

Hancock County

Youth Court

Task Force

# HANCOCK COUNTY YOUTH COURT TASK FORCE

[www.hancocktaskforce.org](http://www.hancocktaskforce.org)

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# Executive Summary

## *Purpose*

In January 2015, the Hancock County Youth Court Task Force (HCYCTF) was formed at the direction of Senior Chancellor Steckler. The Task Force was formed to answer two main questions concerning the number of children placed in the Department of Human Services custody. Why were there so many children in DHS custody? What can be done about it? The mission statement of the task force was adopted in January of 2015: “The HCYCTF will seek to determine the causes of the number of children in DHS custody and the means of reducing such numbers through stable and permanent reunification or placement in the best interests of the child.”

In January 2015, when the Task Force was appointed, there were 459 children in custody. This was the largest number of children in custody per capita in the state.

## *Process*

The Task Force first met on January 5, 2015. David Baria was appointed as Chair in December 2014. The following committees were appointed and each committee was charged to define their scope of work and report back to the Task Force with findings and recommendations as appropriate:

*Data and Statistics Committee:* The Data and Statistics Committee’s purpose was to identify and collect data to assist the task force with identifying problem areas and formulating possible solutions.

*Systems Committee:* The Systems Committee’s purpose was to determine the type of systems involved in the protection of children in Hancock County and with investigating the relationship between systems.

*Parent Representative Committee:* The Parent Representative Committee’s purpose was to review the experience that parents have when interacting with DHS and the Youth Court System to determine any opportunities for improvement.

*Coordination of Services:* The purpose of the Coordination of Services was to identify services to families in the DHS system provided currently, identify services needed to support families, and recommend methods to support agencies providing services. The Committee was planning to look at programming, standardization of programs, credentials of services providers, consistency of program provision, and funding source/expense to families to attend the programs.

During the same timeframe that the Hancock County Youth Court Task Force was examining these issues, the Mississippi State Legislature appointed a PEER Committee to examine the issues. The Task Force followed the review of the PEER Committee and incorporated the findings into its own process.

Early on, Task Force meetings were open to the public. This gave voice to many citizens involved in the DHS/Youth Court process that were frustrated with the process. It helped Task Force members to understand the gap between public perception and the reality of the Youth Court/DHS process. In April, the decision was made to close the meetings because the usefulness of public input began to interfere with the progress of addressing the Task Force's findings. Most of the Task Force's work was completed at the committee level between January 2015 and September 2015, with Chairpersons reporting back to the larger group.

As the work of the Task Force progressed, the two committees that emerged with the most substantive recommendations were the Systems Committee and Parent Representative Committee. After an initial review of available statistics and in light of the PEER report, the Statistics Committee's data collection was completed with a final set of data collected at the time the first draft of the Task Force report began. The Coordination of Services Committee concluded that there was an existing listing of resources available through the Community Services Group, coordinated by the Hancock Resource Center. This list, updated quarterly, was available to assist with the coordination of services and the committee determined further work was not necessary and ceased to meet.

In July 2015, the PEER report was released. The Task Force reviewed the report and included in this report a response to that report.

By September 2015, a draft of the Task Force was completed and the Task Force began working through the committee reports and findings to formulate recommendations. A summary of the Task Force's findings and recommendations is included at the conclusion of the report.

### *Outcome*

As a result of the work of this task force, several key areas have been examined and findings identified. The four main areas discussed by those participating on the Task Force, including the public's input were (1) reasons for removal of children; (2) the relationship between DHS and the Youth Court; (3) the ability of the current structure to manage the caseload of children in custody; and (4) communication between parents, DHS, and Youth Court. The work of this Task Force is not intended to be exhaustive. In fact, the Task Force recommends that the Board of Supervisors focus on the needs of the most vulnerable children in the community with the recommendations made in this report as a starting point.

# Introduction

## *History and Authority*

In December 2015, there were 459 children from Hancock County in the custody of the Mississippi Department of Human Services (“DHS”). This was the largest number of children in custody in any one county, per capita, in the State of Mississippi. Recognizing a community crisis, Chancellor Sandy Steckler called a meeting of local, county and state stakeholders and invited community leaders to discuss the problem. After a day-long meeting, Judge Steckler decided that a task force should be appointed to study the issues giving rise to the disproportionate number of children in DHS custody in Hancock County. State Representative David Baria was appointed as Chairman of the member task force.

## *Statement of the Problem to be Addressed*

The Task Force was formed to answer two main questions concerning the number of children placed in the Department of Human Services custody: (1) Why were there so many children in DHS custody; and (2) What can be done about it?

This organization was tasked with the additional task of determining how community organizations, DHS and the Hancock County Youth Court can work together to help alleviate this disproportionate number.

## *Scope and Purpose of the Committee*

*Purpose:* The task force was formed to answer the two main questions concerning the children in Hancock County.

*Scope:* While the task force did not have any investigative power, it did have the authority placed upon it by the Senior Chancellor, Sandy Steckler, to evaluate and inquire into statistics, systems currently in place, communications by and between the systems and seek community input. After an evaluation, the committee was requested by Senior Chancellor Steckler, to make recommendations as to how the community and the current systems in place can work in a more efficient manner to address the concerns. Components of the current system include the Hancock County governmental entities, Hancock County Youth Court, Hancock County Department of Human Services, and community agencies.

## *Method of the Task Force*

The method by which the concerns were addressed was through the formation of committees. After the initial meeting with the Hancock County Youth Task Force, four committees were created: (1) the Data and Statistics committee, (2) the Systems committee,

(3) the Parent Representative committee and (4) the Coordination of Services committee. These committees met and conducted independent evaluations and made independent recommendations. These recommendations are compiled in this final report and will be presented to the vested members of the community, which includes the Hancock County Board of Supervisors, Hancock County DHS, Gulf Coast Mental Health, Hancock County Youth Court, CASA, Hancock Resource Center and all other community organizations seeking to help those who are directly affected by the high numbers of children in DHS custody and to the citizens of Hancock County.

## **Data and Statistics Committee Report**

### **Cindy Burney-Chair**

*The mission statement of the Data and Statistics Committee is to identify and collect data to assist the Task Force with identifying problem areas and formulating possible solutions.*

Due to the fluidity of these cases, any statistics given are only accurate for one specific point in time. These numbers change continuously and it is important to keep this in mind when making any judgments or drawing conclusions based solely on numbers.

It is also important to note that the systems used to collect data vary greatly between the Department of Human Services and the Hancock County Youth Court. The varying systems and point in time nature of the data result in variations between the two entities when discussing relevant data.

At the initial meeting of the Data and Statistics Committee, the committee met and established a mission statement for their work. The Statistics Committee is to identify and collect data to assist the Task Force with identifying problem areas and formulating possible solutions. The committee discussed the fluidity of data and the process of collecting needed data from both DHS and Youth Court. Currently, both agencies are working together on the committee to ensure that their independent data is accurate. Data points needed include: (1) # of children in DHS custody, (2) Case plan goal for each child, (3) # of pending TPRs, (4) # of foster children in long term care, (5) # of foster children in family placements, (6) # of children in custody as it relates to parental drug abuse, (7) # of DHS investigations vs. new children in DHS custody, (8) # of licensed foster parents, (9) # of pending foster parent applicants.

The purpose of the Task Force is to address “kids in care” or “in DHS custody”; these cases are only the children taken into DHS custody. These cases are only a portion of what DHS and Youth Court handle on a daily basis. The following data was aggregated by the Guardian Ad Litem and was based on actual case review as of June 30, 2015. As of June 30, 2015, there were 421 children were in Hancock County DHS custody. For 129 of the children, reunification was not the goal. Of those, sixty-three children were waiting for a Termination of Parental Rights to be completed in Chancery Court. Twenty of the sixty-three were recent enough that the case had not yet been sent to the Attorney General’s office for processing. Sixty-three additional children were in DHS custody waiting to be adopted. These children usually remain in custody until adopted. There were two children in long term treatment facilities who will likely age out of the system in these facilities. There was one child whose family evaded law enforcement and DHS. In the cases discussed above, the families were not working toward reunification with their children.

The committee discussed the perception that many children were being placed outside of Hancock County. A case by case review as of September 28, 2015 indicated that there

were 128 children placed outside of Hancock County. Of these, fifty-two were in foster homes (thirty-four in neighboring counties); forty were with relatives; six were in their own homes; seven were in adoptive placements; two were in a shelter and one child was a runaway. There were also placements in therapeutic foster homes. The majority of the children were placed with family members.

Finally, after hearing a preliminary report from the PEER Committee that substance abuse was not a significant factor in the Abuse and Neglect cases, the committee requested information about the number of cases involving drugs. A case-by-case review by the GAL indicated that more than 75% of the families with children in custody at that time were suffering from the effects of drug addiction. Methamphetamines were the most common problem drug. There was also an observed increase in heroin use by parents as well as an alarming increase in cases involving juveniles using methamphetamines.

# **Systems Committee Report**

## **David Baria-Chair**

The Systems Committee was charged by the Hancock County Youth Court Task Force (“HCYCTF”) with determining the type of systems involved in the protection of children in Hancock County and with investigating the relationships between systems. The committee sought to determine facts and attempt to reach conclusions concerning the efficacy of the systems at work and to determine whether there are appropriate systems currently in place.

### **A. Hancock County Youth Court**

*Youth Courts adjudicate, among other things, cases involving abuse and neglect of children.*

Miss. Code Ann. § 43-21-107 (1972) contains specific provisions regarding the establishment of youth courts in each county of the state. One of the responsibilities of youth courts is to adjudicate cases in which a minor’s best interests would be served by court intervention to protect the child from abuse or neglect on the part of the child’s parents or other persons in a custodial relationship with the child.

Each youth court judge must appoint an intake unit, often referred to as an intake officer, for the court (see Miss. Code Ann. § 43-21-115 [1972]). The intake officer is responsible for receiving reports of alleged abuse or neglect on the youth court’s behalf and must make preliminary inquiries into the safety of any children involved in the reports. The intake officer may request or the court may order DFCS to make an investigation or report concerning children alleged to be victims of abuse or neglect. If the intake officer receives such a report, the officer must immediately forward the complaint to DFCS to begin an investigation or issue a report.

The Youth Court Referee may be either a full-time or part-time judge. In Hancock County, the youth court referee position is part time. Court is held 3 days a week and all cases come before the Court on one of those days. However, youth court staff are frequently called upon to take action on an emergent basis outside of regularly scheduled court times.

### **B. Guardians Ad Litem**

*Youth courts appoint guardians ad litem to represent the interests of children in abuse or neglect cases.*

A guardian *ad litem* is a special guardian appointed by the court to prosecute or defend, on behalf of children, a suit to which he or she is a party, and such guardian is considered an officer of the court to represent the interests of the child in the litigation. Miss. Code Ann.

§ 43-21-121 (1972) requires the appointment of a guardian ad litem “in every case involving an abused or neglected child which results in a judicial proceeding.”

According to Miss. Code. Ann. § 43-21-121 (1972), to be eligible for appointment as a guardian *ad litem*, an individual must be an attorney licensed in Mississippi or a layperson. In instances in which a layperson is appointed, the court shall also appoint a licensed attorney to represent the child’s interest. (See Miss. Code Ann. § 43-21-121 [4]). In either case, the appointee(s) must have completed child protection and juvenile justice training provided or approved by the Mississippi Judicial College.

The American Bar Association outlines the standards of practice for guardians *ad litem* that require thorough, continuous independent investigation to participate in court, reduce case delays, counsel the child, develop a theory of strategy for the case, and identify appropriate resources for the child.

### **C. MDHS Division of Family and Children’s Services<sup>1</sup>**

*The Mississippi Department of Human Services’ Division of Family and Children’s Services is responsible for investigating allegations of abuse or neglect, making appearances in youth court regarding these allegations and monitoring both children in custody and families wherein abuse and neglect has occurred.*

The Mississippi Department of Human Services, Division of Family and Children’s Services (“DFCS”) has the primary responsibility in Mississippi for the safety and welfare of children who have suffered from abuse or neglect. 43-15-3. DFCS employs Family Centered Practice Principles to fulfill its role in protecting children with a view towards maintaining family structure to the extent possible. DFCS policies can be found on the MDHS website here: <http://www.mdhs.state.ms.us/family-childrens-services/dfcs-policy/>

State law makes the Department of Human Services responsible for several functions regarding matters involving child abuse or neglect. From taking investigative steps after an intake report to taking custody of children, the Department’s Division of Family and Children’s Services social services employees investigate abuse or neglect matters upon request of the youth courts, prepare presentations for the court, and play a post-dispositional role by taking custody of children in some cases, monitoring families, and generally ensuring that families comply with their court-directed obligations regarding maintaining a proper family home, remaining free of illicitly consumed drugs and alcohol, and generally taking steps to ensure the safety and well-being of the child or children. For

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<sup>1</sup> In the 2016 Session of the Mississippi Legislature, a new state agency was formed to assume responsibility for child protection services. Governor Bryant appointed Supreme Court Justice David Chandler as Executive Director of the agency to be known as Child Protective Services (CPS).

an overview of the department's legal duties, see Miss. Code Ann. §§ 43-21-351 through 43-21-627 (1972).

Intake and assessment of children potentially in need of services are the responsibility of DFCS. DHS Intake and Assessment policies and procedures can be found here: <http://www.mdhs.state.ms.us/media/9600/sectionb.pdf>

According to the policies and procedures of DFCS any person who suspects abuse or neglect of a child must make a report to the Mississippi Centralized Intake ("MCI"), DFCS' 24-hour statewide Child Abuse Hotline for the reporting of abuse and/or neglect at 1-800-222-8000, or electronically at [www.msabusehotline.mdhs.ms.gov](http://www.msabusehotline.mdhs.ms.gov). All intakes must be documented in the Mississippi Child Welfare Information System ("MACWIS") and the Mississippi Youth Court Information Delivery System ("MYCIDS") upon receipt. The reports are then screened and priority levels are assigned by severity of the allegations.

DFCS policy and procedures are set at the state level and do not vary from county to county. However, youth court policies and procedures govern many of the interactions between DFCS and the youth court, so these policies and procedures may vary.

#### **D. Court-Appointed Special Advocates**

*Court-appointed special advocates (i.e., CASA workers) assist the youth courts in assessing the needs of children who are in the court system.*

CASA of Hancock County is a non-profit 501(c)3 organization that recruits, trains and supports a diverse network of Court Appointed Special Advocate volunteers to provide abused and neglected children in our community with quality advocacy in the Hancock County court system and to secure them a safe, permanent, and nurturing home.

The CASA of Hancock County Program is appointed to Youth Court cases by judicial order. Children who reside in Hancock County, are victims of abuse and neglect, and have involvement with Youth Court and the Department of Human Services are eligible for CASA advocacy. CASA volunteers investigate the cases, evaluate information and submit reports to the court with recommendations in the **child's** best interest. The volunteer monitors the case until a permanent plan is approved by the court or until such time that the child exits the foster care and court systems. The result has been that children who have CASA advocates assigned to them have fewer foster care placements and a shorter time period for the achievement of a permanent plan. *Office of the Inspector General, Audit Report 07-04*, December, 2006 Cynthia A. Calkins, M.S., and Murray Millar, Ph.D., "The Effectiveness of Court Appointed Special Advocates to Assist in Permanency Planning," *Child and Adolescent Social Work Journal*, volume 16, number 1, February 1999. Leung, P. (1996). *Is the Court-Appointed Special Advocate Program Effective? A Longitudinal Analysis of Time Involvement and Case Outcomes*. Child Welfare League of America, 75,

269-284. Abramson, S. (1991). Use of court-appointed advocates to assist in permanency planning for minority children. *Child Welfare*, 70, 477-487

As of August 31, 2015 CASA is serving 35% of the foster children in Hancock County through the assignment of a trained and capable community advocate. As an independent volunteer organization, the need is greater than ever for new volunteers to be recruited and trained to perform this unique volunteer role.

## **E. Community Mental Health Providers**

*Community mental health centers provide a source of counseling and other services available for children and their families and help the courts address the problems of families impacted by abuse or neglect of children.*

Regional community mental health centers operate under the supervision of regional commissions appointed by county boards of supervisors. The Region XIII Commission for Mental Health provides community mental health services to Hancock County through the Gulf Coast Mental Health Center. Fees for mental health care service are established according to a sliding scale that considers family size and income.

If a child is committed to the custody of DHS, and it is believed that the child is in need of mental health care services, DFCS is to file an affidavit with the youth court alleging that the child is in need of said services. The youth court then refers the child to the appropriate community mental health center for evaluation (see Miss. Code Ann. § 41-21-67 [1972]).

The Region XIII Commission for Mental Health also operates an alcohol and drug treatment center in Gulfport that provides drug and alcohol treatment programs for families. Drug testing is not a responsibility of these facilities.

## **F. Community Agencies**

*Community Agencies provide an array of services at little or no cost to individuals that are unable to access those services through their own support networks. These services are an important factor in parents completing the requirements of their service plans.*

The community service network of agencies includes grassroots organizations and non-governmental organizations (NGOs), state social service agencies, faith-based organizations, and local affiliates of national organizations. These agencies operate in order to fill gaps that exist in the community's continuum of services to low-to moderate income families in the county. Often these agencies' missions are connected to efforts to combat poverty and to increase wealth and/or human capital in our community's most vulnerable citizens. Examples of services connected to this mission are employment readiness and training programs, soft skills acquisition, GED preparation and testing, homebuyer education and purchase, financial literacy and budgeting training,

homelessness solutions, rental counseling and case management, among many other services provided to the specific subpopulations of at-risk children, survivors of domestic violence and assault, and Veterans. In the past two years, this largely informal network has developed into a more formal continuum through the creation of the Hancock County Community Services Group which began as a planning subcommittee of the Hancock County Tomorrow Five-Year Consolidated Plan. This group meets quarterly to address unmet need and publishes an updated Community Services Guide each quarter. The guide can be found here: <http://www.hancockhrc.org>

## **G. Law Enforcement**

*Law enforcement personnel are considered to be mandated reporters who must report suspicion of abuse or neglect under Mississippi law. Miss. Code Ann. § 43-21-353.*

MISS. CODE ANN. § 43-21-353. Duty to inform state agencies and officials; duty to inform individual about whom report has been made of specific allegations. Any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer, public or private school employee or any other person having reasonable cause to suspect that a child is a neglected child or an abused child, shall cause an oral report to be made immediately by telephone or otherwise and followed as soon thereafter as possible by a report in writing to the Department of Human Services, and immediately a referral shall be made by the Department of Human Services to the youth court intake unit, which unit shall promptly comply with Section 43-21-357...Where appropriate, the Department of Human Services shall additionally make a referral to the Youth Court Prosecutor. In counties which do not have a County Youth Court Prosecutor, the District Attorney should be notified. Upon receiving a report that a child has been sexually abused, or burned, tortured, mutilated or otherwise physically abused in such a manner as to cause serious bodily harm, or upon receiving any report of abuse that would be a felony under state or federal law, the Department of Human Services shall immediately notify the law enforcement agency in whose jurisdiction the abuse occurred and shall notify the appropriate prosecutor within forty-eight (48) hours, and the Department of Human Services shall have the duty to provide the law enforcement agency all the names and facts known at the time of the report; this duty shall be of a continuing nature. The law enforcement agency and the Department of Human Services shall investigate the reported abuse immediately and shall file a preliminary report with the appropriate prosecutor's office within twenty-four (24) hours and shall make additional reports as new or additional information or evidence becomes available. The Department of Human Services shall advise the clerk of the youth court and the youth court prosecutor of all cases of abuse reported to the department within seventy-two (72) hours and shall update such report as information becomes available.

In any investigation of a report of abuse or neglect of a child as defined in Miss. Code Ann. § 43-21-105(m), the Department of Human Services may request the appropriate law enforcement officer with jurisdiction to accompany the Department Representative on its investigation, and in such cases the law enforcement officer shall comply with such requests. Miss. Code Ann. § 43-21-353(6).

## **H. Identity of Key Hancock County Players**

Senior Chancellor Sandy Steckler  
Youth Court Referee Elise Deano,  
Youth Court Administrator and Intake Officer D'Angela Brenza,  
Former Youth Court Administrator/current Juvenile Drug Court Coordinator Chere Hayward,  
Youth Court Prosecutor Mark Carter,  
Brehm Bell (former Youth Court Referee),  
Lisa Cowand-President, Hancock County Board of Supervisors,  
Sheriff Ricky Adam,  
Mike Denardo- Bay St. Louis Chief of Police,  
David Allen- Waveland Chief of Police,  
DHS Regional Director Pamela Cross,  
Tonya Blair-Mississippi Attorney General's office,  
Cynthia Chauvin-Hancock County CASA,  
J.P. Compretta and Cindy Burney-Guardians *ad litem*.

## **I. Phases of the Child Protection Process**

Attached as Appendix A. are flowcharts describing the 3 phases of the Child Protection Process.

## **J. The Hancock County Problem**

*Hancock County currently has approximately 10 children in state custody per 1000 people. This ratio is about 10 times the state average. Allegations of abuse and neglect have risen about 150% over the past 5 years. The HCYCTF inquired into the following potential causes of these statistics, which are seemingly out of line with state averages.*

### **1. External Factors Impacting the Number of Children in DHS Custody in Hancock County**

- a. Hurricane Katrina and its impact on Hancock County families attempting to return to the county;
- b. A lack of available resources compared with expansion of low income housing;
- c. BP Oil Spill and its impact on Hancock County Families;

- d. Economy/poverty-insurance affordability, minimum wage jobs, impact of the Affordable Care Act on employers (i.e., incentive to work employees less than 29 hours/week);
- e. Transience of population/lack of extended family support;
- f. Prevalence of low cost housing created by tax exemptions such as Section 42;
- g. Drug use;
- h. Increase in incidence of domestic violence;
- i. Repetitive trauma experienced by Hancock County families. See Adverse Childhood Experiences Study found at <http://www.cdc.gov/violenceprevention/acestudy/prevalence.html>

## **2. Hancock County Youth Court Practices**

- a. Intake Procedure: Before the Task Force began in January 2015 the Hancock County Youth Court Intake Officer received all reports of abuse and neglect two times per week along with the log of all reports received by the Hancock County DHS/DCFS. After receiving the reports new investigations were frequently set for court hearing often the following week. Hancock County DHS/DFCS was receiving numerous emails directing the investigations, as well as occasional emergency custody orders before the investigations were completed by DHS or before an adequate assessment could be made by DHS of the children's safety in the home. The Youth Court, however, was acting pursuant to its statutory duties imposed by Miss. Code Ann. § 43-21-115. See discussion of DHS staffing issue at p.21.

DHS felt that its role in the process was being usurped by the Court.

The HCYCTF recognizes that certain competing duties imposed by statute on both DHS and the Youth Court inherently have at times created conflict between the agencies. The HCYCTF recommends that a process be established to foster communication and trust to minimize such conflicts as discussed elsewhere in this report.

- b. Drug Testing Policies/Costs: The Hancock County Youth Court utilizes a 12-panel drug screen to determine if a caregiver has used illicit drugs. The cost of the test exceeds other screening options due to its more sensitive nature. The individual undergoing the 12-panel screen may be responsible for payment of the cost of the test.

If there is an allegation of drug use/abuse, drug screening is ordered by the Court and DHS pays the cost of such testing. If no allegation of drug use/abuse

is made the Court may nevertheless order drug screening for which the parent, or in some cases the county, may be responsible.

The HCYCTF recognizes the financial burden presented to families required to submit to ongoing drug screens. As of June 2015, DHS would oftentimes not pay for the type of drug screen ordered by the Hancock County Youth Court. This presented an additional financial burden to the family and/or county. However, as of July 2015 DHS is now paying for initial drug screens if the parents cannot afford the drug screen.

The HCYCTF is mindful that protection of children is the paramount concern of all involved in the Youth Court system. The HCYCTF finds that the 12-Panel screen is more effective than other options of determining drug-using custodians of children. Accordingly, the 12-Panel drug screen would appear to be the best option for protection of children. The HCYCTF recommends that the Court should evaluate the continued use of the 12-panel drug screen with a view towards determining the most efficient and cost effective method of administering the drug screens ordered by the court.

The HCYCTF also recommends that the county seek to increase the options for treatment of drug abuse within the county. Currently, Gulf Coast Mental Health Center (GCMHC) operates a satellite office in Hancock County that provides outpatient therapy for children, adolescents and adults. They provide individual and family therapy and school based therapy (day treatment and individual counseling). Basic substance abuse counseling is provided within the context of this treatment. However, when a client is identified as having a chronic drug or alcohol problem they are referred to Crossroads Recovery Center (CRC) in Gulfport. CRC is also operated by GCMHC but it is staffed with counselors who specialize in addictions treatment and they provide outpatient therapy, Intensive outpatient therapy (IOP) and a 30-day inpatient rehabilitation program. Hancock County clients often report that transportation to CRC in Gulfport is not available or is unaffordable. HCYCTF recommends that HCBOS explore options for transportation for families that are low income or without a personal vehicle. The Director of CRC is currently working to fill two Addictions counselor positions. The lack of qualified applicants has impaired her ability to fill these two positions. Her intent is that one of these counselors will be assigned to Hancock County on a part-time basis to provide IOP for adults. In addition, at the urging of Judge Deano, CRC has also been advised that they will be receiving a State Department of Mental Health grant to train staff in Adolescent IOP. Providing IOP for Adolescents and Adults within the County will substantially increase the availability of addictions counseling.

- c. Mental Health Assessments: Gulf Coast Mental Health Center provides mental health assessments to determine if a child taken into DHS custody is exhibiting any trauma symptoms and will need mental health services. Such assessments are required to be conducted within 30 days. In most counties in Mississippi

this task is coordinated by DHS. However, there was a period of time when the Hancock County assessments were not being scheduled and/or attended because of the staffing issues at DHS. This was problematic in that the children did not receive their assessments and GCMHC had therapeutic time that was wasted. As a result, HCYC assumed the coordination role for this task. A designated Children's Therapist submits a blank schedule of available appointments (dates/times) to the HCYC Intake Officer. The appointment is then scheduled for the child during the Court hearing and the HCYC Judge will issue a court order for the child to attend the assessment at GCMHC on the designated date/time. Any changes to the scheduled appointment must then be made through HCYC with the Judge's approval. HCYC sends scheduled appointments in advance to GCMHC via FAX. Any slots not filled by the Court are then utilized for regular GCMHC appointments. The Mental Health Center requires copies of all applicable court documents prior to the assessment. In addition, the Mental Health Center requires the DHS Worker to be present for the assessment to provide any additional needed information and to provide permission signatures as the "legal guardian". When the GCMHC Therapist completes the assessment, a copy is submitted to the DHS Worker and to the Youth Court. Having this task coordinated by HCYC has ensured that children are scheduled and receive this vital assessment. However, it is often problematic for the assigned DHS Worker because they may have a conflict with the assigned assessment date/time (i.e., it may be on the same date/time they are scheduled to be in a Court hearing) and the appointment is then missed. Because the assessments must be completed within the required timeframe, the Task Force recommends that the HCYC continue the current procedure of scheduling the Assessments through the Mental Health Center. However, there needs to be more regular and varied communication between DHS and HCYC regarding the scheduling.

- d. Service Agreements: When Hancock County DHS had 3.5 staff, the Hancock County Youth Court implemented preliminary Service Agreements which provided a generic checklist of services that parents were ordered to complete before they could be reunified with their children or their case be closed. Hancock County DHS has increased staff and began implementing Family Centered Practice, which includes the goal of negotiating the Family Service Plan within 30 days of the case opening. Each Family Service Plan is based upon the needs of each individual family and the identified problems or needs and then Hancock DHS connects the family to appropriate service providers to meet the needs of the family. However, the HCYCTF found that families were often confused as to whether they had a Service Plan in place. The HCYCTF recommends that DHS clarify the procedure to fully advise families with children in DHS custody of the existence and contents of any Service Plan.

### **3. DHS Staffing Issues**

The HCYCTF found that DHS staffing in Hancock County was at an all-time low in or around 2012 and that the relatively small number of employees were unable to keep pace with the increasing number of referrals into the system. Reports indicate that the number of DHS workers was 3.5 and that there was only a single supervisor. As a result of the inadequate DHS staffing, the Youth Court took a larger role in investigations and increased its scope of intake responsibilities to adjust to the needs presented by an influx of referrals.

DHS has addressed this staffing issue and has increased the number of case workers employed in Hancock County to 35. Hancock County is now a Regional Office rather than being a part of a larger region within DHS. Further, there are currently 8 supervisors in the Hancock County Region office. However, the PEER Report found that currently around 40% of caseworkers in the county were assigned caseloads above the standards set in the aftermath of the *Olivia Y* decision (discussed *infra*). Further, the PEER Report found that the majority of caseworkers in Hancock County have less than two years' experience.

During the process of reaching the current staffing levels Hancock County DHS experienced an increase in turnover. However, the HCYCTF did not reach the same conclusion as PEER with regard to the current Hancock County DHS turnover level. Since 2012, Hancock County has been building its staff from 3.5 caseworkers to 35 caseworkers as of September 2015. PEER seemed to interpret the increase in worker positions as staff turnover, when actually Hancock DHS received additional staff positions. In June 2014 the six-month average turnover rate was .019% which was the lowest in the State of Mississippi. The turnover rate for June 2015 was 17.14.

See also Director Ricky Berry's letter to PEER and Hon. Sandy Steckler's letter to PEER attached as Appendix B and C respectively.

### **4. Foster Care Licensing Backlog**

Prior to 2014 there were no DHS workers handling foster home licensing in Hancock County. In or around 2014 there was only 1 DHS worker handling licensing of foster care homes in the county. The HCYCTF found that a single person charged with this responsibility was inadequate and functioned to create a backlog of foster care homes awaiting licensing. The HCYCTF received numerous reports from previously licensed foster care parents ready, willing and able to receive children who were simply unable to complete the licensing process.

DHS has addressed this staffing issue and as of February 2015 had four employees handling the licensing of foster care homes. DHS reports that the backlog is decreasing.

## **K. Court System Options**

- 1. Juvenile Drug Treatment Court:** The mission of the JDTC is to reduce substance use, criminal behavior, and recidivism among targeted delinquent juveniles by providing individualized case management, supervision, treatment, and related services to empower them to make successful changes in their lives.

The purpose of the JDTC is to work with identified juvenile offenders and their families in a program that mandates treatment for substance abuse and mental health treatment contingent upon the diagnosis, intensive case management within the close supervision of the court, and a coordinated program to develop pro-social interactions among peer groups.

JDTC seeks to serve juveniles and their families who want to address the issues of crime and substance abuse in an intense, supporting, and strength based approach.

- 2. “One Family One Judge” Model:** (as found in the Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Case, National Council of Juvenile and Family Court Judges)

In many courts, child abuse and neglect cases are assigned to a specific judge or judicial officer at the time the case is first brought to court, and this initial judge conducts all subsequent hearings, conferences, and trials. Courts in which one family is assigned to one judge throughout its court experience are said to use “direct calendaring.” By contrast, courts with “master calendaring” can reassign cases to different judges at different stages of the case.

Direct calendaring (also known as “individual calendars”) is particularly suitable for abuse and neglect cases because this type of litigation typically involves complex hearings extending over a long period of time. Direct calendaring enables judges or judicial officers to become thoroughly familiar with the needs of children and families, the efforts over time made to address those needs, and the complexities of each family’s situation.

The Task Force has reviewed and discussed the advantages and disadvantages of one judge hearing all cases from beginning to end. There are differences of opinion as to which process works better and the task force will not be taking a stand on this issue.

A unique judicial perspective is developed by a single judge hearing all matters related to a single family's court experience. Knowledge gained of family circumstances and responses to court orders may increase the quality of government's response to family crises. This long-term perspective identifies patterns of behavior exhibited over time by all parties involved in a case, preventing a judge from too heavy a reliance on social service agency recommendations. In states where judges are expected to approve and review agency case plans, a single judge provides consistency and continuity, developing a case plan in a logical, step-by-step manner. A judge who has remained involved with a family is more likely to make decisions consistent with the best interests of the child. Direct calendaring allows the court to speak with a single voice and convey consistent messages and expectations to the parties. Parties can rely on the court's direction without concern that a different judge at the next hearing will interpret the case differently. This can prevent families from feeling that strangers who know nothing about them are controlling their lives, enabling families to anticipate a judge's response to their future conduct. Direct calendaring gives judges a sense of ownership in each case.

The court's long-term, detailed case knowledge can prevent parties from resurrecting previously rejected arguments. It also prevents parents from repeating excuses for lack of progress and wasting the court's valuable time and the child's priceless youth. Because of the court's continuous involvement in each case, the judge can quickly review files, agency reports, and case plan changes before each hearing, allowing for informed decisions on case scheduling, both in terms of frequency and length of time allotted for hearings. Direct calendaring gives judges a sense of ownership in each case. When a judge knows that his or her involvement will extend beyond the immediate hearing, the judge is more likely to invest the time necessary to gather complete information, to assess the results of decisions, and to develop a working relationship with all the parties.

Case Flow Management Court administrators recently have developed new techniques to reduce litigation delays, collectively known as "case flow management." Effective case flow management is essential in abuse and neglect cases because it is essential to successful permanency planning. Permanency planning means achieving permanent placements for abused or neglected children within a relatively short period of time, either through their safe return home, or their placement in a new, legally secure permanent home. Sound case flow management by juvenile and family courts is needed to assure that delays in the court process do not interfere with the timely achievement of permanency. Case flow management also helps the court monitor the agency to make sure the case is being moved diligently and decisively toward completion.

### **3. Parent Representative**

See discussion *infra* at "Parent Representative Committee Report"

#### 4. Community Agency Assistance for Parents (“CAAP”)

See discussion *infra* at “Parent Representative Committee Report”

5. **“Zero to Three” Model/ “Safe Babies” Court Team:** The Zero to Three Model is a national program that has been successfully used in Hattiesburg, MS as well as New Orleans, LA.

Every seven minutes an infant or toddler is removed from their home as a result of alleged abuse or neglect. Abuse and neglect are linked with serious developmental consequences for infants and toddlers including, but not limited to, disorganized attachments and developmental delays. The negative developmental consequences can be further perpetuated in a foster care system with infrequent visitation, multiple placement changes, and delays in achieving permanency.

However, developmental neuroscience demonstrates that developmentally appropriate early intervention and child welfare policies can help infants and toddlers overcome the negative developmental consequences that stem from maltreatment. Safe Babies Court Teams have been created by Zero to Three entities to address the following:

- Increase awareness among those who work with maltreated infants and toddlers about the negative impact of abuse and neglect on very young children; and,
- Change local systems to improve outcomes and prevent future court involvement in the lives of very young children.

The Safe Babies Court Teams train professionals, provide resources, encourage collaboration between existing community services providers through routine case conferencing, increase parent-child contact, mental health capacity and placement stability.

It is acknowledged that in Hancock County a substantial number of the cases involving children deal with children from ages zero to three. The Task Force recommends that the “Zero to Three” model / “Safe Babies” court team be implemented in Hancock County. This will entail at a minimum hiring a special administrator who will oversee the coordination of the Zero to Three program.

6. **County Court Judge v. Youth Court Referee:** The Legislative PEER Committee reported in 2014 on “The Efficiency of Mississippi’s Youth Court Adjudication Models” (PEER Report #588). There were several key findings of that report considered by the HCYCTF including the following:
- a. Youth Courts in Mississippi lack a uniform court structure for adjudicating delinquency, as well as abuse and neglect matters.

- b. There is a need for a uniform Youth Court System in Mississippi.
- c. Uniform service delivery does not occur throughout the state and juveniles in every county do not have the same access and availability to treatment and rehabilitative alternatives.
- d. Youth Courts in counties served by County Courts have access to more community-based services than counties served by either referee or Chancellor-directed Youth Courts.
- e. The legislative PEER Committee found in PEER Report #588 that weighted average costs per referral were not materially different for the referee model Youth Courts.
- f. The legislative PEER Committee found in PEER Report #588 that statistics demonstrated an almost 30% increase in productivity of DHS departments in counties with County Courts.

The population threshold for mandatory creation of a County Court is 50,000 under Mississippi Law. *See* Miss. Code Ann. § 9-9-1(1)(b). Prior to reaching the population threshold counties may choose to create a County Court utilizing Miss. Code Ann. § 9-9-3 by agreement with another county or Miss. Code Ann. § 9-9-37. Hancock County has not elected to establish a County Court using these procedures.

Hancock County had a population of approximately 43,929 according to the 2010 U.S. Census: [http://www.msjrc.state.ms.us/pdf/2010\\_census\\_co\\_pop\\_data.pdf](http://www.msjrc.state.ms.us/pdf/2010_census_co_pop_data.pdf)

This number is likely artificially depressed due to the loss of population as a result of Hurricane Katrina and the subsequent return of some portion of that population. Thus, the HCYCTF finds that current population of Hancock County is likely in the range of 45,000-47,000.

In counties without a County Court, the Chancery Court has jurisdiction over youth court matters. The Senior Chancery Judge in these counties has the authority to appoint referees to hear cases filed in youth court. Hancock County is such a county. Hancock County has a Youth Court Referee system with a referee appointed by and serving under the auspices of the Chancery Court. Hon. Elise Deano is the current Youth Court Referee. Both Judge Deano and former Youth Court Referee Brehm Bell served on the HCYCTF and shared that 2 or 3 days of court time is insufficient to handle the caseload in Hancock County.

The current Hancock County Youth Court budget and actual spending levels as provided the Hancock County Board of Supervisors were evaluated by the Task Force. The Task Force also took into account that PEER Report 588 (both the original version and the 2014 update) and the stated position of the Mississippi Supreme Court is that a county court model makes equitable delivery of service more likely.

Thus, based on cost factors, the demonstrated need for a full-time judge in Hancock County and the inevitability of the requirement that the county transition to a County Court under Mississippi Law, the HCYCTF recommends that Hancock County move towards acceptance of a County Court model with all dispatch.

#### **L. *Olivia Y* case**

By way of background, in 2004, a federal lawsuit was filed against the DHS and Governor Barbour, alleging violations of federal law within the State's child welfare system. The lawsuit was settled in 2008. In 2011, plaintiffs filed a motion for contempt based on violations of the settlement agreement. The judge agreed that defendants had failed to comply, but withheld a finding of contempt at that time and ordered the parties to negotiate a modified settlement agreement (MSA). As part of the MSA, the State has to satisfy certain benchmarks in an annual "Implementation Plan". A federally-appointed "Court Monitor" files an annual report detailing the State's progress with Implementation plan.

The Court Monitor's Report on Implementation Period 3 filed during May 2014 found that Defendants were out of compliance with some of the Period 3 and Modified Settlement Agreement (MSA) requirements and that the Defendants needed to act with more urgency in building their capacity to meet the requirements of the MSA.

On March 9, 2015, Plaintiffs filed a Motion for Contempt based on noncompliance with the Period 3 and MSA requirements and what they believed would be noncompliance with the soon to be reported on Period 4 requirements. In their Motion for Contempt, Plaintiffs requested that a federal judge appoint a receiver to oversee Mississippi's child welfare system.

Judge Tom Lee granted Plaintiff's request for discovery and set the matter for an evidentiary hearing on August 10, 2015.

The Court Monitors Report on Implementation Period 4 was filed on June 15, 2015. In that report, the Court Monitor found that in many instances the Defendants did not comply with the Period 4 and MSA requirements. Further, the Court Monitor stated that there is a continuing lack of capacity within DFCS to meet many of the most basic MSA requirements and that the ongoing failure to meet requirements is having a substantial and continuing impact on the safety and well-being of Mississippi's foster children.

The parties initiated settlement discussions in an effort to focus on a path forward as opposed to litigating the issue of contempt.

The parties negotiated an Agreed Order continuing the hearing on the Plaintiff's Motion for Contempt in an effort to resolve the dispute.

The Agreed Order signed by Judge Lee is based on the following:

- An expert has been retained conduct an organizational analysis of the MDHS Division of Family and Children's Services which will include issues such as the potential re-structuring of DFCS, the capacity and resources needed at DFCS, employee salary levels, a management and accountability structure, evaluating caseload measurements, reviewing data collection and analysis capacities, consulting with the Governor regarding the qualifications of a DFCS Leader and senior level management team, and recommending candidates to serve as the DFCS Leader. The organizational analysis report is due within four months of the expert being retained.
- The parties will negotiate a Remedial Order based upon the recommendations contained in the organizational analysis report.
- The Governor's Office will hire a Leader of DFCS who will report directly to the Governor and applicable state salary limits will be waived to facilitate hiring.
- The new DFCS Leader will be authorized to hire a senior level management team and applicable state salary limits will be waived to facilitate hiring.
- A three-person advisory group will be created to provide technical assistance and consultation to the new Leader of DFCS.
- The Defendants do not contest a finding of noncompliance (there is not an admission of contempt) with the MSA as well as Period 3 and Period 4 Implementation Plans.
- If the Defendants do not comply with the terms of the Agreed Order continuing the contempt hearing or the Remedial Order that is to be negotiated, the Plaintiffs may seek an immediate remedial hearing and can argue any remedy including the appointment of a receiver. The Defendants reserved their right to argue for or against any remedy, including appointment of a receiver.

Hancock County DHS is "carved out" of the MDHS data submitted to the court monitor regarding caseloads and supervisor workloads until the end of Period 6 (Period 6 is July 1, 2015 through June 30, 2016.) Because this region was in the last phase of the statewide Practice Model roll out, Hancock County became accountable for compliance with the majority of the practice standard in the modified Settlement Agreement in March 2015 and is currently in the "data tracking year." Hancock County DHS is currently working on our Regional Improvement Plan that was implemented in April 2015 for Period 6 to improve our data and have selected the following eight priorities:

1. Percent of Children with a Permanency Plan in 30 days,
2. Percent of Parents of Children with a goal of reunification with Timely Worker Visits,

3. Percent of Children with Twice Monthly Worker Visits,
4. Percent of Children with an Adequate and Appropriate Visitation Plan,
5. Percent of Children Receiving Timely Initial and Comprehensive Medical Exams,
6. Percent of Children 14+ Receiving Independent Living Services,
7. Percent of Children Reunified in 12 Months.
8. Percent of Children Adopted with 24 Months.

The compliance on these areas is based on the data that is entered into the MDHS Computer System (MACWIS) not what actually has been completed and is an averaged year percentage so it will take a year of improved data before an improvement will be noticeable on the reports. There are barriers affecting the Hancock County DHS's data on the above areas including more than 14 foster children on each worker's workload, the length of time staff are at court limits the time to enter the data into the computer and there are components of the Modified Settlement Agreement data that are influenced by the Courts and the community.

# **Parent Representative Committee Report**

## **Brehm Bell-Chair**

It has been determined by this Parent Representative Sub-Committee that there is a need in Hancock County for assistance for parents to “work through” the Youth Court system. Our objective is to approve community agencies to provide an assessment, list of resources, and to help parents follow through with compliance of service agreements and court orders. It is also our objective to make sure parents are obtaining proper documentation to provide proof of compliance of service agreements and court orders. The objective for these organizations is to assist and guide the parents. These organizations will not be policing agency and will not do the work for the parent.

The committee suggests that the Court approve the community organization that will work under this process. In addition, the Court must approve any organization that is going to be providing documentation of compliance of parents with service agreements. It is understood that all court orders will state that the community organizations are volunteers. The name of the participating organization will not be listed on the service agreement.

### **I. Community Agency Assistance for Parents--“CAAP”**

It is the recommendation of this sub-committee that voluntary groups be established to assist parents in their compliance with court orders and service agreements. Availability of the CAAP shall be limited to organizational capacity. It is understood that initially the capacity shall be filled quickly.

#### **A. Recommended Approval Process for Volunteer Community Agencies Acting as Parent Representatives “CAAP”**

1. It is recommended that the Court will develop criteria for approval of community agencies that are authorized to work with parents.
2. Before an agency’s name can be submitted to the Court for approval, that agency will have to agree to the following:
  - a. The agency will meet with other agencies every 3-months in order to
  - b. compare notes and work one with another in order to prevent overlapping services;
  - c. A community agency must complete the training as stated herein and above and the training will be presented at least 2-times a year;
  - d. The community agency must be willing to accept at least 5-cases;
  - e. The community agency must maintain contact with the coordinating agency when one of their other cases rotates off and can have them for availability;
  - f. Must be willing to provide training to the parents on a regular basis;

- g. Must provide training to the parents on how to present their case to the Court; and
  - h. The agency must sign an agreement of participation with the coordination agency and the Court.
- 3. Once agencies have been preapproved by the Court, the agency should be provided training in the following respects:
  - a. Documents provided necessary for meeting with parents;
  - b. Training presentation by DHS;
  - c. Training presentation by CASA;
  - d. Training presentation from Court personnel, including the Court appointed Parent Representative;
  - e. A training session wherein members of CAAP sub-committee will go over possible scenarios of what is expected of the community agency to act as CAAP participant; and
  - f. It is recommended that there be a designated coordinating community agency. The recommendation of the committee is to appoint Hancock Resource Center in this position.
- 4. Suggestions as to how appointments between Parents and CAAPs are initially made:
  - a. The Court will refer the potential parents to the designated coordinating community agency (it is the request of the committee that the Judge refer the client to the coordinating agency as early as the shelter hearing whenever possible);
  - b. The coordinating agency will seek to assign the parents by a form of rotation whenever possible;
  - c. The coordinating agency will make the assignment of which agency will be assigned to the parent's case, the Court will have the right to review the assignment and review the suggestion and make changes if necessary.

## **B. Proposed CAAP's Initial Assessment with Parents**

The proposed guidelines of the program components will be as follows:

- 1. Initial Assessment
- 2. Strategy to develop a plan on how the parents are to comply with a service plan and court orders;

3. A specific timeline will be determined to comply with a service plan and/or court order;
4. Discuss financial requirements and an explanation will be given to the parent(s) regarding their potential financial obligation;
5. The CAAP shall facilitate communication by and between DHS, the client and CAAP;
6. The CAAP shall encourage the parents to obtain documentation of compliance;
7. The agency must sign an agreement of participation with the coordinating agency and the Court;
8. The agency must obtain written consent from the parents and the CAAP agreeing that representative for CAAP shall not be subject to subpoena by the parents;
9. The parents must provide written consent, stating that all communication between CAAP and the parent must be kept confidential, unless parent has provided written consent to discuss the matters with other providers and others involved in the case;
10. CAAP shall provide to the parents a list of community agencies and services that are available in assisting with their specific need;
11. CAAP shall review the service agreement and other court documents such as probation documents, restitution, court orders;
12. Must be willing to follow-up in person with a parent on regular basis (approximately every 2-3 weeks) after the initial assessment to assist parents with compliance and have documents to verify their compliance.

**C. The following is a list of potential financial obligations:**

1. Parents may be subject to expenses by the Court or their service agreement. It is recognized that these monetary requirements are on a case by case basis. The coordinating agency will seek to have the list of the possible expenses updated on a regular basis and provide the same to the parent upon signing up for CAAP service;
2. It is understood that this list needs to be as complete as possible so (1) the parents will know what anticipated expenses may be and also (2) the Court needs to see what the parents may have to pay.
3. Currently the anticipated expenses could include the following:
4. Cost for a psych evaluation by a qualified mental health professional
  - a. Mental health assessment

- b. Mental health counseling
- c. Substance abuse assessment
- d. Substance abuse counseling
- e. Anger management classes/counseling with some organization
- f. Classes for parenting, conflict resolution or ACTS (Alcohol Chemical Treatment Series)
- g. DVIP, domestic violence intervention program that is usually Court ordered to the aggressor in the domestic violence situation.
- h. AA / NA attendance— (generally these are free)
- i. Normal drug screen, 12 panel drug screen, hair follicle drug screen, alcohol screening, spice testing, drug testing for expanded opiates, etc.
- j. Court fees
- k. Restitution Costs
- l. Circuit Court and Probation Officer fees
- m. Transportation
- n. Child support
- o. A portion of the child expenses once they go into DHS custody.

## II. Parent Representative

- A. It is the recommendation of the committee that **Every Parent** who appears in Youth Court should be represented by an attorney.
- B. It is the recommendation of the committee that an attorney representative be created by the court. We have learned that prior to the formation of this committee, the Youth Court, by and through Judge Elise Deano and the Hancock County Board of Supervisors have been in discussions on how to obtain grant funds to hire an attorney. During the investigation phase of this task force, an attorney has been hired and is currently in place. The attorney is currently working with the Court. It is the suggestion of this committee that the parent attorney representative work with the parents in assisting with their compliance with the court orders.
- C. It is the recommendation of the committee that **Every Parent** who appears in Chancery Court for Termination of Parental rights hearings, should be represented by an attorney.
- D. It is the recommendation that Hancock County hire additional attorneys to represent parents in all youth court settings. The current appointed attorney cannot possibly represent every parent that is currently in the system.

### **III. Family Team Meetings**

This subcommittee recommends that there be regular “family team meetings” conducted with the families whose children are taken into custody with DHS. The purpose of this meeting is to assist in communications with all interested parties in order to reunify the parent with their children. This subcommittee recommends the use of a regularly scheduled team meeting/staffing of cases where the following are invited and encouraged to attend:

1. Parents
2. Parent’s Representative
3. Parent support system, family and/or friends
4. DHS assigned case worker
5. DHS Supervisor (if necessary)
6. DHS Resource Worker
7. Guardian ad Litem
8. Assigned CASA personnel
9. Providers (mental health, medical, etc.)
10. CAAP Representative (Community Agency Assistance for Parents) if applicable
11. Other community organizations wishing to assist the family

At this meeting, the parents would be able to participate in a group discussion about the requirements to be reunited with their children. Resources will be discussed and any disagreements regarding understanding of service agreements or other requirements will be discussed at this meeting. It is understood that DHS will be responsible for scheduling the Family Team Meeting.

### **IV. Termination of Parent Rights Cases**

The subcommittee has met with the local bar association who has agreed to have several volunteers to assist with processing the TPR cases. At the present time there are not any unexplainable delayed TPR cases pending that are more than 6-months old. If there were TPR cases beyond 6-months old in the future, the bar would still like to assist where possible. The committee would still like to assist in this area wherever possible.

## **Conclusion**

The HCYCTF was formed in December 2014 due to the recognition that 459 children had been placed in the Department of Human Services custody in Hancock County, and that this was a disproportionate number of children based upon the population of the county. The Task Force was charged with attempting to answer two main questions concerning the number of children in custody: (1) Why were there so many children in DHS custody; and (2) What can be done about it?

The Task Force evaluated statistics and other information and determined that there are numerous factors impacting the number of children in custody. External factors such as those discussed in the report were found to be significant, though not exclusive. The Task Force found that the largest single factor can be attributed to the substantial numbers of Hancock County parents that are using drugs. A study was conducted by the staff of the Hancock County Youth Court of every case in Hancock County in September 2015. As a result of the study, it was determined that more than 75% of the families with children in custody are suffering from the effects of drug addiction and that the drug of choice is generally considered to be more severe than alcohol or marijuana.

The Task Force has made recommendations with respect to factual findings in the report. Foremost among the recommendations of the Task Force is the need for continuing efforts to improve communications between agencies and increase resources for children and families in Hancock County.

The work of this Task Force is not intended to be exhaustive. In fact, the Task Force encourages the Hancock County Board of Supervisors to focus on the needs of the most vulnerable children in the community with the recommendations made in this report as merely a starting point. The Task Force recommends that a community-wide plan be developed and resources dedicated to funding for a position responsible for implementation of the plan, as well as the continuing support of community agencies that are critical to the safety and well-being of families.

## Findings and Recommendations

The HCYCTF recognizes that there were certain factors within the systems of the Youth Court and DHS where improvements can be made and will assist in reunifying children with their parents where possible and for permanent placement of children where reunification is not possible.

- 1. The HCYCTF finds that DHS and the Youth Court are using data differently and would benefit from a common data set.**

*Recommendation: Develop common data points to include: (1) # of children in DHS custody, (2) Case plan goal for each child, (3) # of pending TPRs, (4) # of foster children in long term care, (5) # of foster children in family placements, (6) # of children in custody as it relates to parental drug abuse, (7) # of DHS investigations vs. new children in DHS custody, (8) # of licensed foster parents, (9) # of pending foster parent applicants.*

- 2. The HCYCTF recognizes that certain competing duties imposed by statute on both DHS and the Youth Court inherently have at times created conflict between the agencies.** *The HCYCTF recommends that a process be established to foster communication and trust to minimize such conflicts.*

- 3. The HCYCTF finds that there is a financial burden presented to families required to submit to ongoing drug screens.** *Recommendation: HCYC explore options for a more economic method to perform drug screens or consider options to assist parents to pay testing.*

- 4. The HCYCTF is mindful that protection of children is the paramount concern of all involved in the Youth Court system. The HCYCTF finds that the 12-Panel screen is more effective than other options of determining drug-using custodians of children. Accordingly, the 12-Panel drug screen would appear to be the best option for protection of children.** *The HCYCTF recommends that the Court should evaluate the continued use of the 12-panel drug screen with a view towards determining the most efficient and cost effective method of administering the drug screens ordered by the court.*

- 5. The HCYCTF finds that Hancock County lacks resources to treat individuals with substance abuse and addiction.** *The HCYCTF recommends that the county seek to increase the options for treatment of drug abuse within the county.*

6. **The HCYCTF finds that transportation is a major obstacle to families completing the requirements of their Service Plan, causing delays in reunification of families.** *HCYCTF recommends that HCBOS explore options for transportation for families that are low income or without a personal vehicle.*
7. **The HCYCTF finds that to ensure the county is compliant with requirements that a mental health assessment is completed within 30 days, the Youth Court is the most efficient option for coordinating assessments and ensuring the relevant information is available for the next court appearance.** *The Task Force recommends that the HCYC continue the current procedure of scheduling the Assessments through the Mental Health Center. However, there needs to be more regular and varied communication between DHS and HCYC regarding the scheduling.*
8. **The HCYCTF finds that many parents are confused about the existence and content of the Service Plan. While DHS reports that all families have a Service Plan within the designated timeframe, the Task Force identified instances when this was not the case.** *The HCYCTF recommends that DHS clarify the procedure to fully advise families with children in DHS custody of the existence and contents of any Service Plan and institute internal controls to review the presence and quality of the Service Plan.*
9. **The HCYCTF found that DHS staffing in Hancock County was at an all-time low in or around 2012 and that the relatively small number of employees were unable to keep pace with the increasing number of referrals into the system. Reports indicate that the number of DHS workers was 3.5 and that there was only a single supervisor. As a result of the inadequate DHS staffing, the Youth Court took a larger role in investigations and increased its scope of intake responsibilities to adjust to the needs presented by an influx of referrals. The HCYCTF did not reach the same conclusion as PEER with regard to the current Hancock County DHS turnover level. Since 2012, Hancock County has been building its staff from 3.5 caseworkers to 35 caseworkers as of September 2015. PEER seemed to interpret the increase in worker positions as staff turnover, when actually Hancock DHS received additional staff positions.** *The HCYCTF recommends that DHS continue to work toward full staffing levels and caseload assignments that comply with requirements, employing Best Practices to minimize turnover and re-assignment. The Task Force further recommends that the State consider the impact the pay scale has on recruiting and turnover.*

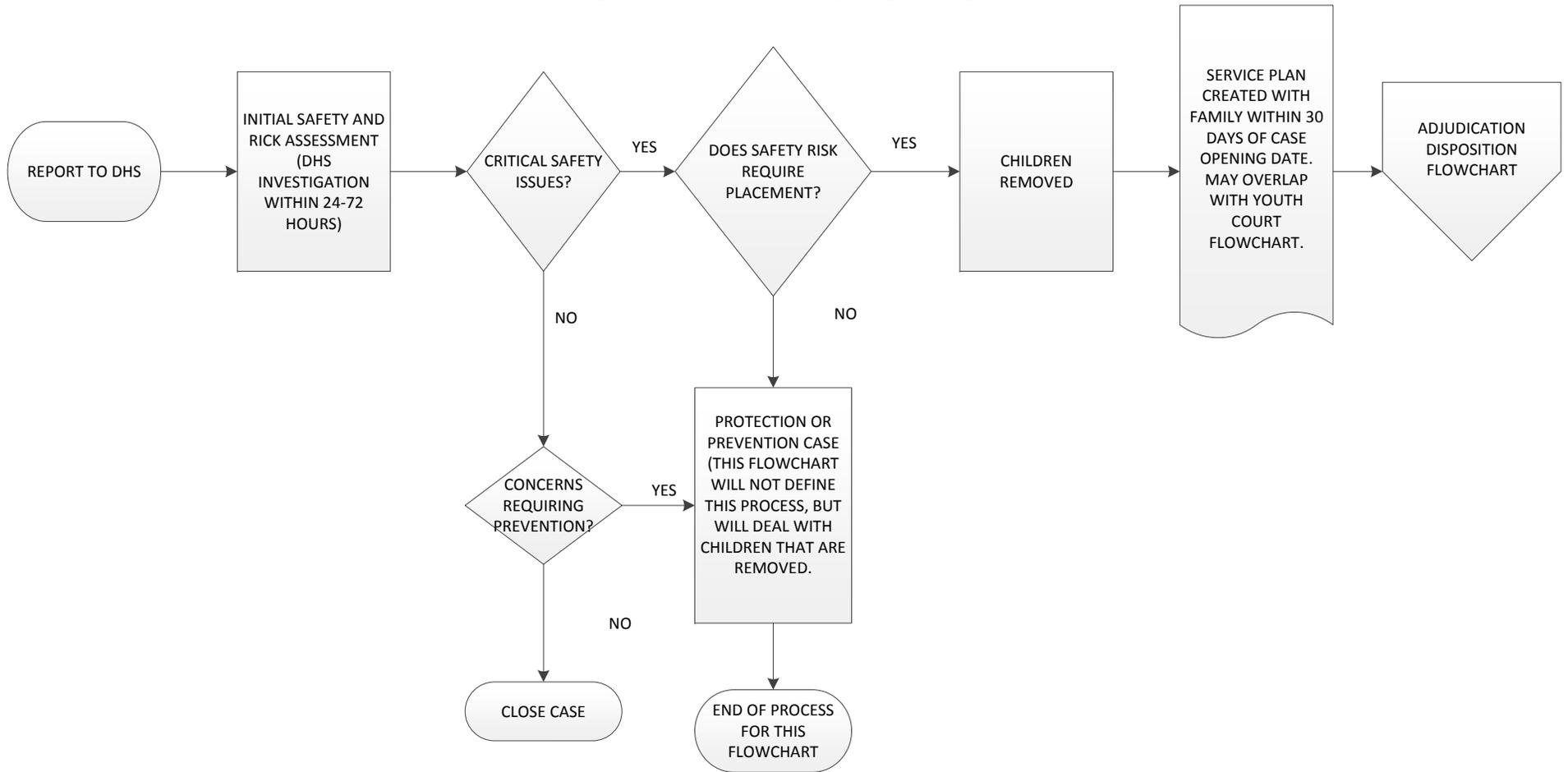
10. **The HCYCTF found that a single person charged with the responsibility of licensing foster homes was inadequate and functioned to create a backlog of foster care homes awaiting licensing. However, after recent changes in the staffing and processing, DHS reports the backlog is decreasing.** *The HCYCTF recommends that the backlog of foster home licensing and timeliness be monitored by the HCBOS and DHS continue to employ Best Practices to recruit and retain staff. The Task Force further recommends that the State consider the impact the pay scale has on recruiting and turnover.*
  
11. **The HCYCTF finds that current population of Hancock County is likely in the range of 45,000-47,000. Based on the current number of open cases, 2 or 3 days of court time is insufficient to handle the caseload in Hancock County. The current Hancock County Youth Court budget and actual spending levels as provided the Hancock County Board of Supervisors were evaluated by the Task Force. Based on the 2014 update of PEER Report 588, the Task Force, PEER and the Mississippi Supreme Court finds that a county court model makes equitable delivery of service more likely.** *Recommendation: Based on cost factors, the demonstrated need for a full-time judge in Hancock County and the inevitability of the requirement that the county transition to a County Court under Mississippi Law, the HCYCTF recommends that Hancock County move towards acceptance of a County Court model with all dispatch.*
  
12. **The HCYCTF finds that parents have a difficult time understanding and complying with court orders and service agreements and would be benefit from assistance.** *Recommendation: Voluntary groups should be established to assist parents in their compliance with court orders and service agreements.*
  
13. **The HCYCTF found that parents do not understand the court process and do not understand their rights during the court proceedings. It is the recommendation of the committee that Every Parent who appears in Youth Court should be represented by an attorney.** *It is the recommendation of the committee that an attorney representative be created by the court. It is the suggestion of this committee that the parent attorney representative work with the parents in assisting with their compliance with the court orders. Note: The Task Force is aware that prior to the formation of this committee, the Youth Court, by and through Judge Elise Deano and the Hancock County Board of Supervisors have been in discussions on how to obtain grant funds to hire an attorney. During the investigation phase of this task force, an attorney has been hired and is currently in place. The attorney is currently working with the Court. The HCYCTF finds that the current appointed attorney cannot possibly represent every parent that is currently in the system. It is the recommendation that Hancock County hire additional attorneys to represent parents in all youth court settings.*

14. **The HCYCTF found it is unacceptable to terminate parental rights without parents being represented by an attorney.** *It is the recommendation of the committee that Every Parent who appears in Chancery Court for Termination of Parental rights hearings, should be represented by an attorney.*
  
15. **The HCYCTF finds that communication with families is irregular and not consistent among all parties.** *This Task Force recommends that there be regular “family team meetings” conducted with the families whose children are taken into custody with DHS and DHS should schedule this meeting. The purpose of this meeting is to assist in communications with all interested parties in order to reunify the parent with their children. This subcommittee recommends the use of a regularly scheduled team meeting/staffing of cases where the following are invited and encouraged to attend: Parents, Parent’s Representative, Parent support system, DHS assigned case worker, DHS Supervisor (if necessary), DHS Resource Worker, Guardian ad Litem, CASA, Providers (mental health, medical, etc.), CAAP Representative (Community Agency Assistance for Parents) if applicable and other community organizations working with the family.*
  
16. **The HCYCTF finds that the recommendations in this report need the attention of a dedicated individual to follow-up and ensure these issues are addressed.** *The Task Force recommends that Hancock County develop a community action plan and find funding for a position responsible for implementation of the plan.*

# Appendixes

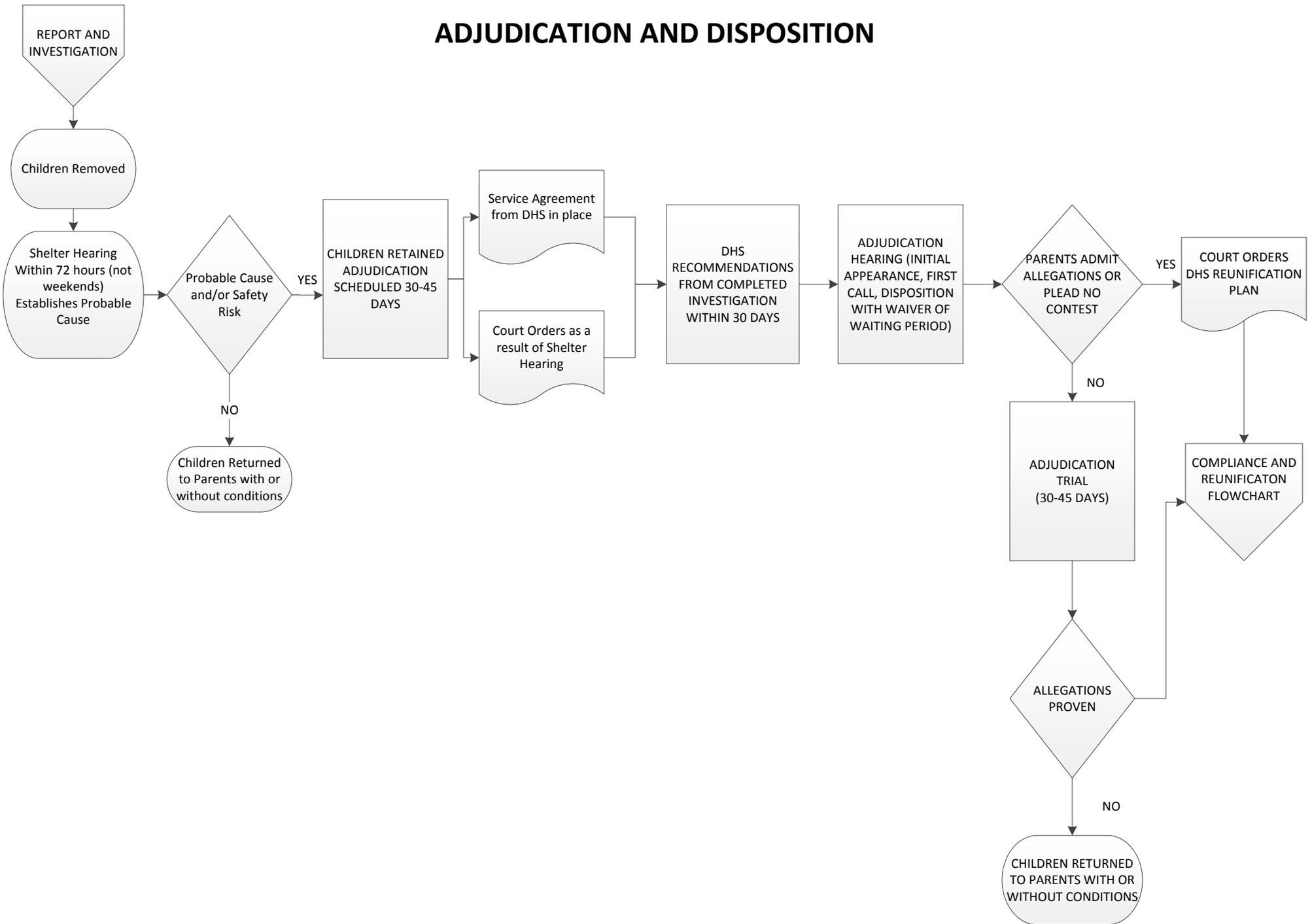
# APPENDIX A.

## REPORT AND INVESTIGATION



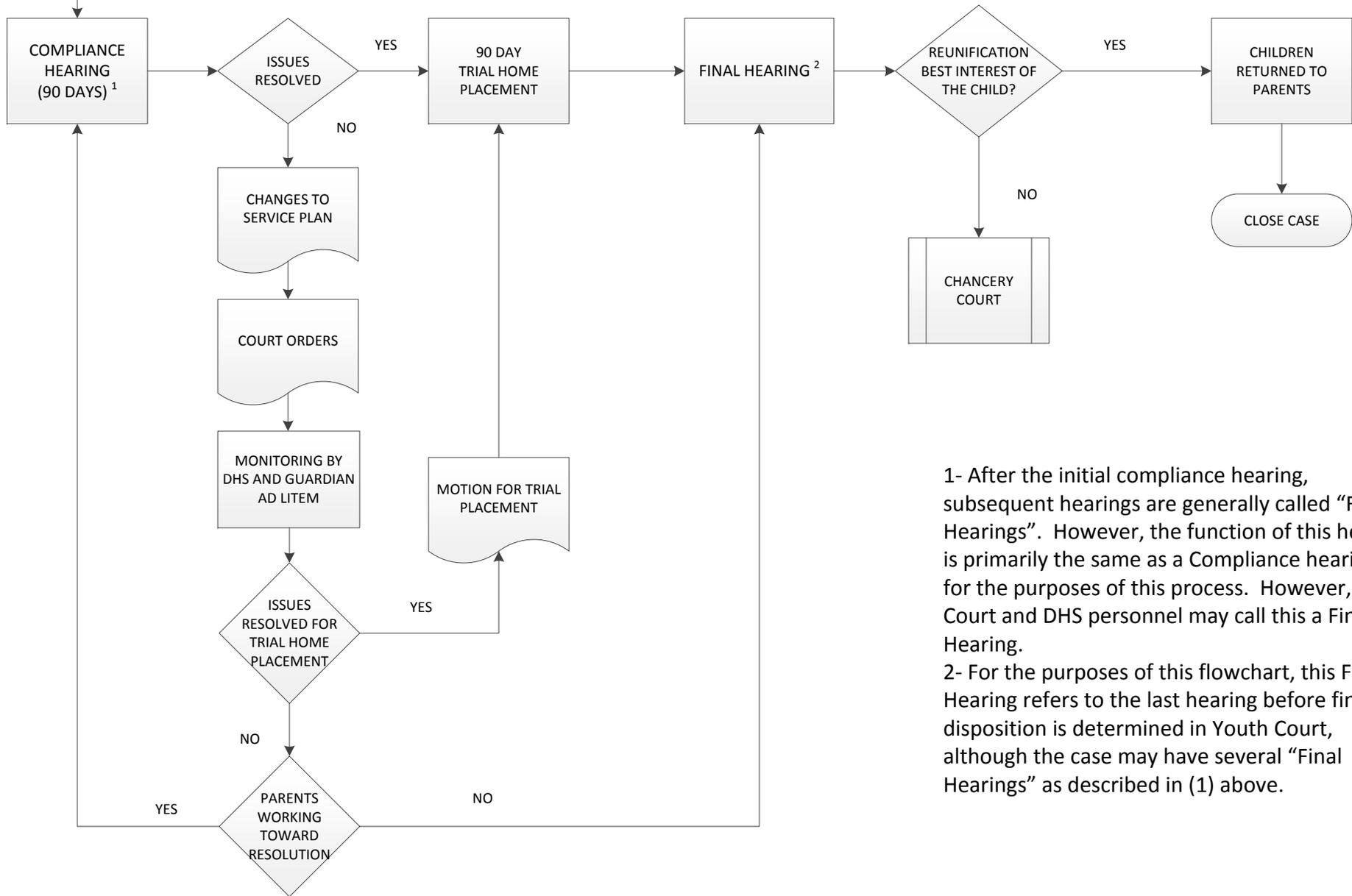
# APPENDIX A.

## ADJUDICATION AND DISPOSITION



# APPENDIX A.

## COMPLIANCE AND REUNIFICATION



1- After the initial compliance hearing, subsequent hearings are generally called “Final Hearings”. However, the function of this hearing is primarily the same as a Compliance hearing for the purposes of this process. However, Court and DHS personnel may call this a Final Hearing.

2- For the purposes of this flowchart, this Final Hearing refers to the last hearing before final disposition is determined in Youth Court, although the case may have several “Final Hearings” as described in (1) above.

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Agency Response

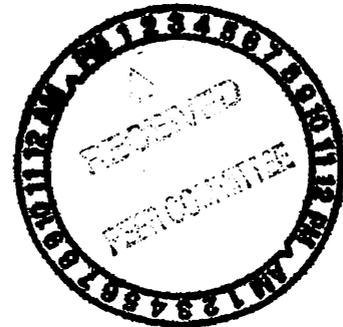


**STATE OF MISSISSIPPI**  
Phil Bryant, Governor  
**DEPARTMENT OF HUMAN SERVICES**  
Richard A. Berry, Executive Director

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July 7, 2015

Mr. James Barber, Executive Director  
Performance Evaluation and Expenditure Review Committee  
Post Office Box 1204  
Jackson, Mississippi 39215-1204



Mr. Barber,

The Mississippi Department of Human Services (MDHS) acknowledges receipt of the Performance Evaluation and Expenditure Review (PEER) report entitled *Issues Related to the Increase in the Number of Children in the Department of Human Services' Custody in Hancock County*. The PEER review's focus in the area of the Division of Family and Children Services has also been a primary area being addressed by my administration at the beginning of my appointment to the position of Executive Director in January 2012. Therefore, MDHS has reviewed the final PEER report and recognizes there are opportunities to further enhance the many steps being implemented by the agency.

Steps taken by MDHS to ensure Family and Children Services in Mississippi are provided at an optimum level include:

**Technology**

Upgrades to terminals to support field operations were completed in 2014. Continued upgrades to MACWIS enhance daily operations until a new Child Welfare System can be procured. The agency currently has a Q&A vendor hired to support the management of the procurement.

### **Single Regional Director**

The agency realigned Region 7W, Hancock and Harrison Counties, into two separate Regions. Each county now has its own Regional Director dedicated to each individual county. This move has created a better lead workforce and a more responsive team to the court, community, and county leadership.

### **Full Time Special Attorney General**

The agency has assigned a full time Special Attorney General to Hancock County in an effort to support staff throughout the Child Welfare process. This attorney assists in all facets of Child Welfare including but not limited to preparation for court, staffing cases with workers and supervisors and working closely with the court.

### **Full Time Staffing Increases**

During the time period established in this report the agency increased total workers in Hancock County from 21 to 63. This dramatic increase has greatly improved the capacity of staff to ensure the safety of children in Hancock County. This increase also is a direct result of a 35% pay increase to recruit and maintain Social Workers, direct “hands on” involvement from executive leadership, the unmatched continued support from county leadership, especially the Board of Supervisors, and a continued commitment to take care of children and families from the DHS FCS staff.

### **Contract Staff**

The agency has hired contract staff to assist workers and supervisors throughout the Child Welfare process. Contractors are dedicated to working one on one with staff and supervisors to enhance skill sets and create a better workforce to support the children and families of Hancock County. This one on one mentorship has greatly enhanced the Hancock County workforce.

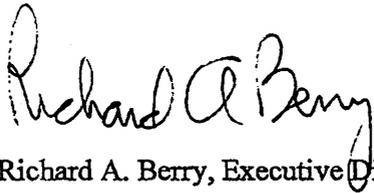
### **Summary**

There have been many positive improvements to Hancock County over the past few years. An increase in staff, more and better training for staff, greatly improved working facilities, and a continued positive attitude by workers has created a workforce with a positive attitude and an attitude of children and families first, period!

PEER Report  
July 7, 2015  
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On behalf of MDHS, I would like to thank your staff associated with the review for their professionalism and willingness to work with the MDHS staff. Again, MDHS is committed to finding opportunities to more effectively and efficiently serve the citizens of the State of Mississippi.

Sincerely,

A handwritten signature in black ink that reads "Richard A. Berry". The signature is written in a cursive style with a large initial "R".

Richard A. Berry, Executive Director  
Mississippi Department of Human Services



OFFICE OF THE CHANCELLOR  
STATE OF MISSISSIPPI  
EIGHTH CHANCERY COURT DISTRICT  
HARRISON, HANCOCK AND STONE COUNTIES

July 8, 2015

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Ted Booth, Esq.  
PEER General Counsel

VIA EMAIL ONLY  
ted.booth@peer.ms.gov

RE: Hancock County Task Force - Final Draft of PEER Report

Dear Mr. Booth:

I greatly appreciate you, your staff, and the PEER Committee for your efforts to solve the problem of why there are so many children in DHS protective custody in Hancock County.

As you know, I have been working on the same question with DHS, the Mississippi Supreme Court and many other state officials for years. I disagree with the PEER report as to whether those children should be in protective custody and why. I am strongly convinced that the Hancock County children in DHS custody are there because they need to be in protective custody.

Both the Youth Court and DHS are trying to deal with the problem in a positive way. Much of Hancock County has very low land elevation which was devastated by Hurricane Katrina, and so the inhabitants were physically, mentally and emotionally devastated, then by the BP oil spill, and by the inability to rebuild due to the poor economy and unavailability of insurance at an affordable rate.

If one examines the growth in the number of children in DHS protective custody, one sees the rapid rise beginning about 3 years after the hurricane. The court policies, procedures and key personnel had remained constant for many years including throughout the rapid growth period. Likewise, DHS policies and procedures did not change during the rapid growth period. In the last few years DHS has changed and increased staff, but the policy remains unchanged. What changed were not the internal factors (i.e. the court and DHS). What did change were the external factors. Your report analysis of these facts frankly reached the wrong conclusion.

Both DHS and the court, in a few short years, have had to transform their presence in Hancock County from that of a small, rural county to that of the largest metropolitan counties of the state. There are many growing pains for each entity and more than enough finger pointing, but through it all we have been working in close cooperation to meet the challenges. Your report suggests otherwise.

Ted Booth, Esq.  
July 8, 2015

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Your report takes issues with youth court policy in several areas with which I disagree. First, the matter of illicit drugs. There is an extraordinary amount of crystal meth produced and consumed in the county which is the most prevalent drug showing up in drug screens ordered by the court. There is also considerable heroin and cocaine which is easily obtained in New Orleans, a short drive away. All of these drugs are highly addictive and its dependency is extremely difficult, if not impossible, for most addicts to reverse. Our youth court's policy is to separate the children from the addicts until the addicts have had 2 consecutive clean drug screens.

When there is evidence of drug use the youth court insists on drug screens by a certified laboratory including one hair follicle. The commonly used urinalysis screens are often manipulated to create a false negative. Unfortunately, the cost of these tests falls on the drug users because no one else is currently willing to pay for the tests. DHS pays for the tests in most of the comparison counties utilized in your report, but not in Hancock County. In two of your comparison counties, the state drug court fund pays the cost. We have applied for a drug court and our referee has been in training. We are currently hiring staff for the drug court and final approval and funding is expected later this week. When or if we will receive funds for drug testing is another milestone to cross.

Your report questions the wisdom of the more aggressive stance on drug testing in Hancock County, but our records show 81% of those being tested are positive. The Hancock County Youth Court also tests the toddlers and infants of some of the drug addicts and find that these children have up to 10 times the level of drugs in their systems as do their addicted parents.

But for the court's diligence and extra cost of the drug testing of those infants and toddlers proving the children to be highly addicted, they would go undetected until they die a painful death or end up in a mental hospital as permanently disabled wards of the state. We believe the testing is serving the public well and saving the state millions in health and custodial care costs by discovering the drugs in the children and getting them into rehabilitation immediately.

PEER staff questions the wisdom of the court's use of NCIC reports to ensure that children are not inadvertently placed with inappropriate custodians. The reports are quick and easy to obtain and cost free. The NCIC report check is a helpful tool to DHS and to the court. I sent you a partial list of cases in which DHS had inadvertently placed Hancock County children with pedophiles, registered sex offenders and persons with a history of criminal convictions for violence to children. Those placements were able to be promptly corrected due to the NCIC reports. No blame is assessed to the case workers who had no reason to know of the foster parents background. I simply believe the NCIC checks are a good practice which should be universally used to protect children.

The NCIC reports are just one example of how the court believes it is assisting DHS with investigations. Due to the high turnover, lack of experience and critical under staffing, DHS is

Ted Booth, Esq.  
July 8, 2015

Page 3

doing its best but falling way short of accomplishing the tasks required as set forth in your report on pages 6-19. In your report, on page 52, you note that DHS in Hancock County completes its required tasks on time 24% of the time. That also means the court staff must fill the void 76% of the time in order for Hancock County children to be protected, and for the court to process the cases timely as required by State and Federal law.

I know that DHS is continuing to improve, as does the court. The court is working on a daily basis to resolve conflicts among workers of both entities who interact. Additionally, those of us at the administration level are regularly engaged in dialogue to improve the system and resolve conflicts.

In spite of much discussion and speculation in your report that the children are staying in custody longer due to court policy, your good research reflected on pages 22-23 that the Hancock County children stayed in custody less than those in the other counties. Likewise, the data you collected shows the number of termination of parental rights in Hancock County was no more than in other counties.

There was much discussion in your report that the number of children removed from families and placed into protective custody was considerably higher than the state average. I agree, but when the parents are found to be guilty of simple neglect or isolated incidences of abuse, parents being given a warning is sufficient. In Hancock County where serious drug addiction is involved, removal of the children is the only reasonable option. Your report did not break down the reasons for court intervention. Your report lumps it all together and called it "maltreatment of children." DHS keeps the information and has separate categories for drug abuse, neglect, etc. The real question is, what did your other comparison counties do where drug abuse was involved. Additionally, I am not aware of any children who were in Hancock County DHS custody or who were returned to their families by our youth court who died from parent or foster parent abuse. This claim cannot be made by some of the other counties around the state.

The plight of the Hancock County children has gone public. As a result, support from state and private interests is being offered, and accepted. I believe help is on the way from law enforcement, all three branches of state government, and by the public, and everyone involved is grateful.

Once again, I thank you for your hard work and thorough investigations.

Sincerely,



Sandy Steckler