

Who Speaks For The Children?

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Paula North. That name probably does not have a great deal of significance today. Twenty years ago it was in the headlines of Mississippi newspapers. Paula was in the welfare system in north Mississippi. She was removed many times from her mother's care, only to be returned. Ultimately, her mother tortured and killed her. The Mississippi Department of Human Services came under fire for failure to follow up on her behalf.

Rilya Wilson. That name probably is not familiar either, even though it was in the news more recently. Five-year-old Rilya lived in Florida. For fifteen months, the Florida child welfare agency responsible for her care failed to realize that she was not where she was supposed to be - at the home of her grandmother. According to the grandmother, someone who claimed to be an employee of the Florida agency came and took the child away. The grandmother was not suspicious; she was simply grateful that someone had finally listened to her plea for help.

Both scenarios are disturbing. The public has long been crying for correction. Yet, in 2004, more than twenty years after Paula's death, the problems continue. Children's advocates complain that those responsible for protecting the children are not doing their jobs. Social workers and other employees of the Mississippi Department of Human Services complain of lack of funding and personnel, and,

therefore, the inability to do what needs to be done.

THE VARIED RESPONSIBILITIES OF DHS

Some people have a limited understanding of the services provided by MDHS when in fact, its various divisions serve several purposes and many of the citizens of the State of Mississippi. Family and Children's Services Employees have a broad range of responsibilities. It is only this Division that we consider in this article. Child welfare services include services provided directly to the client and their family. They are described in the MDHS 2002 Child and Families Service Plan Annual Progress and Services Report as follows:

Adoption Services - provided by an adoption specialist. This person licenses potential homes for children who are free for adoption, monitors the homes and conducts public awareness needed for recruitment of new homes.

Child Protection Services - includes those services that are court ordered for supervision of the child in his home, relative's home, or in independent living situations. Also included here is individual, family, group, or community work that is needed to decrease the risk to the victim.

Adult Protection Services - these services assist elderly with meeting their daily living needs, day care, guardianship, and other services to decrease the likeli-

hood of risk to the adult victim.

Case Management Services - these services include emergency assistance or short-term help in obtaining services that are needed to provide for the needs of each individual family.

Interstate Services - these services provide assistance to other states in obtaining home evaluations, assessments, supervision, and transportation for children placed in the custody of the Mississippi Department of Human Services.

Placement Services - these services help children placed in custody to receive initial and on-going assessments of their permanent plans while providing a safe, stable and nurturing environment for that child/ren; this includes individual, family, group and community work to decrease the likelihood of further risk to the victim.

Prevention of Abuse/Neglect Services - these are services to families where the supervision is needed to assure safety and to prevent abuse or neglect from occurring in situations that are not court ordered; again these services may include individual, family, group or community work that is needed to decrease the likelihood of risk to the victim.

Support Services - these services include personal needs, medical needs, mental health/counseling needs, independent living services, adult support

Continued on next page

Who Speaks For The Children?

services, information and referral services, and agency support services.

It is obvious that MDHS provides services to adults as well as children, and this factor, in itself, stretches the capabilities of MDHS employees. When the focus is directed at the children, it becomes even more obvious that many of Mississippi's children are being left behind. Mississippi Department of Human Services, Division of Family and Children's Services, Child and Family Service Review Statewide Self Assessment (December 2003) reports, based upon information from the Annie E. Casey Foundation, that Mississippi has placed 50th in the nation in overall child well being scores, as reflected above:

INDICATOR	RATE OR % IN MS	NATIONAL RANK
Percent low-birth weight babies	10.7%	50th
Infant mortality rate (deaths per 1,000 babies)	10.7%	50th
Child death rate (deaths per 100,000 children ages 1-14)	37	50th
Rate of teen deaths by accident, homicide and suicide (deaths per 100,000 ages 15-19)	86	48th
Teen birth rate (births per 1,000 females ages 15-17)	44	50th
Percent of teens who are high school dropouts (ages 16-19)	11%	35th
Percent of teens who are not attending school and not working (ages 16-19)	12%	46th
Percent of children living in families where no parent has full time, year round employment	27%	36th
Percent of children living in poverty	26%	48th
Percent of families with children headed by a single parent (note: only 35% receive child support)	34%	48th

Considering the various, serious problems encountered by the children in this state as reflected above, it is apparent that there is a need for reform. Obviously, the agency best suited to lead the reformation is MDHS. This requires both money and staff, which implies a need for an increased budget and hiring of additional staff, yet MDHS has seen its budget reduced in recent years.

The MDHS, Child and Family Services Review Statewide Self Assessment (December 2003) reports a need for 900 to 1000 social workers. It appears the two primary reasons for vacancies are (1) inability to hire qualified licensed applicants in some parts of the state and (2) inability to maintain staff once they have been hired, with staff leaving at approximately the same rate as they are hired. That report further states that the average number of cases based on primary client is 43.56. In contrast, neighboring Louisiana and Alabama average 20 to 25 primary clients per social worker.

September 2003 Selected County

County	Average Number of Primary Clients Per Worker	County	Average Number of Primary Clients Per Worker
Adams	52	Hinds	34.67
Coahoma	47	Hancock	120
Copiah	127	Lee	20.5
Jones	28	Warren	113
Harrison	114	Washington	76.43

Workload Averages are reflected below:

In the same month, 30 counties in Mississippi exceeded the state average of 43.56.

Case overload is affecting collection of child support as well as prevention/correction of abuse and neglect. A report of the Joint Legislative Committee on Performance Evaluation and Expenditure Review wants MDHS to redistribute case workers and change some policies and procedures according to the *Clarion Ledger's* article dated February 3, 2004. The child support enforcement division is responsible for finding parents, establishing paternity and obtaining child support. The report said the division had 480 employees responsible for 335,598 cases last July.

As if things were not complicated enough for MDHS, a civil rights suit has now been filed by the Justice Department against the State of Mississippi, which alleges that juvenile offenders at two state run facilities have been abused. As

reported in the *Clarion Ledger* on December 19, 2003, abuses allegedly uncovered include tying youths to poles and juvenile offenders being forced to eat their own vomit. Of 33 investigations of state-run juvenile facilities, nursing homes and other institutions nationwide, this suit in Mississippi is the first filed in federal court with a request for intervention. According to Assistant Attorney General R. Alexander Acosta, both facilities in Mississippi have less than two-thirds of needed staff and the shortages have prevented dismissal of abusive employees.

WHO DOES SPEAK FOR THE CHILDREN?

All agree this is a terrible problem that should not be allowed to continue. One obvious answer appears to be additional funding for MDHS which would allow the hiring of competent personnel. That being said, the MDHS budget in recent years has decreased.

Out of concern for the children in the state, and specifically those who live on the Gulf Coast, a group of professionals led by Judge Margaret Alfonso, Chancery Court Judge, District Eight, has founded an organization called P.A.C.T (Professionals Advocating for Children Together). Approximately two years ago, that group came to realize that, of the

Who Speaks For The Children?

twenty-two social worker positions in Harrison County, only six were filled. This shortage resulted in numerous reports of child abuse failing to be investigated. P.A.C.T., with the support of local legislators, lobbied for additional funding for social workers. As a result, \$1.1 million was allocated to address severe understaffing problems across the state. Harrison County continued to have difficulty filling the positions. A pilot program was then established in Harrison County to hire "child protection specialists" who are not required to be licensed social workers.

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Suits funded by children's rights organizations have been filed in Tennessee and Georgia to force the states to address abuse and neglect issues. The same organizations are considering litigation against the State of Mississippi.

Effective legal representation of clients in the Chancery, Family and Youth Courts of this state requires the prompt, competent assistance of MDHS on a frequent basis. Moreover, the children of the State of Mississippi are dependent upon and deserve a system that protects not only their legal rights, but their physical health and well being. These are concerns not only of the Family Law Attorney but the entire system of Justice. Who better to speak for the children than the attorneys in the State of Mississippi. ■

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