concept is known as universal mandatory reporting (UMR). UMR has become quite popular recently, with many countries enacting or considering this form of policy. Proponents of UMR argue that the presence of mandated reporting laws aids in the effort to identify cases of physical and sexual abuse that may go unnoticed by professional reporters (Palusci et al., 2016).

Further justification suggests that the “civic duty” to monitor suspicious behaviors can promote child protection. An analysis of report data from counties within 17 states with UMR laws found increased amounts of both total and confirmed child maltreatment report rates (Palusci et al., 2016). Additionally, in an analysis of report data from counties within 18 states with and without UMR laws, universal reporting was associated with greater rates of total and confirmed reports of child maltreatment (Palusci & Vandervort, 2014).

However, opponents of UMR argue that the policies are ineffective at increasing rates of child abuse identification due to barriers in reporting. In a study that compared the characteristics and outcomes of reports from states with and without universal reporting laws, reports made by educational personnel were fewer in states with universally mandated reporting than in states without universally mandated reporting (Krase & DeLong-Hamilton, 2015). In interviews with Child Protective Services administrators in eight states, some administrators expressed concern that UMR policies decrease the likelihood for reports to be made by professionals, as they assume that others will (McElroy, 2012).

An increase in the number of reports made does not necessarily mean that more incidents of child maltreatment are identified. In a secondary analysis of data on child physical abuse reports from states with and without UMR, reports of physical abuse did not differ between states with and without UMR (Ho et al., 2017). However, states with UMR legislation had more unsubstantiated reports than those without UMR policies (Ho et al., 2017).

While UMR policies may increase reporting rates, these policies may not be as effective as intended by policymakers. UMR legislation is associated with overreporting from nonprofessional reporters and a decrease in reports made by professionals. Research suggests that public education and training in child abuse identification may be a better alternative to serve the goal of identifying incidents of child abuse and avoiding increased rates of unsubstantiated reports

Special Topic: Process and Outcomes of Emancipation

Minor emancipation – also referred to as *aging out* of foster care– is a process by which adolescents can legally attain adulthood before reaching the age of majority (Lane & Kohlenberg, 2012). Within the United States, there is very little legislation regarding minor emancipation at the federal level. Instead, each state has its own laws regarding this process. In Mississippi, the age of majority is 21, and emancipation status is granted by petition. Additionally, in Mississippi, males between the ages of 17 and 20 and females between the ages of 15 and 20 may marry with parental consent (Lane & Kohlenberg, 2012). Approximately 23,000 children are emancipated from the United States foster care system each year (Sorrell, 2017). In 2020, approximately 20,000 children were emancipated from the United States foster care system (The Annie E. Casey Foundation, 2020). More specifically, 85 children aged out of foster care in Mississippi in 2016 (Child Welfare League of America, 2019).

Youth aged out of foster care are at a heightened risk for adverse outcomes. Emancipated foster youth are less likely to complete high school (Graham et al., 2015). Additionally, emancipated foster youth are less likely to obtain a bachelor's degree than non-foster youth (Woodgate et al., 2017). Due to undereducation, youth who have aged out of care may face further adversity when seeking employment. An analysis of data from parents who were previously emancipated youth found that only half of them found a job within the first four quarters following emancipation (Dworsky & Gitlow, 2017). Moreover, the average earnings for said parents were approximately \$9,000 lower than the poverty threshold for a single parent with one child (Dworsky & Gitlow, 2017).

The transition from foster care to independence can be challenging. In a latent class analysis of adverse childhood experiences among youth aging out of foster care, emancipated youth were at significant risk for experiencing homelessness (Rebbe et al., 2017). Furthermore, this risk was elevated for emancipated youth with a history of adverse childhood experiences (Rebbe et al., 2017). Emancipated foster care youth are also at a greater risk of experiencing abuse. More specifically, intimate partner violence is common among emancipated foster youth (Katz et al., 2017). This information is essential, as youth involved in violent romantic relationships are at a greater risk of experiencing physical and psychiatric problems (Katz et al., 2017).

While aging out of foster care is often associated with many negative outcomes, interventions for youth preparing for emancipation can counter some of the disadvantages. A scoping review of interventions for post-emancipation youth found that educational interventions such as campus support programs were successful at helping youth accomplish their academic goals (Woodgate et al., 2017). In a study focused on developing strategies to improve conditions for use transferring out of care, emancipated youth expressed the need for more training to develop job skills (Graham et al., 2015). As many emancipated minors lack guidance when exiting care, youth also expressed the desire for assistance with choosing proper workplace attire, networking, and work ethic (Graham et al., 2015).

Programs such as housing interventions and employment-focused training can reduce homelessness and increase employment stability and economic stability. Research suggests before implementing interventions before transitioning out of the foster care system to promote more positive outcomes of minor emancipation.

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