

Southern Poverty Law Center

New Study: Mississippi Juvenile Courts Fail to Protect Children's Rights

Nov. 27, 2007 -- Children in Mississippi's broken juvenile courts often find their future hinges on overworked public defenders they meet only minutes before a court appearance, according to a [report](#) released today by the Southern Poverty Law Center.

The study of the state's juvenile court system found an underfunded and understaffed system that routinely violates a juvenile's right to legal representation. It also offers recommendations to improve the system.

The report – *Mississippi: An Assessment of Access to Counsel and Quality of Representation in Youth Court Proceedings* – was written by the Mississippi Youth Justice Project, a project of the SPLC, and the National Juvenile Defender Center.

"Forty years ago, the U.S. Supreme Court determined that children have the right to counsel," said Jennifer Riley-Collins, an SPLC attorney and one of the report's authors. "Yet this right is being violated again and again in Mississippi's juvenile courts, where cases carry lifelong consequences. These cases are not trivial, but they are being treated that way."

The report found public defenders often face excessive caseloads, including one instance where a juvenile defender reported handling 500 cases a year. These attorneys are frequently appointed only minutes before a court appearance, ensuring they have no time to adequately prepare for court. It also prevents them from helping the court identify the best method to rehabilitate the child.

"When children are represented by attorneys who barely know them or the facts of their case, they are clearly robbed of meaningful representation," Riley-Collins said.

The report found that judges, attorneys and other personnel agree court-appointed defenders do not receive the compensation needed to mount a vigorous defense.

It also found schools have overwhelmed the system by referring cases to juvenile court that in the past would have been resolved in the principal's office. These offenses include disobeying a teacher, not wearing a school uniform properly and fighting.

The report includes the following recommendations to improve the juvenile court system:

- The legislature should increase funding for youth court, including access to social workers and investigators.
- Judges should appoint counsel at the earliest possible stage of the juvenile justice process to ensure an adequate defense. They should also ensure attorneys are compensated for all reasonable work — including client meetings and appeals.
- Defenders should continue to develop their skills through training on juvenile justice issues.
- Public schools should enter into agreements with law enforcement, youth courts, judges and mental health providers to determine the type of cases to refer to the court system.

The study, which has the support of the Mississippi Supreme Court, was conducted during the summer of 2005. A team of local attorneys and national experts observed youth court proceedings and visited juvenile detention centers in 15 counties selected for a variety of factors, including population, geography and juvenile arrest data.

The findings were based on interviews with youth court judges, prosecutors, defense attorneys, youth court counselors, parents, children and statewide data.