

**Joint Legislative Committee on Performance
Evaluation and Expenditure Review (PEER)**

Report to
the Mississippi Legislature



The Comparative Efficiency of Mississippi's Models of Youth Court Adjudication

Youth courts are responsible for adjudicating cases in which a minor has been accused of committing an act that would be considered criminal if committed by adults, acts associated with the status of minority (e. g., running away), and cases in which the minor's best interests would be served by court intervention to protect the child from abuse or neglect. Mississippi has several models of adjudication for matters heard in youth court, the two prevalent models being the county court and chancellor-appointed referee models.

For fiscal years 2012, 2013, and 2014 (through March 31, 2014), PEER calculated weighted average costs per referral (i. e., investigation, prosecution, and judging) of \$143 and \$178 for a sample of eleven counties using the county court model and referee model, respectively. Within PEER's sample, the principal cause for the difference in costs was related to the relative costs of Department of Human Services' Division of Family and Children's Services staff assigned to the counties. Actual adjudicators' (i. e., judges') costs and clerks' costs did not materially differ between referee and county court models.

Regarding the Mississippi Youth Court Information Delivery System (MYCIDS)--the case management system for monitoring the progress of youth court cases--PEER found that the system is not fully capable of meeting the state's management and oversight needs. Not all cases involving abuse and neglect are reported in MYCIDS and the system is limited by its end-users' possible misunderstanding and operation of the system. MYCIDS has no universal field definitions, its information sometimes conflicts with information in corresponding paper files, and some data files are inconsistently maintained.

PEER also found, based on its sample of eleven counties, that a continuum of services for adjudicated youth is not available in all counties. Although state law requires that each Mississippi county be served by an adolescent offender program (AOP), according to the Department of Human Services, only forty-seven counties have access to an AOP. Several factors contribute to the disparity of services among counties. Noncompliance with the AOP mandate, the presence of a vital not-for-profit sector willing to assist families in some counties, and aggressive and creative county youth court judges who independently seek grants for services in their counties all contribute to the condition wherein some counties have more services than others.

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December 9, 2014

Honorable Phil Bryant, Governor
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On December 9, 2014, the PEER Committee authorized release of the report entitled **The Comparative Efficiency of Mississippi's Models of Youth Court Adjudication**.

A handwritten signature in cursive script that reads "Nancy Adams Collins".

Senator Nancy Adams Collins, Chair

This report does not recommend increased funding or additional staff.

Table of Contents

Letter of Transmittal	i
Executive Summary	vii
Introduction	1
Authority	1
Problem Statement.....	1
Scope	2
Method	2
Background	4
What are Youth Courts?.....	4
Mississippi has Established Youth Courts	5
The Efficiency of Mississippi’s Youth Court Adjudication Models.....	10
PEER’s 2007 Conclusions Regarding Youth Courts	10
Elements of Costs of County Courts and Referee Courts	11
Relative Efficiency of the Two Models	12
Reasons for the Cost Differences	13
The Administrative Office of the Courts’ Database and Case Management System	16
The Mississippi Youth Court Information Delivery System (MYCIDS).....	16
MYCIDS is Supportive of the Current Mandate that Youth Courts Utilize a Uniform Case Docketing System.....	17
Cases Involving Abuse and Neglect Are Not Always Entered into MYCIDS.....	18
Weaknesses in the MYCIDS System Limit its Current Usefulness as a Management Tool.....	19
Effects on the Usefulness of the MYCIDS System	20
Follow-Up on Service Delivery Issues.....	21
Service Structure in the Counties	21
Causes for Program Disparities	26
Recommendations	27

Table of Contents (continued)

Appendix A: Technical Appendix29

Appendix B: Counties Identified by the Mississippi Department of Human
Services as Having Electronic Monitoring Programs for Juveniles39

Agency Response41

List of Exhibits

1. Weighted Average Costs per Referral for
County Court and Referee Court Models 13

2. Availability of Adolescent Offender Programs to
Mississippi Counties, by County, as of October 23, 2014 24

The Comparative Efficiency of Mississippi's Models of Youth Court Adjudication

Executive Summary

Introduction

The PEER Committee reviewed the relative efficiency of the models of youth court adjudication in Mississippi to determine whether a particular model is more efficient than the others.

In addition, the report also addresses two related matters:

- systems and procedures in place, notably the Administrative Office of the Courts' Mississippi Youth Court Information Delivery System (MYCIDS) database and its current usefulness as a tool for measuring both compliance with the Youth Court Law and court efficiency; and,
- a descriptive follow-up of PEER's 2007 report detailing the disparity of youth court program services available in the counties of the state (Report #506, *Juvenile Justice in Mississippi: Status of the System and a Strategy For Change*).

Background

Youth courts are responsible for adjudicating cases in which a minor has been accused of committing an act that would be considered criminal if committed by adults, acts associated with the status of minority (e. g., running away), and cases in which the minor's best interests would be served by court intervention to protect the child from abuse or neglect.

At present, Mississippi has several models of adjudication for matters heard in youth court.

- The Youth Court Law (MISS. CODE ANN. Section 43-21-101 et seq. [1972]) specifically places youth court within the jurisdiction of county court in those counties having such courts.
- In all other counties, the chancery court has jurisdiction over youth court matters. Chancery judges have the authority to appoint referees to hear cases filed in youth court, although they may hear the cases themselves.

- One municipality, the City of Pearl, has its own youth court that adjudicates matters under the Youth Court Law occurring within its geographic jurisdiction.

As of July 1, 2014, outside of the City of Pearl, all youth court matters are either heard in county courts or by youth court referees appointed to perform judicial functions for the chancery court.

The Efficiency of Mississippi's Youth Court Adjudication Models

The costs of adjudicating youth court referrals (i. e., investigation, prosecution, and judging) are the costs upon which this report's analysis is based. For the period reviewed, PEER calculated weighted average costs per referral of \$143 and \$178 for selected counties using the county court model and referee model, respectively.

Based on PEER's sample of eleven counties, the principal cause for the difference in costs is related to the relative costs of Department of Human Services' Division of Family and Children's Services staff assigned to the counties. Actual adjudicators' (i. e., judges') costs and clerks' costs do not materially differ between referee and county court models.

The Administrative Office of the Courts' Database and Case Management System

State law requires that youth courts utilize a uniform tracking system. The Administrative Office of the Courts has implemented an information management system—MYCIDS—that was intended to assist youth court administrators in monitoring the progress of cases.

In conducting this review, PEER had hoped that MYCIDS could be used exclusively to measure total referral (i. e., caseload) and performance of the youth courts. However, PEER learned that not all cases involving abuse and neglect are reported in MYCIDS. The Department of Human Services Division of Family and Children's Services uses its own program reporting service, the Mississippi Automated Child Welfare Information System (MACWIS), for monitoring abuse and neglect cases for federal compliance purposes. When such cases are entered into MACWIS, they are often not entered into MYCIDS.

In addition to the lack of complete intake information, the MYCIDS system is limited by its end-users' possible misunderstanding and operation of the system itself. MYCIDS has no universal field definitions, its information sometimes conflicts with information in corresponding paper files, and some data files are inconsistently maintained. The MYCIDS system could address these issues through the use and training of court intake officers and the implementation of compliance audits.

While the MYCIDS system is evolving and represents a major step forward in providing a tool for managing youth court resources, its weaknesses result in incomplete information that limits MYCIDS's usefulness as a management tool.

Follow-Up on Service Delivery Issues

PEER's 2007 report (*Juvenile Justice in Mississippi: Status of the System and a Strategy for Change*) addressed issues related to program service disparities at the local level. The report drew conclusions about the broader range of services found at the local level when county courts function as youth courts rather than referee courts. PEER followed up on the service delivery issues presented in the 2007 report with fieldwork in the eleven sampled counties.

PEER's 2007 conclusion that a continuum of service for adjudicated youth is not available in all counties is still true today. Although state law requires that each Mississippi county be served by an Adolescent Offender Program (AOP), according to the Department of Human Services, only forty-seven counties have access to an AOP. PEER found disparities in other services available to youth in the counties sampled for this review (see pages 23 through 26 of the report).

Several factors contribute to the disparity of services among counties. Noncompliance with the AOP mandate, the presence of a vital not-for-profit sector willing to assist families in some counties, and aggressive and creative county youth court judges who independently seek grants for services in their counties all contribute to the condition wherein some counties have more services than others.

Recommendations

1. The Administrative Office of the Courts, through its newly created position of Jurist in Residence and its Youth Court Program Director, should study the conclusions of this report to develop a plan for and recommendations for improvement of the MYCIDS system and for youth court program service delivery. Specifically, the AOC should:
 - review the weaknesses of MYCIDS and develop either rule changes or proposed legislation, if necessary, to address the problems cited in this report;
 - require that all counties use MYCIDS by a certain date;
 - require that all intakes be entered into MYCIDS even if they are also entered into DHS's system for tracking abuse and neglect referrals;

- continue to monitor the MYCIDS system to determine whether any technical corrections are necessary to ensure its usefulness to courts and managers of court resources; and,
- establish a program of audits conducted at random to ensure that courts are utilizing MYCIDS in a manner or fashion contemplated by the AOC and to further obtain information from users on how MYCIDS can evolve to serve the children and courts of the state more effectively.

Further, the AOC should study the disparities in service delivery for youth courts and consider developing a clearinghouse of best practices that youth courts can follow in seeking additional grants and support services for assisting youth in areas of the state that do not have adequate services. To this end, the AOC should review current law on AOPs to determine what changes should be made to the law regarding the availability of AOPs in each county.

2. To further facilitate the effective and efficient administration of youth courts in Mississippi, the Legislature should amend the following CODE sections involving youth courts and the Administrative Office of the Courts:

- amend MISS. CODE ANN. Section 9-21-9 (1972) to mandate that all youth courts use MYCIDS for the purpose of supporting the mandatory youth court docketing system provided for in law and that they will be responsible for ensuring proper input of all case information into the system;
- amend MISS. CODE ANN. Section 43-21-801 (1972) to provide that any judge, referee, or chancellor applying for grant funds from the Administrative Office of the Courts must agree to use these funds to staff a youth court intake position, the duties of which will be to ensure that all intakes of minors by the Division of Youth Services and the Division of Family and Children's Services or any successor thereof will be entered into the MYCIDS system. In the event that a court already has such a position, the applying judge may certify that such actions are being performed by current employees and may then use grant funds for other allowed purposes; and,
- amend CODE Sections 9-21-11 and 43-21-351 to conform.

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The Comparative Efficiency of Mississippi's Models of Youth Court Adjudication

Introduction

Authority

The PEER Committee reviewed the relative efficiency of the models of adjudication used in Mississippi to resolve youth court matters. The Committee acted in accordance with MISS. CODE ANN. Section 5-3-51 et seq.

Problem Statement

At present, Mississippi has several models of adjudication for matters heard in youth court.

- The Youth Court Law (MISS. CODE ANN. Section 43-21-101 et seq. [1972]) specifically places youth court within the jurisdiction of county court in those counties having such courts.
- In all other counties, the chancery court has jurisdiction over youth court matters. Chancery judges have the authority to appoint referees to hear cases filed in youth court, although they may hear the cases themselves.
- One municipality, the City of Pearl, has its own youth court that adjudicates matters under the Youth Court Law occurring within its geographic jurisdiction.

As of July 1, 2014, outside of the City of Pearl, all youth court matters are either heard in county courts or by youth court referees appointed to perform judicial functions for the chancery court.

In recent years, some members of the judiciary have called for a uniform county court system to cover all of Mississippi, effectively mandating that the sixty-one counties that are now without a county court to establish such a court. Regarding youth court specifically, such a change would remove youth court from the scope of chancery court's jurisdiction and make county court the exclusive venue for hearing all youth court matters in Mississippi.

In response to the call for change, a member of the Legislature specifically requested that the PEER Committee review the

relative efficiency of the models of youth court adjudication in Mississippi to determine whether a particular model is more efficient than the others.

Scope

This project focuses on the relative efficiency of the two principal models of adjudication--the county court model and the chancery referee model. Further, it focuses on the costs associated with investigating and adjudicating matters within the jurisdiction of the youth courts. It does not consider the costs associated with providing services to adjudicate youth. Further, it does not address other matters of county court jurisdiction that are unrelated to youth court.

In addition to ascertaining the efficiency of the models of adjudication, the report also addresses two related matters:

- systems and procedures in place, notably the Administrative Office of the Courts' Mississippi Youth Court Information Delivery System (MYCIDS) database and its current usefulness as a tool for measuring both compliance with the Youth Court Law and court efficiency; and,
- a descriptive follow-up of PEER's 2007 report detailing the disparity of youth court program services available in the counties of the state (Report #506, *Juvenile Justice in Mississippi: Status of the System and a Strategy For Change*).

Method

In conducting this project, PEER:

- conducted interviews with personnel of the Administrative Office of the Courts, the Division of Youth Services and Division of Family and Children's Services of the Department of Human Services, and personnel of selected counties and courts;
- reviewed financial information and human resource utilization for the youth courts in the following counties: Adams, Amite, Clay, Carroll, Clarke, Coahoma, Hancock, Harrison, Holmes, Madison, and Warren. PEER selected these counties based on workloads reported in the MYCIDS case reporting system. The county representing the median in caseload for referee and county court models was selected as well as two counties above and below the median for each model. Because Carroll County continued to use a chancellor for adjudicating youth court matters

until July 1, 2014,¹ it was selected, as it was the only chancellor model county remaining in the state;

- reviewed pertinent provisions of the MISSISSIPPI CODE ANNOTATED of 1972 and the MISSISSIPPI CONSTITUTION of 1890 addressing youth court jurisdiction;
- developed a model to compare the costs associated with adjudication of matters brought before the youth courts of the state; and,
- collected information regarding the program services available in the eleven selected counties to assist youth who were adjudicated delinquent.

¹Carroll County has since adopted the referee model for adjudicating youth court matters.

Background

What are Youth Courts?

Youth courts are responsible for adjudicating cases in which a minor has been accused of committing an act that would be considered criminal if committed by adults, acts associated with the status of minority (e. g., running away), and cases in which the minor's best interests would be served by court intervention to protect the child from abuse or neglect.

Youth courts, also called juvenile courts in other jurisdictions, carry out specialized functions in the state's justice system. These courts are responsible for adjudicating certain matters involving persons who have not reached the age of majority. Specifically, these matters include:

- cases in which a minor has been accused of committing an act that would be treated as criminal if committed by adults or acts of minors that are associated with the status of minority (e. g., truancy, running away from home) and which are generally called delinquent acts; and,
- cases in which the minor's best interests are served by court intervention to protect the child from abuse or neglect on the part of his parents or other persons in a custodial relationship with the child.

Regarding the first group of matters, youth courts follow a long-established pattern of treating cases involving youthful misconduct in ways far different from those applied in cases involving adult misconduct. At common law, for example, children below the age of seven years were irrebuttably presumed to lack the capacity to formulate the intent to commit a criminal act or an intentional tort. Common law courts treated children over the age of seven protectively, requiring that the state rebut the presumption of incapacity showing that the particular child could formulate the intent to commit a criminal act.

Since the early twentieth century, jurisdictions in the United States have created specialized courts to address the misconduct of minors that society deems to evidence a need for correction. Such courts have as a goal implementing remedial actions intended to serve the best interest of the child, although in some cases, the general societal interest of protecting its members from dangerous persons is also a matter considered by youth courts in making determinations.

As to the second group of matters, these specialized courts also address the special problems of children who, for reasons of abuse or neglect, are not safe in the homes of their parents or custodians. These courts attempt to correct the problems

that have given rise to the abuse or neglect where possible, with a goal toward re-uniting a child with his family.

Mississippi has Established Youth Courts

The early twentieth century brought Mississippi's first efforts at providing special judicial services and oversight for delinquent youth.

As other jurisdictions passed laws dealing with delinquency or neglect in the early twentieth century, so did Mississippi. In 1916, through passage of Chapter 111, *Laws of 1916*, Mississippi created a Mississippi Industrial and Training School to which circuit judges and chancellors could commit persons over the age of seven years and under the age of eighteen years who were delinquent, immoral, or incorrigible. Further, such children who violated state laws or municipal ordinances could be committed to the school. Chancery and circuit judges could also appoint persons as probation officers who could oversee such children not committed to the school. This act also authorized local governments to provide probation officers who would oversee abandoned, destitute, or delinquent children within the municipality's jurisdiction.

A major step beyond this decentralized system was the passage of Chapter 300, *Laws of 1940*. This act established Mississippi's first comprehensive juvenile court, requiring juvenile courts in all eighty-two counties with jurisdiction over delinquency and neglect matters and is the antecedent of Mississippi's current Youth Court Law. Such courts could appoint juvenile probation officers to oversee children under the court's jurisdiction. Further, any complaints filed in municipal courts or in justice of the peace courts against delinquent children had to be transferred to the juvenile courts. In subsequent years, amendments were made modifying this act by further defining necessary terms and transferring all circuit court youth jurisdiction to county courts and chancery courts.

Currently, the provisions of the Youth Court Law passed in 1978 address matters of delinquency, abuse, and neglect, as well as court jurisdiction over these matters.

The Mississippi Youth Court Law

MISS. CODE ANN. Section 43-21-101 et seq. (1972) establishes judicial jurisdiction of youth courts over delinquency, abuse, and neglect of children.

Mississippi's comprehensive statute for addressing these matters is the Youth Court Law. Codified as MISS. CODE ANN. Section 43-21-101 et seq. (1972), this statute provides judicial remedies for delinquency, abuse, and neglect. Specifically, CODE Section 43-21-151 establishes the jurisdiction of youth courts by providing the following:

(1) The youth court shall have exclusive original jurisdiction in all proceedings concerning a delinquent child, a child in need of supervision, a neglected child, an abused child or a dependent child. . . .

(2) Jurisdiction of the child in the cause shall attach at the time of the offense and shall continue thereafter for that offense until the child's twentieth birthday, unless sooner terminated by order of the youth court. The youth court shall not have jurisdiction over offenses committed by a child on or after his eighteenth birthday. . . .

This section also creates exceptions for youth who commit criminal offenses that would carry a life sentence or death penalty or those committed with a deadly weapon, although youth under the age of thirteen are not subject to the jurisdiction of the courts for felony or misdemeanor prosecutions.

Thus, youth courts have jurisdiction in most matters involving the protection of youth from abuse or neglect and over delinquent acts of youth.

Which Courts Currently Perform Youth Court Functions in Mississippi?

The two prevalent models of youth court adjudication are the county court and chancellor-appointed referee models.

Statutory Establishment of Youth Courts

MISS. CODE ANN. Section 43-21-107 (1972) contains specific provisions regarding the establishment of youth courts in each county of the state. Briefly, this section provides that the county courts shall have a youth court division in counties that have a county court. In those counties without a county court, there shall be a youth court division in the chancery court. Further, any county with a family court as of July 1, 1979, shall have a youth court division within it. This section also recognized that municipal youth courts may be created to carry out youth court functions within the boundaries of the creating municipalities, although the section foreclosed the possibility of creating new municipal youth courts after July 1, 2007.

At present, youth court functions are performed in twenty-one counties by the county courts. In all other counties, the chancery court has jurisdiction. As of July 1, 2014, the chancery courts for the sixty-one remaining counties had selected a youth court referee to perform youth court functions for each of these counties. The City of Pearl operates the state's only municipal youth court. At present, there are no family courts in the state.

The following briefly discusses county courts and chancery courts, as well as their personnel and general duties.

County Courts

County courts have broad responsibilities in addition to those conferred by the Youth Court Law. MISS. CODE ANN. Section 9-9-1 (1972) provides for the creation of county courts in several counties. All counties that had county courts as of July 1, 1985, still have county courts. Additionally, any county achieving the population of 50,000 according to the latest decennial census must establish a county court. The statute also provided that one additional county, where State Highway 589 and U. S. Highway 98 intersect (i. e., Lamar County), was given the option to establish such a court and chose to do so.

Presiding over county courts are county judges, who are elected officials paid by the counties they represent. County judges must possess the same qualifications as circuit court judges, which means that they must be at least twenty-six years old, must have been citizens for at least five years, and must have five years' experience in the practice of law. Further, there is a general prohibition against county judges from practicing law, which effectively makes them full-time members of the judiciary. County courts carry out a broad range of judicial functions. MISS. CODE ANN. Section 9-9-21 (1972) specifically confers upon the county courts the following:

- concurrent jurisdiction with justice courts over all criminal matters over which justice courts have jurisdiction (i. e., misdemeanor prosecutions); and,
- civil matters in law or equity wherein the amount in controversy is less than \$200,000.

Further, these courts have appellate jurisdiction over appeals from the justice and municipal courts. Such matters are heard *de novo*, meaning that the court will hear evidence and make findings of fact as would a trial court (see CODE Section 11-51-81).

Thus, in counties with county courts, full-time judges carry out the responsibility for adjudicating youth court matters, as well as other matters specifically within the jurisdiction of county court. In counties with more than one county court judge, it is possible that all judges will be involved in youth court matters, although it is possible for a single judge to take responsibility for adjudicating youth court cases, leaving other judges to carry out the other duties of county court judges. Because state law makes the circuit clerk the clerk of the county court, the circuit clerk must provide clerk's services to a youth court (see MISS. CODE ANN. Section 9-9-29 [1972]).

Chancery Courts

Chancery court is a court of limited jurisdiction specifically provided for under the MISSISSIPPI CONSTITUTION of 1890. Article 6, Section 159, specifically sets out the jurisdiction of the chancery court. This section provides:

The chancery court shall have full jurisdiction in the following matters and cases, viz.:

- (a) *All matters in equity;*
- (b) *Divorce and alimony;*
- (c) *Matters testamentary and of administration;*
- (d) *Minor's business;*
- (e) *Cases of idiocy, lunacy, and persons of unsound mind;*
- (f) *All cases of which the said court had jurisdiction under the laws in force when this Constitution is put in operation.*

Historically, the chancery courts of this state were responsible for protecting the interests of minors by ensuring that *guardians ad litem*² were appointed to represent their interests in any matter that could affect the status or property of the minor. For a historical overview of the role of chancery court in protecting the interests of minors, see Griffiths, *Chancery Practice*, Second Edition, 1950, which sets out the well-established practices of protecting minors' interests through the chancery court. As noted above, when Mississippi first adopted laws to address delinquency, chancery courts were given concurrent jurisdiction over delinquent youth, with circuit courts in the 1916 act authorizing court-ordered commitment to the State Industrial and Training School.

Under the current Youth Court Law, *supra*, MISS. CODE ANN. Section 43-21-107 (1972) provides that there shall be established a youth court division in the chancery courts in counties where there are not county courts. To assist the chancery court in carrying out its functions, CODE Section 43-21-111 provides that the court may appoint a referee for youth court. *Referees* are practicing attorneys who may carry out the judicial functions of youth court when so appointed by a *chancellor*.³ At present, all counties wherein youth court is not a division of the county court utilize referees appointed by the chancery court. When the chancery court functions as the youth court for a county, the chancery clerk functions as the youth court clerk.

As noted above, referees are attorneys who are appointed to hear cases. Their salary is set by the appointing chancellor and

²A *guardian ad litem* is an appointee of the chancery court charged with the responsibility of defending or prosecuting any suit or action in which a minor may become involved.

³A *chancellor* is another term for a judge of the chancery court.

paid by the county for which the referee is appointed. Referees must attend mandatory training intended to provide them with sufficient education to carry out judicial responsibilities. Referees are not barred from continuing in their private practices of law.

The Efficiency of Mississippi's Youth Court Adjudication Models

PEER's 2007 Conclusions Regarding Youth Courts

While PEER's 2007 report on juvenile justice in Mississippi did not recommend specifically that the Legislature adopt a uniform county youth court system, the conclusions of the 2007 report made clear that a county court model would make equitable service delivery throughout the state more likely.

As noted at page 1 of this report, PEER staff was presented with a problem of determining which model of adjudicating youth court matters is most efficient. As can be easily surmised from the foregoing description of youth courts in Mississippi, the state lacks a uniform court structure for adjudicating delinquency, as well as abuse and neglect matters.

This report does not represent the first project in which PEER was confronted with issues related to Mississippi's youth court system. The differences in adjudicative models were noted several years ago by the PEER Committee in its 2007 report *Juvenile Justice in Mississippi: Status of the System and a Strategy For Change* (Report # 506, December 11, 2007). Specifically, pages 55 through 59 of that report emphasized the structural differences in youth courts from county to county and drew strong conclusions about the need for uniformity. On page 57, the Committee concluded:

There is a need for a uniform youth court system in Mississippi. State law provides several options for creating youth courts that are based on the presence of county or chancery courts in a given county. Therefore, 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.

To support this conclusion, the Committee noted that services vary from county to county. Youth courts in counties served by county courts often have access to more community-based services than counties served by either referee or chancellor-directed youth courts. (In 2007, youth courts were still directed by chancellors). Further, at page 58, the 2007 report concluded:

Although the Legislature established the Commission on a Uniform Youth Court Systems and Procedures nearly twenty years ago, the Legislature has not implemented the commission's recommendations to establish a

statewide county court system and place youth court jurisdiction exclusively in the county courts.

Following this conclusion, the report noted that the study commission recommended the creation of uniform county courts that would have exclusive jurisdiction over youth courts. Such courts would be funded by the counties and in instances wherein a single county could not afford to fund a court, counties could jointly establish and fund a county court. The report noted that this recommendation had never been acted upon, although as recently as 2002 the Legislature had considered such a bill.

While the PEER report did not recommend specifically that the Legislature adopt a uniform county youth court system, the conclusions of the 2007 report made clear that a county court model would make equitable service delivery throughout the state more likely.

This present report complements the 2007 report by addressing issues that were beyond the scope of the original report. Nowhere in the 2007 report did the Committee address the economic efficiency of the models of adjudication in use in Mississippi. Economic efficiency, while not the sole determinant for concluding that a particular model is preferred over another, is nonetheless a factor that decisionmakers often consider relevant in deciding to support a particular policy approach over a differing one. This report endeavors to add such critical information to the analysis conducted in 2007.

Elements of Costs of County Courts and Referee Courts

The costs of adjudicating youth court referrals (i. e., investigation, prosecution, and judging) are the costs upon which this report's analysis is based.

The following section discusses the relative efficiency of the two prevalent models for adjudicating youth court cases in Mississippi--the county court model and the referee model. Because no county currently utilizes a youth court over which a chancellor presides and no jurisdiction is authorized to establish new municipal youth courts, PEER focused on the models that are most likely to be used under current law.

The report also restricts its cost analysis to adjudication cost. By adjudication cost, PEER means the costs incurred by local and state government to investigate, prosecute, and render a decision in a matter before a youth court. The ongoing court monitoring of cases, particularly prevalent in abuse and neglect cases, is not considered here because it is considered to be more a component of the remediation process. Costs associated with remediation would tend to be most sensitive to the differing environments in each county. By example, a county with a strong commitment from governmental and not-for-profit sectors for helping adjudicated children could spend far more on services to a child than a county with fewer

resources. PEER notes that if this were considered as a relevant cost factor for consideration in a comparison, the more money a county is willing to spend to help children and their families, the less efficient the county would appear on a cost-per-case basis. Consequently, PEER focused on the critical steps of adjudication that must be present in every county as the component that efficiency studies should focus upon.

A detailed explanation of the methods PEER utilized to determine, calculate, and weigh adjudication costs may be found in Appendix A, page 29.

Relative Efficiency of the Two Models

For the period reviewed, PEER calculated weighted average costs per referral of \$143 and \$178 for selected counties using the county court model and referee model, respectively. PEER attributes a large portion of this disparity to variations in the Department of Human Services' Division of Family and Children's Services staffing levels and productivity.

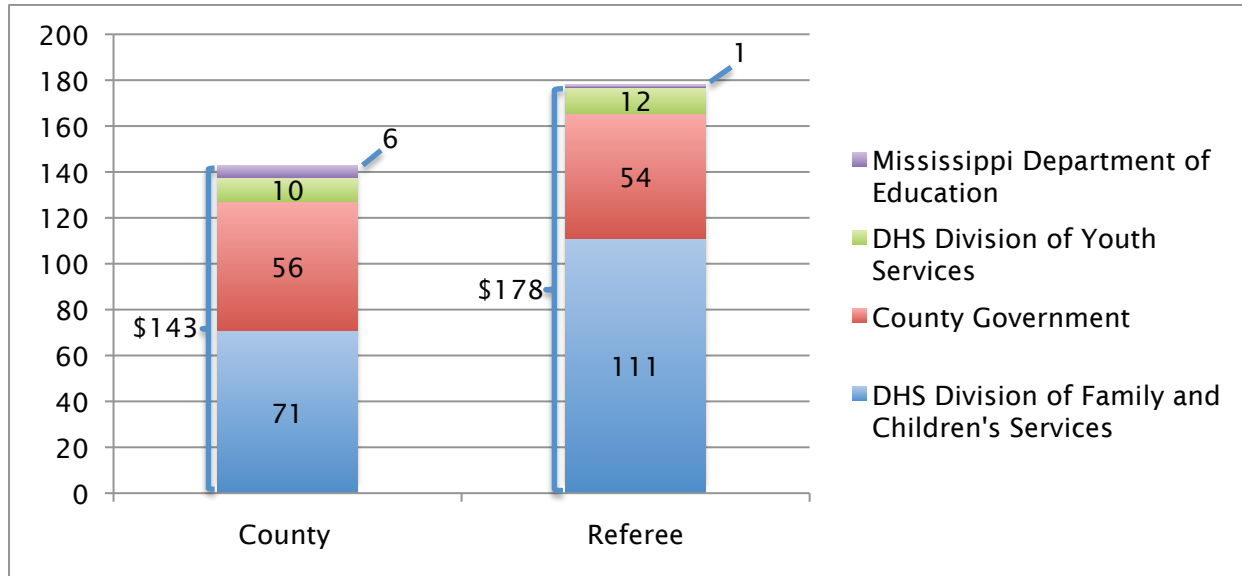
As noted on page 2, the counties selected for this review included Amite, Clarke, Clay, Hancock, and Holmes counties as referee court representatives and Adams, Coahoma, Harrison, Madison, and Warren counties as the county court representatives. For the period reviewed, PEER calculated weighted average costs per referral of \$143 and \$178 for selected counties using the county court model and referee model, respectively.⁴

These figures, shown in Exhibit 1, page 13, represent the total allocable costs of adjudication for each court model as represented by a weighted average of the individual selected county's weighted average costs per case. For a full discussion of how these figures were calculated, please see Appendix A on page 29.

The difference in weighted average cost per referral amounts, as represented above, is \$35 per weighted referral. For the counties selected, this discrepancy represents a 24% increase in the cost of adjudication for referee counties compared to county court counties.

⁴PEER also collected information on adjudication costs of the Carroll County Youth Court, the last chancellor-adjudicated youth court in Mississippi. Carroll County has now changed to the referee model. The need for local judges to respond to such matters as immediate shelter orders makes it unlikely that any county would revert to a chancellor model; consequently, the Carroll County data was omitted from this report.

Exhibit 1: Weighted Average Costs per Referral for County Court and Referee Court Models*



*These figures are based on the average costs of the selected counties, representing each model, for county fiscal years 2012, 2013 and 2014 (through 3/31/14).

SOURCE: PEER analysis of reviewed counties' financial and operational detail.

Reasons for the Cost Differences

Based on PEER's sample of counties, the principal cause for the difference in costs is related to the relative costs of Department of Human Services' Division of Family and Children's Services staff assigned to the counties. Actual adjudicators' (i. e., judges') costs and clerks' costs do not materially differ between referee and county court models.

Costs of Department of Human Services' Division of Family and Children's Services Staffing in the Counties

Costs associated with the Department of Human Services' Division of Family and Children's Services abuse and neglect cases represent a very large portion of the differential between the costs of the two models.

A large portion of the difference between the court types' weighted average cost per referral may be attributed to variations in the DHS staffing levels in the counties and DHS allocated adjudication costs. For the counties selected, weighted average referrals per DHS allocated position were 198 and 153 for county courts and referee courts, respectively.

This calculation includes all DHS positions allocated to the operations in each county, regardless of job responsibility, to account for larger counties that may have support staff in addition to area supervisors and family protection workers. These figures show an almost 30% increase in the productivity of DHS departments in counties with county courts. This could be attributable to factors such as more regular court meetings or the availability of more alternative courses of action other than full adjudication.

In addition, for the counties selected, weighted average costs per referral were \$70 and \$112 for county courts and referee courts, respectively. These costs include all allocated DHS adjudication costs for each selected county as compared to each county's weighted referral load for the period. Specifically, these figures detail a 45% increase in the cost of DHS adjudication support in referee counties. Some of the factors that could contribute to this include the lower productivity of DHS workers in referee counties, as highlighted above, and the potential for small referee counties to have more long-term employees with higher salaries.

For all figures using DHS allocated adjudication costs, it must be considered that the allocated adjudication percentages were obtained from DHS area supervisors in the individual counties. These supervisors were asked to estimate, in their professional opinion, the amount of time different classes of DHS workers spent on various tasks including adjudication. This was intended to help capture the dynamics of each individual court, but could have an impact on the overall calculations.

Costs of Judges, Referees, and Clerks

Costs of judges, referees, and court clerks do not materially contribute to the differential.

Weighted average allocated judicial costs and weighted average allocated chancery and circuit clerk costs per weighted referral were not factors that contributed to the disparity between the models' costs per weighted referral. For the selected counties, weighted average allocated judicial costs per weighted referral were \$11 and \$10 for county courts and referee courts, respectively. Weighted average allocated clerk costs per weighted referral were \$4 and \$6 for county courts and referee courts, respectively. While there are differences between the results for the various court types, the results are so similar that any difference would not impact the results as a whole.

Due to the variability in how the selected counties procured prosecutorial, defense, and guardian ad litem services, meaningful conclusions would be difficult to draw.

Thus PEER can conclude that based on the sample of five referee courts and five county courts, the economic efficiency of county court adjudications of referrals is more efficient per referral than in referee courts. This is not, however, an

efficiency inherent in the model of adjudication and appears to be derived from the fact that DHS staffing costs in referee courts tend to be higher than in county courts.

The Administrative Office of the Courts' Database and Case Management System

In conducting this review, PEER had hoped that the current case management system--MYCIDS--developed and implemented through the Administrative Office of the Courts could be used exclusively to measure total referral (i. e., caseload) and performance of the youth courts. Unfortunately, this system, which offers great promise for the oversight and management of the state's youth courts, is not fully capable of meeting the state's management and oversight needs.

This chapter explains why PEER found it necessary to utilize other databases of case information during the course of fieldwork and also points out weaknesses the staff observed while conducting fieldwork in the selected counties identified earlier.

The Mississippi Youth Court Information Delivery System (MYCIDS)

The Administrative Office of the Courts has implemented an information management system—MYCIDS—that was intended to assist youth court administrators in monitoring the progress of cases.

The Administrative Office of the Courts, an agency of the judicial branch of government, has developed and implemented a database and case management system for use in the state's youth courts: the Mississippi Youth Court Information Delivery System (MYCIDS).

MYCIDS is a system for the real-time management of the activities of the Mississippi youth court system. It is a web-based application that provides support for the intake of youths into the court system, scheduling of youth cases, management of court dockets, tracking of custody situations, necessary document generation, and also provides a base dataset for statistical reporting purposes.

MYCIDS is intended to monitor scheduling activities to make sure that youth are treated according to law. The system is designed to support the youth court staff in the decisionmaking process by providing rapid access and visibility to information shared in a common information repository.

MYCIDS is Supportive of the Current Mandate that Youth Courts Utilize a Uniform Case Docketing System

State law requires that youth courts utilize a uniform tracking system.

MISS. CODE ANN. Section 9-21-9 (d) (1972) makes specific reference to the establishment and use of a mandatory case tracking system. This section provides:

The Administrative Director of Courts shall have the following duties and authority with respect to all courts in addition to any other duties and responsibilities as may be properly assigned by the Supreme Court:

. . . .

(d) To devise, promulgate and require the use of a uniform youth court case tracking system, including a youth court case filing form for filing with each individual youth court matter, to be utilized by the Administrative Office of Courts and the youth courts in order that the number of youthful offenders, abused, neglected, truant and dependent children, as well as children in need of special care and children in need of supervision, may be tracked with specificity through the youth court and adult justice systems. . . .

While MYCIDS is not mandated specifically in this provision of law, it is potentially useful for monitoring the performance of the youth courts and ensuring that they are complying with current legal mandates. This system would also be invaluable for ensuring that the legal mandate set forth in MISS. CODE ANN. Section 43-21-351 (1972) is being met. This section provides:

Any person or agency having knowledge that a child residing or being within the county is within the jurisdiction of the youth court may make a written report to the intake unit alleging facts sufficient to establish the jurisdiction of the youth court. The report shall bear a permanent number that will be assigned by the court in accordance with the standards established by the Administrative Office of Courts pursuant to Section 9-21-9(d), and shall be preserved until destroyed on order of the court.

Cases Involving Abuse and Neglect are Not Always Entered into MYCIDS

Not all cases involving abuse and neglect are reported in MYCIDS.

In conducting fieldwork, PEER staff learned that there are instances wherein cases investigated by the Department of Human Services Division of Family and Children's Services are not always logged into MYCIDS as the law contemplates. In some counties, there is a practice that such cases will only be logged into MYCIDS when there is a need for a judicial order either mandating that an allegedly abused or neglected child be placed in temporary shelter or in cases wherein the child is taken from the home while remedial services are being provided to the family (e. g., drug and alcohol programs, homemaking services).

This condition can be attributed to the fact that the Department of Human Services uses its own program reporting service: the Mississippi Automated Child Welfare Information System, also known as MACWIS. This is a system separate and distinct from MYCIDS that is used to monitor abuse and neglect cases for federal compliance purposes. While it did not review the MACWIS system, PEER has no reason to doubt that cases of abuse and neglect are entered into the MACWIS system.

Other causes that may contribute to the lack of universal use of MYCIDS are:

- *The evolving nature of MYCIDS*--AOC personnel have noted that their system has been phased in over recent years. It has only been recently that judges and staff have been trained on the MYCIDS system and on how to use it. The system's capacity for producing necessary orders for any type of case has been particularly valuable to judges and staff and may explain why these cases have been of paramount importance to the users of the system.
- *Judges allowing the practice*--In some counties, PEER notes that judges sometimes have a practice of reviewing Division of Family and Children's Services' cases that they and the staff believe will require no order, but they do not enter an order that reflects that no action will be taken.
- *Lack of auditing*--At present, the AOC is not auditing the local courts' use of the MYCIDS system. This means that the developers of the system who will rely on its use have no field presence whereby they can understand the extent to which the MYCIDS system is being utilized in the counties.
- *Lack of a designated intake officer*--In some counties, there is no designated staff person responsible for entering

intake information into MYCIDS. In counties where this is the case, the information might not be entered into the system unless it is necessary to produce a court order.

Weaknesses in the MYCIDS System Limit its Current Usefulness as a Management Tool

In addition to the lack of complete intake information, the MYCIDS system is limited by its end-users' possible misunderstanding and operation of the system itself. The MYCIDS system could address these issues through the use of court intake officers and the implementation of compliance audits.

The MYCIDS system as envisioned is a powerful and potentially useful management tool for youth courts and administrators. If fully developed, the system can enable judges, administrators, prosecutors, and other persons involved in the adjudication process to have a system by which judicial efficiency can be measured, as well as compliance with state law regarding legal standards for acting in particular cases.

Unfortunately, the system as presently employed has not reached this potential. During fieldwork for this review, PEER noted several types of errors that impact the usefulness of the MYCIDS system as a management tool. While these errors are not attributable to hardware or software issues of the database itself, they are attributable to end-users of the database and thus are attributable to the system as a whole. Some of the observed errors include:

- *No universal field definitions*--The system requires users to enter data to establish critical dates such as intake date, intake order date, and referral date. PEER noted variability in the dates that users in the selected counties used to populate these fields. For example, one county might enter information for when intake occurred, whereas another might not enter information until and unless there has been an intake order. This means that the system could be measuring different things in different counties and thus limits the ability of the system to calculate adherence to applicable time standards and diminishes comparability between counties.
- *Conflicting information between MYCIDS and paper files*--During this review, PEER noted discrepancies between the dates and actions contained within youth court files maintained by the youth court and the electronic record of files maintained within the MYCIDS database. To be an effective management tool, there must be assurances that data entered into the MYCIDS system accurately reflects the activity of the courts recording information in the MYCIDS system.
- *Inconsistency in maintenance of data files*--The MYCIDS system generates many types of reports end users can employ to increase the accuracy and completeness of the records in the MYCIDS system. However, personnel in the

selected counties were not using these reports on a regular basis. For example, in one of the cases reviewed, PEER determined a child was transferred out of youth court to the jurisdiction of circuit court, yet the MYCIDS system showed that the case was still open and out of compliance with time standards. This case was listed on several error reports generated by the youth court system. If someone were using these reports to review court operations, it would seem that there is a breakdown of court operations, when in all actuality it is human error in not completing a file.

To reach its potential as a management tool for youth court operation and court management, the MYCIDS system must address these observed systemic issues. These issues could be addressed through the implementation and training of court intake officers and the institution of compliance audits.

Effects on the Usefulness of the MYCIDS System

While the MYCIDS system is evolving and represents a major step forward in providing a tool for managing youth court resources, its weaknesses result in incomplete information that limits MYCIDS's usefulness as a management tool.

Based on information PEER obtained from the Department of Human Services' MACWIS system, approximately 6,290 records of intake were recorded that did not lead to the issuance of an order necessitating the use of MYCIDS. While these cases might not have taken a significant amount of court time and PEER has no evidence that the practice of not entering these cases has resulted in injury to the children of the state, these cases do utilize some judicial resources and investigative resources which cannot be accurately measured or accounted for. This impairs MYCIDS's usefulness as a tool for measuring judicial efficiency and resource allocation.

As for other weaknesses in the system cited above, these impair the usefulness of the system as a tool for auditing compliance with time standards and any other legal standards pertinent to youth courts.

Follow-Up on Service Delivery Issues

As noted at page 10, PEER's 2007 report addressed issues related to program service disparities at the local level. The report drew conclusions about the broader range of services found at the local level when county courts function as youth courts rather than referee courts.

This chapter follows up on conclusions regarding PEER's observations from the counties wherein the Committee conducted fieldwork for this report.

Service Structure in the Counties

Regarding the equitable distribution of services for adjudicated youth throughout the state, PEER's 2007 conclusion that a continuum of service for adjudicated youth is not available in all counties is still true today.

In PEER's 2007 report entitled *Juvenile Justice in Mississippi: Status of the System and a Strategy For Change*, the Committee cited problems associated with the availability of program services for adjudicated youth throughout the state. During the course of the current review, PEER discussed the availability of such services in the counties with local youth court judges and the Department of Human Services' Division of Youth Services.

Regarding services available at the county level, the 2007 PEER report stated:

A guiding principle in the implementation of a comprehensive juvenile justice system is the equitable treatment of all of the state's youth, both in terms of providing adequate programs and services to all juveniles throughout the state and ensuring that minorities are not disproportionately represented within the system.

One of the primary concerns noted from all of the key players interviewed by PEER was the disparity in the treatment and rehabilitative alternatives available to juveniles in every county within the state. In some counties, services and programs were said to be comprehensive and would fulfill the continuum; however, this is not the case in every county. For example, the Rankin County Youth Court employs a full-time youth crisis specialist. This grant-funded position has assisted the court in overcoming multiple barriers for youth and families who were in need of mental health services rather than

incarceration. This position has allowed the crisis specialist to provide immediate face-to-face intervention and assessment for children who are experiencing behavioral, mental, or substance abuse problems and make immediate referrals to service providers. However, in Neshoba County, PEER's interviews with the youth court referee noted the need for youth mental health and crisis services. The referee said that often a youth in crisis or in need of immediate mental health treatment must be taken to the emergency room at the local hospital due to insufficient alternatives available in that county.

This review re-visited some of these issues. Specifically, the concerns discussed herein are:

- a follow-up regarding the PEER conclusions on the availability of adolescent offender programs in each county as mandated by the Legislature in 2006; and,
- disparities in services available to youth above and beyond those legally mandated.

Adolescent Offender Programs

State law requires that each Mississippi county be served by an Adolescent Offender Program (AOP), but according to the Department of Human Services, only forty-seven counties have access to an AOP.

In 2007, the Department of Human Services' Division of Youth Services reported that adolescent offender programs (AOPs) were operating in forty-five counties, with plans for them to be operational in all eighty-two counties. State law in force and effect at that time and continuing to the present addresses the need for AOPs throughout the state. Specifically, MISS. CODE ANN. Section 43-27-201 (4) (1972) states:

(4) The Division of Youth Services shall establish, maintain and operate an Adolescent Offender Program (AOP), which may include non-Medicaid assistance eligible juveniles. Beginning July 1, 2006, subject to availability of funds appropriated therefor by the Legislature, the Division of Youth Services shall phase in AOPs in every county of the state over a period of four (4) years. The phase-in of the AOPs shall be as follows:

- (a) As of July 1, 2007, not less than twenty (20) counties shall be served by at least one (1) AOP;*
- (b) As of July 1, 2008, not less than forty (40) counties shall be served by at least one (1) AOP;*
- (c) As of July 1, 2009, not less than sixty (60) counties shall be served by at least one (1) AOP; and*

(d) *As of July 1, 2010, all eighty-two (82) counties shall be served by at least one (1) AOP.*

AOP professional services, salaries, facility offices, meeting rooms and related supplies and equipment may be provided through contract with local mental health or other nonprofit community organizations. Each AOP must incorporate evidence-based practices and positive behavioral intervention that includes two (2) or more of the following elements: academic, tutoring, literacy, mentoring, vocational training, substance abuse treatment, family counseling and anger management. Programs may include, but shall not be limited to, after school and weekend programs, job readiness programs, home detention programs, community service conflict resolution programs, restitution and community service.

Despite this mandate, all counties of the state are not receiving AOP program services. Based on information obtained from the Department of Human Services, only forty-seven counties have access to an AOP. Exhibit 2, page 24, shows AOP service availability by county.

As noted in the CODE section cited above, these programs are intended to provide adjudicated youth in all counties of the state with an array of evidence-based⁵ program services intended to remediate the problems of adjudicated youth in an environment other than a detention facility. These programs offer an important source of service to adjudicated youth that are not being provided statewide at present.

Other Programs

PEER found disparities in services available to youth in the counties sampled for this review.

The staff of the youth courts of the eleven counties PEER reviewed (see page 2 for a list of counties) answered questions PEER directed to them regarding the availability of programs other than AOPs. From staff responses to these questions, PEER has concluded the following:

- The counties receive mental health services other than those offered through AOPs for children in detention. The Department of Mental Health also confirmed this. These include services to children in detention or other counseling programs.

⁵An *evidence-based program* has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

Exhibit 2: Availability of Adolescent Offender Programs to Mississippi Counties, by County, as of October 23, 2014

County	AOP Availability	County	AOP Availability
Adams	X	Leflore	X
Alcorn	X	Lincoln	X
Amite	X	Lowndes	
Attala	X	Madison	X
Benton		Marion	
Bolivar	X	Marshall	X
Calhoun		Monroe	
Carroll		Montgomery	
Chickasaw	X	Neshoba	X
Choctaw		Newton	
Claiborne	X	Noxubee	
Clarke		Oktibbeha	X
Clay	X	Panola	X
Coahoma	X	Pearl River	X
Copiah	X	Perry	
Covington		Pike	X
DeSoto	X	Pontotoc	
Forrest	X	Prentiss	X
Franklin	X	Quitman	X
George	X	Rankin	X
Greene		Scott	
Grenada	X	Sharkey	X
Hancock	X	Simpson	
Harrison	X	Smith	
Hinds	X	Stone	
Holmes	X	Sunflower	X
Humphreys		Tallahatchie	
Issaquena	X	Tate	X
Itawamba		Tippah	
Jackson	X	Tishomingo	X
Jasper		Tunica	X
Jefferson Davis		Union	
Jefferson		Walthall	X
Jones	X	Warren	X
Kemper		Washington	X
Lafayette		Wayne	
Lamar	X	Webster	
Lauderdale	X	Wilkinson	X
Lawrence		Winston	
Leake		Yalobusha	
Lee	X	Yazoo	X

SOURCE: PEER analysis of DHS Division of Youth Services' information provided on October 23, 2014.

- All staff interviewed noted that there were detention center beds available to them in cases in which detention is the appropriate alternative for a juvenile. In most cases, the detention bed is provided by a different county, since most counties do not have detention centers.
- Some staff interviewed point out the availability of electronic monitoring programs generally made available for youth placed on probation or some form of supervision. See Appendix B, page 39, for a list of counties where such monitoring is available.
- A few counties noted very few programs available for their youth aside from AOPs, detention, and some form of supervised release program.
- Several counties have a considerable number of options of services provided by local not-for-profit service providers and service providers funded by specific grants. Some examples of these programs include court-appointed special advocates, Families First, youth drug courts, and electronic monitoring.
 - *CASA (Court-Appointed Special Advocates)* are trained volunteers who work with the courts in assisting abused and neglected youth. CASA workers work with abused and neglected children, the courts, and other professionals in attempting to find programs and outcomes that are in the best interests of the child. In some cases, CASA workers perform the functions of guardians ad litem, which makes them responsible to the courts for their services. CASA programs are not state-funded, but are funded through not-for-profits and are provided in several of the state's more populous counties.
 - *Families First* services are available in some counties to support families in need of parenting skills. Once again, these services are provided through not-for-profit service providers.
 - Some counties have *youth/family drug courts*. Because drugs and alcohol often contribute to problems that ultimately lead to delinquency, abuse, or neglect, such courts can be beneficial for youth and their families. In such programs, persons with a drug problem are taken through a program coupled with other activities geared toward making them more responsible, such as community service, GED, etc. The programs are funded through grants from the Administrative Office of the Courts.

- *Electronic monitoring* enables the movements of a person to be tracked. If a youth is told he can go to school and come home, the monitoring can determine whether he followed the terms of the order. Electronic monitoring is useful in ensuring that youth follow such directives, yet it is only available in a few counties. According to the Department of Human Services, electronic monitoring for youth is only available in two of the eleven counties PEER reviewed, with a total of ten of the state's eighty-two counties having such a service available.

Other programs include associations with the private sector or not-for-profit sector and faith-based services that give assistance to families in need whose children have become either adjudicated juveniles or abused and neglected.

Causes for Program Disparities

Several factors contribute to the disparity of services among counties.

Noncompliance with the AOP mandate, the presence of a strong, vital not-for-profit sector willing to assist families in some counties, and aggressive and creative county youth court judges who independently seek grants for services in their counties all contribute to the condition wherein some counties have more services than others.

PEER notes that a variety of causes can influence the provision of these services in some places but not in others. In some cases, the presence of local organizations that wish to participate in programs to help families may bring programs to one place, but not others. In other cases, the programs may be available in some places and not others because youth court personnel have taken an aggressive stance in seeking grants of the participation of persons interested in assisting families and children in need. In other cases, the sparse set of services may be attributed to the fact that caseloads in some areas may be lighter than they are in others and services are being provided in areas where the greatest need exists. Regarding the availability of AOPs in all counties, the insufficient funds impacts the assignment of AOPs to counties wherein the Division of Youth Services can achieve highest levels of usage.

In retrospect, the conclusions regarding the availability of services available for adjudicated youth appear as valid today as they were when published in 2007.

Recommendations

1. The Administrative Office of the Courts, through its newly created position of Jurist in Residence and its Youth Court Program Director, should study the conclusions of this report to develop a plan for and recommendations for improvement of the MYCIDS system and for youth court program service delivery. Specifically, the AOC should:
 - review the weaknesses of MYCIDS and develop either rule changes or proposed legislation, if necessary, to address the problems cited in this report;
 - require that all counties use MYCIDS by a certain date;
 - require that all intakes be entered into MYCIDS even if they are also entered into DHS's system for tracking abuse and neglect referrals;
 - continue to monitor the MYCIDS system to determine whether any technical corrections are necessary to ensure its usefulness to courts and managers of court resources; and,
 - establish a program of audits conducted at random to ensure that courts are utilizing MYCIDS in a manner or fashion contemplated by the AOC and to further obtain information from users on how MYCIDS can evolve to serve the children and courts of the state more effectively.

Further, the AOC should study the disparities in service delivery for youth courts and consider developing a clearinghouse of best practices that youth courts can follow in seeking additional grants and support services for assisting youth in areas of the state that do not have adequate services. To this end, the AOC should review current law on AOPs to determine what changes should be made to the law regarding the availability of AOPs in each county.

2. To further facilitate the effective and efficient administration of youth courts in Mississippi, the Legislature should amend the following CODE sections involving youth courts and the Administrative Office of the Courts:
 - amend MISS. CODE ANN. Section 9-21-9 (1972) to mandate that all youth courts use MYCIDS for the purpose of supporting the mandatory youth court docketing system provided for in law and that they will be responsible for ensuring proper input of all case information into the system;

- amend MISS. CODE ANN. Section 43-21-801 (1972) to provide that any judge, referee, or chancellor applying for grant funds from the Administrative Office of the Courts must agree to use these funds to staff a youth court intake position, the duties of which will be to ensure that all intakes of minors by the Division of Youth Services and the Division of Family and Children's Services or any successor thereof will be entered into the MYCIDS system. In the event that a court already has such a position, the applying judge may certify that such actions are being performed by current employees and may then use grant funds for other allowed purposes; and,
- amend CODE Sections 9-21-11 and 43-21-351 to conform.

Appendix A: Technical Appendix

The ultimate goal of PEER's review was to determine whether one model of youth court adjudication was more efficient than the other models. To create as much commonality and comparability between the two models as possible, PEER developed methodologies to help account for variances in court size and workload.

This technical appendix will seek to explain these methodologies as they pertain to the following areas:

- selection of counties;
- selection of review period;
- court financial operations;
- human resource allocation;
- weighted average costs per referral; and,
- summary of method.

Selection of Counties to Review

To test efficiency of the various youth court models, PEER selected eleven counties for review. PEER selected five counties to represent the operations of the referee court model (Amite, Clarke, Clay, Hancock, and Holmes counties), five courts to represent the operations of the county court model (Coahoma, Harrison, Lauderdale, Madison, and Warren counties), and one court to represent the chancellor court model (Carroll County).

PEER selected the courts by assigning each of the courts in all eighty-two counties to one of three groups, based on the model of adjudication utilized during the selected review period. While the total number of courts using each model in our selection pool differed (60 referee, 21 county, 1 chancellor), PEER chose an equal number of courts from the referee and county models and the only court representing the chancellor model. The same number of courts was chosen for each of the two larger models to provide an even base for the testing of the models themselves, not the individual courts.

Forrest County was removed from the selection pool due to its use of an alternate case management system and Issaquena County was removed from the total population because it did not have a measurable caseload for the review period. For treatment of Carroll County, please refer to the footnote on page 12.

Each adjudication model's assigned group of courts was sorted by the total number of cases each county's court reported into the Mississippi Youth Court Information Delivery System (MYCIDS) database for the review period. From each group, PEER selected the median court (based on caseload) as well as two courts above the median and two below the median. This selection pattern was adopted to help account for efficiency variations that could be influenced by caseload volumes. In addition to distribution by caseload volumes, the selections were also distributed throughout various portions of the state to eliminate any potential caseload bias inherent to a specific area of the state.

- For the county court model, Madison County represented the median court caseload, with Harrison County and Adams County representing the above median courts and Warren County and Coahoma County representing the below median courts.
- For the referee court model, Holmes County represented the median court caseload, with Clay County and Hancock County representing the above median courts and Amite County and Clarke County representing the below median courts.
- Carroll County was selected to represent the chancellor model because it was the only county using this model for the period selected.

Selection of Review Period

To assess the operations of the various youth courts, PEER elected to use a multi-year review period. This approach was taken to increase the representativeness of the operational data because it would help to diminish the impact of any year's financial data that might be significantly different from average operations.

Because the counties fund and operate the youth courts, PEER elected to design the timing of the review period around the county fiscal year (October 1 - September 30) instead of a calendar year or state fiscal year. PEER elected to work with a review period of two and one-half fiscal years (from October 1, 2011, through March 31, 2014).

Discussions with the MYCIDS staff at the Administrative Office of Courts (AOC) led PEER to cap the duration at no more than three years of historical information. While a longer review period would be more ideal, the AOC staff noted that data from MYCIDS would be most comparable for all counties over only the last three years. Also, due to the timing of the overall project, the duration was held to two and one-half years to ensure that information requested from the counties could be reasonably assured to be complete.

Court Financial Operations

To assess the efficiency of the models of youth court adjudication, PEER had to create a method for compiling the selected court's financial operations that allowed for comparability across the various court sizes and types. The compilation of this financial information dealt mainly with court financial operations and human resource costs.

As a starting point for the financial calculations, PEER requested each selected county to provide information detailing revenues received and expenditures made in the operation of its youth courts for the review period. This information was to also include detail on all grants received and used in the operation of the youth courts. PEER reviewed the object activity codes to gain an understanding of how these accounts were structured and used and discussed any questions about the use of an account with county personnel.

To help adjust for comparison difficulties between two full fiscal years and one-half of a fiscal year, PEER chose to calculate an average cost for youth court operational expenses after adjustment by the above-referenced expenditure categories.

Grant proceeds were reported from ten of the eleven selected counties (Carroll County had no grant revenues for the review period). The majority of these grants came from the Administrative Office of the Courts in the form of legal support fund grants. The grant funds are paid directly to the counties to help defray the cost of operating youth courts. Grant proceeds used in the operations of the youth courts were included in the calculations on a dollar-for-dollar basis. Grant proceeds used by the courts to deliver programs were excluded from the total cost calculations.

Of the counties selected, most maintained a separate department code in their general ledgers for youth court operations. Coahoma County was the only county to consolidate county court and youth court operations into the same department. To allocate its expenses, PEER analyzed (with the help of the Coahoma County staff) the object activity codes and allocated costs between the two courts. For example, all expenditures for juror fees were removed from the youth court costs, as these expenditures fall completely within the county court. Fees paid for Coahoma County's contracted guardian ad litem services were wholly included in the youth court's expenditures. For all expenditures that did not have a singular purpose, costs were allocated in proportion to the workload of the county judge.

Two areas of the expenditure information received special treatment. The first area of expenditure information adjusted was the amounts paid by the selected courts for detention fees, which were removed from the calculation. These fees were removed because there was no consistent and reliable way to

allocate these expenditures to either the pre-adjudication, adjudication, or post-adjudication time frames of court operation. Also, while detention fees represented significant expenditures in some courts, there was no correlation between the type of expenditures and the type of court used in that county.

The second area of expenditure information adjusted was the expenditures pertaining to allocation of human resources (salaries, wages, and fringe benefits). The treatment of these expenditures is detailed in the following section.

Human Resources Cost Allocation

As with most other areas of state and local government, human resource costs make up the bulk of operational expenditures.

In its review, PEER noted considerable variability in how the selected counties procured the various and essential court services necessary to operate a youth court. For the purposes of this project, essential court services included:

- Judicial Oversight (Judge);
- Intake Officer;
- Clerk (someone who maintains the official youth court files);
- Prosecutor;
- Public Defender;
- Guardian Ad Litem;
- Bailiff; and,
- Court Reporter (only required in county court youth courts, as they are a court of record).

While all these services must be present in every court, some courts had additional services that they deemed essential to the provision of youth court. Some of these services included youth court administrator, guardian ad litem coordinator, and case managers. These additional services were considered and included for purposes of this project, but do create variability within the courts and even within courts of the same type.

As stated above, there was significant variability in how counties (even within the same model) chose to procure services. For example, within the five selected referee courts, PEER noted the following ways in which courts procured guardian ad litem services:

- part-time licensed attorney guardians ad litem employed by the county that also serve as the court's public defenders,
- additional full-time layperson guardians ad litem employed by the county, with additional licensed attorney guardians ad litem contracted as necessary;

- a part-time licensed attorney guardian ad litem employed by the county that also serves as the court's public defender, with additional licensed attorney guardians ad litem contracted on an as-needed basis; and,
- only contracted licensed attorney guardians ad litem.

Due to the impact of these expenditures as well as the variation within how the counties procure the necessary services, PEER chose to adopt a two-tiered approach to capturing costs associated with contractual services and county/agency employees.

All expenditures for contractual employees of the county were left in the financial information "as is" under the assumption that as contractual employees, their efforts were directly allocable to youth court operation. For example, some courts choose to procure the services of multiple attorneys to provide guardian ad litem services through a contractual hourly rate.

All expenditures for county employees (both full-time and part-time) were removed from the basic calculation and handled in a more in-depth time study/resource allocation calculation.

In addition to the various court staff, time study information was also gathered from employees of the Mississippi Department of Education (MDE) and from two divisions of the Mississippi Department of Human Services (MDHS), the Division of Youth Services (DYS), and the Division of Family and Children's Services (FCS). Costs from these positions were included because of their involvement in the investigative function of youth court adjudication.

Time Study

For all positions involved in the selected counties' youth courts (including outside state agencies), PEER compiled a time study consisting of professional estimates of how much time people spend on youth court matters and how much time these positions spend accomplishing various tasks within their youth court responsibilities.

The following list was given to each county to help facilitate these discussions:

- For hours worked, please provide the average number of hours per week each person spends for completion of all youth court tasks.
- For "Percentage of Work Hours Spent on Tasks Delinquency/Truancy versus Protection," please identify the percentage of time spent accomplishing all tasks, as they relate to the delivery of youth court services in the following areas:
 - Delinquency/Truancy:
 - Intake/Investigation;

- Pre-adjudication preparation;
 - Adjudication;
 - Post-adjudication and including dispensation;
 - Post-dispensation follow-ups;
 - Program delivery; and,
 - Time to record/document all court actions in paper files and MYCIDS.
- Protection/Family Services:
 - Intake/Investigation;
 - Pre-adjudication preparation;
 - Adjudication;
 - Post-adjudication and including dispensation;
 - Post-dispensation follow-ups;
 - Program delivery; and,
 - Time to record/document all court actions in paper files and MYCIDS.
- For all responsibilities that are not listed above, please include this time in the category you feel most accurately defines the use of time and document these responsibilities for our records.
- For “Percentage of Work Hours Spent on Tasks Adjudication/Program/Admin,” please identify the percentage of time spent accomplishing all tasks as they relate to the delivery of youth court services in the following areas:
 - Adjudication (including but not limited to):
 - Intake/Investigation;
 - Pre-adjudication preparation;
 - Adjudication;
 - Post-adjudication (including disposition); and,
 - Time to record/document all court actions in paper files and MYCIDS.
 - Program (including but not limited to):
 - Post-disposition follow-ups;
 - Program delivery; and,
 - Time to record/document all court actions in paper files and MYCIDS.
 - Admin (including but not limited to):
 - Supervision of other employees;
 - Human Resources/Payroll Functions; and,

- Budgets.
- For all responsibilities that are not listed above, please include this time in the category you feel most accurately defines the use of time and document these responsibilities for our records.

In light of the fundamental question of this review, PEER used the answers from these time studies to isolate only the adjudication costs associated with each position/person.

Classes of Employees

For each way in which the selected counties incurred essential services, PEER had to develop a consistent method of capturing and allocating total compensation information. The following list outlines the methods PEER used to accomplish this task:

- For full-time employees of the youth court, PEER took the total compensation of this position within the youth court budget and allocated it by multiplying these figures by the percentage of time spent accomplishing adjudicative tasks and by a ratio of the number of hours spent on county youth court matters compared to a forty-hour week.
- For full-time employees of the county or other agencies that had no allocated compensation costs from the youth court budget, PEER compiled a total compensation figure consisting of all compensation for this person from all areas of the county operations. This total compensation figure was multiplied by the percentage of time spent accomplishing adjudicative tasks and by the ratio of the number of hours spent on county youth court matters compared to a forty-hour week.
- For part-time employees of the youth court, PEER took the total compensation of this position within the youth court budget and allocated it by multiplying these figures by the percentage of time spent accomplishing adjudicative tasks.
- For part-time employees of the county or other agencies that had no allocated compensation costs from the youth court budget, PEER compiled a total compensation figure consisting of all compensation for this person from all areas of county operations. This total compensation figure was multiplied by the percentage of time spent accomplishing adjudicative tasks and by the ratio of the number of hours spent on county youth court matters compared to the total number of hours spent accomplishing all matters for the county.
- For compensation figures for which fringe expenses (e. g., FICA match, retirement match, insurance) were not provided, compensation figures were adjusted by an additional 30% to account for these county obligations.

The totals of the yearly allocable adjudication costs were then averaged to again account for the disparities between the full

fiscal year periods and the half fiscal year period. These average allocable adjudication costs were then added back to the adjusted operational costs gathered from the selected county youth courts to come to a total cost for the operation of the county youth courts.

Weighted Average Costs Per Referral

To create a more uniform comparison between the two court models, PEER created a calculation it refers to as the *weighted average costs per referral*. This calculation takes advantage of both weighted referral loads and the overall weighted average of each court's referral loads.

Weighted Referral Loads

The workload of youth courts is driven by referrals received from sources such as police departments, schools, state agencies, and concerned citizens. All referrals must be logged by the court-designated intake officer and carried to a logical conclusion/stopping point. As such, every referral represents some amount of work for the youth courts. Because of this fact, PEER chose referrals as the representative factor of courts' overall activity levels.

As discussed on page 17, courts using MYCIDS as supportive of the uniform docketing system should be logging all referrals pertaining to youth in their jurisdictions into that system. Thus, PEER initially pulled the referral loads for each county from the reports generated from the MYCIDS system. However, as discussed on page 18, PEER noted that not all referrals from the Mississippi Department of Human Services Division of Family and Children's Services (MDHS FCS) were entered into the MYCIDS system in every selected county. Thus, the workloads in counties that did not log all referrals into MYCIDS would be understated. These understatements would prevent any consistent comparison between the counties.

To compensate for these understatements, PEER approached the MDHS FCS to obtain information detailing the total workload of its offices in the selected counties for the periods under review. MDHS FCS was able to provide PEER with a report detailing all records of investigations for the selected period. While these figures do not represent the entire workload of MDHS FCS in the selected counties, these figures do allow for a more comparable statistic of county youth court workloads.

In discussions with various personnel involved in the selected youth courts, PEER noted that while every case is a unique combination of factors, some cases take more time and use more court resources to adjudicate. To account for these variations in resource use, PEER asked each selected youth court to consider its full workload of all referrals and to weight

the relative resource use of delinquency cases in comparison to protection cases.

All court staffs answered that cases involving the MDHS FCS (i.e., protection cases) take more time and use more resources than delinquency cases. The selected courts were then asked to assign a relative weight to the additional resources needed to adjudicate these types of referrals. Answers to this question ranged from a minimum additional weight of 1.2 to a maximum additional weight of 5, with a mean and median additional weight of 2.33. The median/mean factor of 2.33 was used to adjust the workload statistics provided by MDHS FCS to create a weighted referral load that allows all referrals to be considered on an equal footing.

For referee courts, the weighted referral loads ranged from a minimum of 919 to a maximum of 6,239. For county courts, the weighted referral loads ranged from a minimum of 1,934 to a maximum of 23,399.

Weighted Average Referral Loads

The use of weighted average referral loads seeks to average the results of the individual courts in accordance with their overall impact on the model type's consolidated referral loads.

This calculation takes the results of each model's court's average allocable adjudication costs per weighted referral and averages them according to the inherent weights of each court's specific weighted referral load as compared to the total weighted referral loads of all courts representing each model.

For example, if a specific referee court's average allocable adjudication costs per weighted referral are \$228 and its weighted referral load is 1,547 referrals out of a court type total of 11,880 referrals, then this specific court's contribution to the overall model results would be approximately \$30.

This result is found by determining the court's referral percentage (1,547 specific referrals/11,880 total model referrals = 13%) and multiplying its average allocable adjudication costs per weighted referral by this factor ($\$228 \times 13\% = \30).

Summary of Method

To calculate weighted average costs per referral, PEER used the above-described methods and information to create individual calculations for each individual court in the following manner.

- The numerator of each calculation was comprised of the average allocable cost of the individual youth court's operations for the review period. As described above, this figure is the sum of average court operation costs and the average allocable costs associated with adjudication.

- The denominator of each calculation was comprised of the individual courts' weighted referral loads from the review period.

The resulting computations of each county were then averaged according to the procedures outlined above to arrive at the weighted average costs per referral figures reported on page 12 for each specific court model.

Appendix B: Counties Identified by the Mississippi Department of Human Services as Having Electronic Monitoring Programs for Juveniles

Coahoma
DeSoto
Grenada
Harrison
Hinds
Jackson
Jasper
Lafayette
Pearl River
Washington

SOURCE: Mississippi Department of Human Services' Division of Youth Services.

Agency Response



**SUPREME COURT OF MISSISSIPPI
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TO: PEER Committee
FROM: Kevin Lackey, Director *LL*
Administrative Office of Courts
RE: The Comparative Efficiency of Mississippi's Models of
Youth Court Adjudication
DATE: December 2, 2014

The Administrative Office of Courts has reviewed the PEER report and is pleased that it recognizes the value and potential of the Mississippi Youth Court Information System, MYCIDS. MYCIDS is an automated web-based case management system developed specifically for Mississippi's Youth Courts by the Administrative Office of Courts.

MYCIDS provides Mississippi Youth Courts with a central database for storing information which allows those courts to track youth and families as they move from one jurisdiction to the next, as well as, combine all of a youth's court information, protection and delinquency, together in one searchable database. MYCIDS gives courts the ability to create, electronically sign, and electronically route, court orders and documents, scan and store hard copies of documents, maintain electronic minute books, dockets and calendars as well as track a child's individual youth court experience and that of the child's family. MYCIDS has currently been made available to all of Mississippi's Youth Courts, at no cost to those courts through the use of federal grant funds. Additionally, the Administrative Office of Courts has provided computers, scanners, wireless networks and any other necessary equipment to the youth courts, to utilize MYCIDS, at no cost to those courts utilizing federal grant funding.

As recognized in the PEER report, MYCIDS can be a very powerful management tool and its reporting abilities will be able to measure judicial efficiency, compliance with state statutes as well as the quality and effectiveness of dispositional alternatives. The PEER report identifies the weaknesses of MYCIDS to include, data entry errors at the local level, local courts not understanding how to properly enter data into the system and in some counties a lack of reporting necessary data, very often data involving abused and neglected children. The Administrative Office of Courts has been addressing these weaknesses by providing onsite training to local courts, the services of a help desk, and online training materials, all at no cost to the youth courts.

A long term goal of the Administrative Office of Courts has been to have all of Mississippi's Youth Courts fully and properly using MYCIDS as recommended in the PEER report. While the Administrative Office of Courts is capable of providing local courts with training and the ability to monitor MYCIDS data compliance, as well as reporting statewide MYCIDS data, the AOC lacks the physical ability to provide a statewide field presence as suggested by the PEER report. The Administrative Office of Courts currently employs only one MYCIDS trainer and one MYCIDS help desk staff.

The Administrative Office of Courts fully supports the PEER report regarding the full statewide implementation of the MYCIDS system. The Administrative Office of Courts will continue to provide training, equipment and MYCIDS assistance to the youth courts. Additionally, the Administrative Office of Courts is committed to the continual development of technical improvements to the MYCIDS system. However, for MYCIDS to be fully capable, the responsibility to input data fully and correctly, as well as designating and monitoring those persons entering such data in MYCIDS, must fall upon the individual youth courts utilizing the MYCIDS system.

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