

Drug Courts and Successful Outcomes for Children and Families: Key Components

Jane E. Pfeifer
Justice Development & Training
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Overview of Family Dependency Treatment Courts

- What are they?
- Why do we need them?
- What are the unique characteristics?

What is Family Dependency Treatment Court

Definition:

A court that deals with cases involving children who have been abused or neglected by a parent or caregiver as a result of substance abuse and who are the subject of court proceedings that oversee social service efforts to rehabilitate families or to provide alternate permanent plans for children.

What is Family Dependency Treatment Court

Mission Statement:

- To protect children from abuse and neglect — precipitated by the substance abuse of a parent or caregiver — by addressing the comprehensive issues of both parents and their children through an integrated, court-based collaboration among service providers who work as a team to achieve timely decisions, coordinated treatment and ancillary services, judicial oversight, and safe and permanent placements.

Why create a FDTC?

Findings of *No Safe Haven: Children of Substance-Abusing Parents*

- January 1999 report by The National Center on Addiction and Substance Abuse at Columbia University
- Substance abuse and addiction severely compromise or destroy the ability of parents to provide a safe and nurturing home for the child
- Timely and comprehensive treatment can work and such treatment is cost-effective
- Only dramatic changes in child welfare practice can make real progress against this problem

Systems' Disconnect

TREATMENT / CHILD WELFARE / COURT

- Who is the client?
- Values & Philosophies
- Training & Education
- Defining Success
- Confidentiality
- Resources

The Four Competing Clocks

- ASFA Clock
 - 12mos to permanency decision; possible 6mos extension; 15 of last 22mos in FC-move to TPR
- TANF Clock
 - 2-5 years of \$ and services
- Child's Clock
 - Developmental needs
- Recovery Clock
 - “Life Long Process”
 - 9-12mos and long term continued care

What are the key questions?

- Can parents possibly recover from serious drug involvement in one year's time?
- Can children be assured safety, well-being and permanency within the ASFA mandates?
 - If treatment
 - begins at once
 - is appropriate for the degree of substance use
 - is coordinated with other necessary services
 - The family's progress is closely monitored by the court to ensure provision of necessary services & to facilitate informed, timely decision making.

Considerations for FDTC Implementation

Systems Change

- Therapeutic Jurisprudence:** “The use of social science to study the extent to which a legal rule or practice promotes the psychological and physical well-being of the people it affects”^[1] Therapeutic Jurisprudence further “Suggests mental and physical health aspects of law should be examined ...in achieving proposed goals”^[2]
- Strengths-Based Focus:** Identification of the positive characteristics of a child, parent and family in the assessment and development of a case plan and further participation in the family drug court.
- Family Broadly Defined:** Recognizing the structure of family unit as the child and parent view this system to include the non-traditional family relationships. In addition, an approach to provide services for the entire family and identifying the family as the client.
- **Comprehensive & Integrated Case Management:** Recognition that the child, parent and family are most often involved in various systems; attempting to manage multiple case plans. Family Dependency Treatment Court is an opportunity for agencies to work together , to maximize resources and to create better outcomes for children and families.

^[1] Slobogin, Christopher. *Therapeutic Jurisprudence: Five Dilemmas to Ponder*, Psychology, Public Policy and Law 193, 196 (1995).

^[2] Schma, William. *Judging for the New Millennium*. Court Review, Spring 2000.

FDTC Characteristics

- Focus on the permanency, safety and welfare of abused and neglected children as well as the needs of the parents.

A Family Dependency Treatment Court addresses the needs of *both* children and parents, encompassing the entire family as the client.

- Early intervention, assessment and facilitated access to services for parents and children in a holistic approach to strengthen family function.

FDTC Characteristics

- Develop comprehensive service plans that address the needs of the entire family system.

Comprehensive assessment of both children and parents to determine their treatment, developmental, mental and physical health needs.

- Provide enhanced case management services to monitor progress & facilitate access to services.

FDTC Characteristics

- Regularly scheduled staffings facilitate the exchange of information & coordinate services for the family.

Review parent's progress in treatment and other services and services to children. Update family service plans as needed.

- Increased judicial supervision of children and families.

Review progress toward permanency, ensure provision of services and timely decision making for children and families.

FDTC Characteristics

- Individual & systems accountability.

FDTCs hold parents accountable through a graduated system of incentives & sanctions. Judicial monitoring ensures that services necessary to preserve or reunify families are provided.

- Ensuring legal rights, advocacy and confidentiality for parents and children

Ensure that advocacy, confidentiality, and due process are maintained by advising the parent and children (and their representatives) of the guidelines for participating in the drug court

FDTC Characteristics

- Operate within the Federal mandates of the Adoption and Safe Families Act and Indian Child Welfare Act

The ASFA guidelines reduce the deadline for permanency placement hearings for children in foster care from 18 months to 12 months.

- Judicial leadership for both the planning and implementation of the court

The judge plays a key leadership role in the planning and implementation of an FDTC providing vision and encouraging collaboration.

FDTC Characteristics

- Commitment to measuring outcomes of the FDTC program and plan for program sustainability

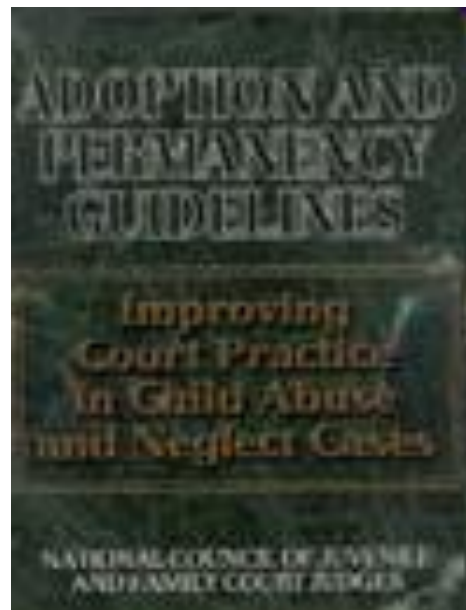
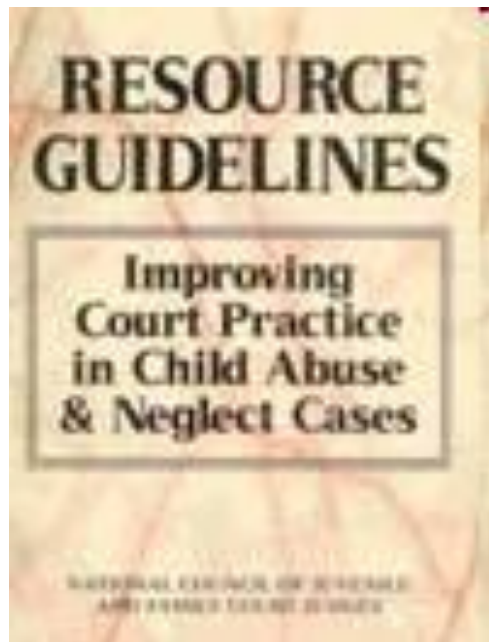
Develop a common definition of success and, with this as a base, identify the variables to be studied and establish the procedures to ensure the efficient and timely gathering of data.

- Working as a collaborative, non-adversarial team supported by cross-training

Communicate to parents with one voice, eliminating the confusion of contradictory messages, strengthening the relationship between the court and the family, and fostering the parent's motivation to change.

Best Practices in Dependency Court

1. Resource Guidelines (1995)
2. Adoption and Permanency Guidelines (2000)
3. Back to Basics: Fundamental Application of the RESOURCE GUIDELINES and the ADOPTION AND PERMANENCY GUIDELINES in Child Abuse and Neglect Cases (2006)



What the Research Tells Us

- National Cross-Site Study
- Worcel, S. D., Green, B. L., Furrer, C. J., Burrus, S. W. M., Finigan, M. W. (March 2007). *Family Treatment Drug Court Evaluation: Final Report*. NPC Research: Portland, OR.

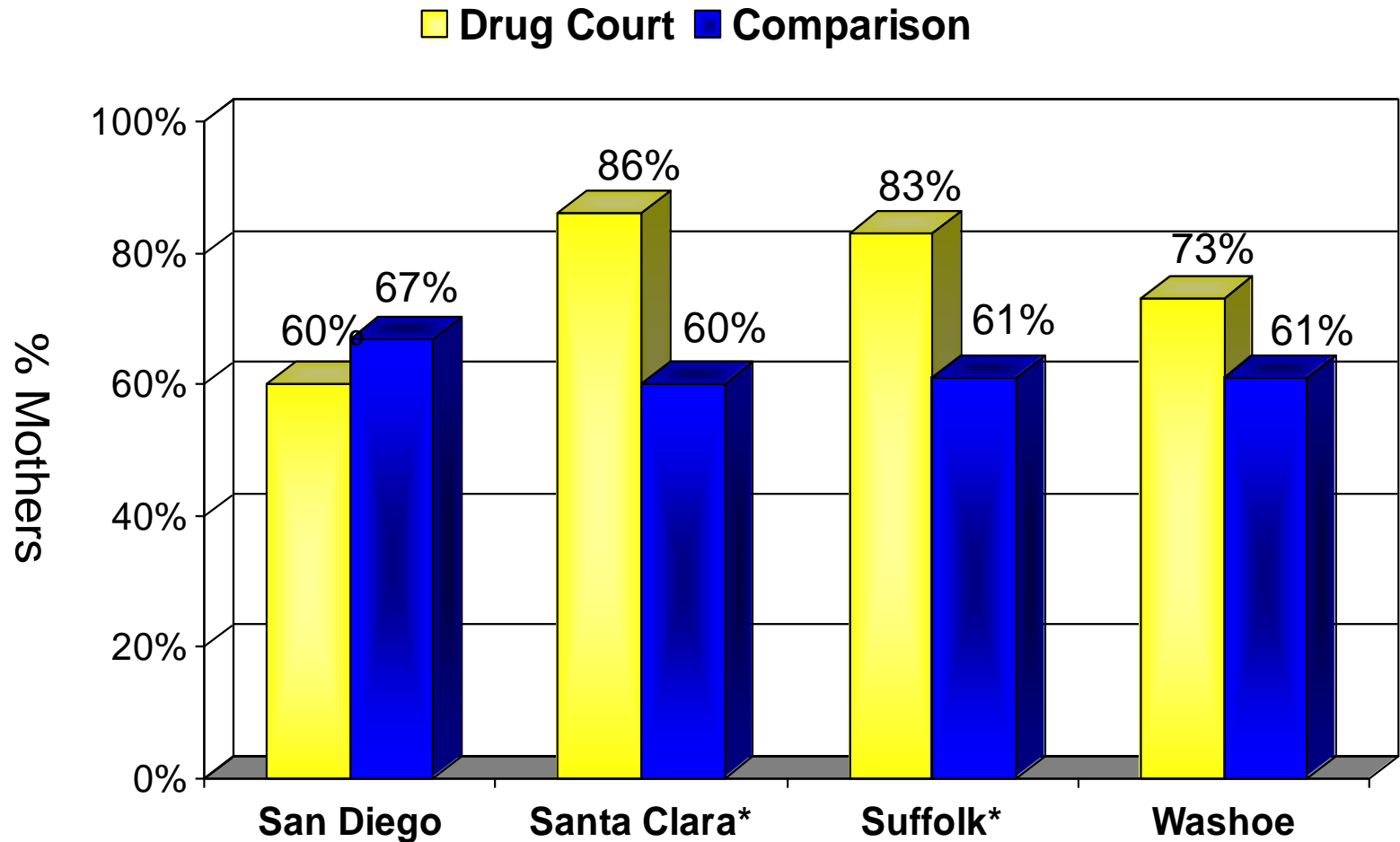
Focus of Study

- Parent Treatment Outcome Questions
- Child Welfare & Court System Outcome Questions

Treatment Outcome Questions

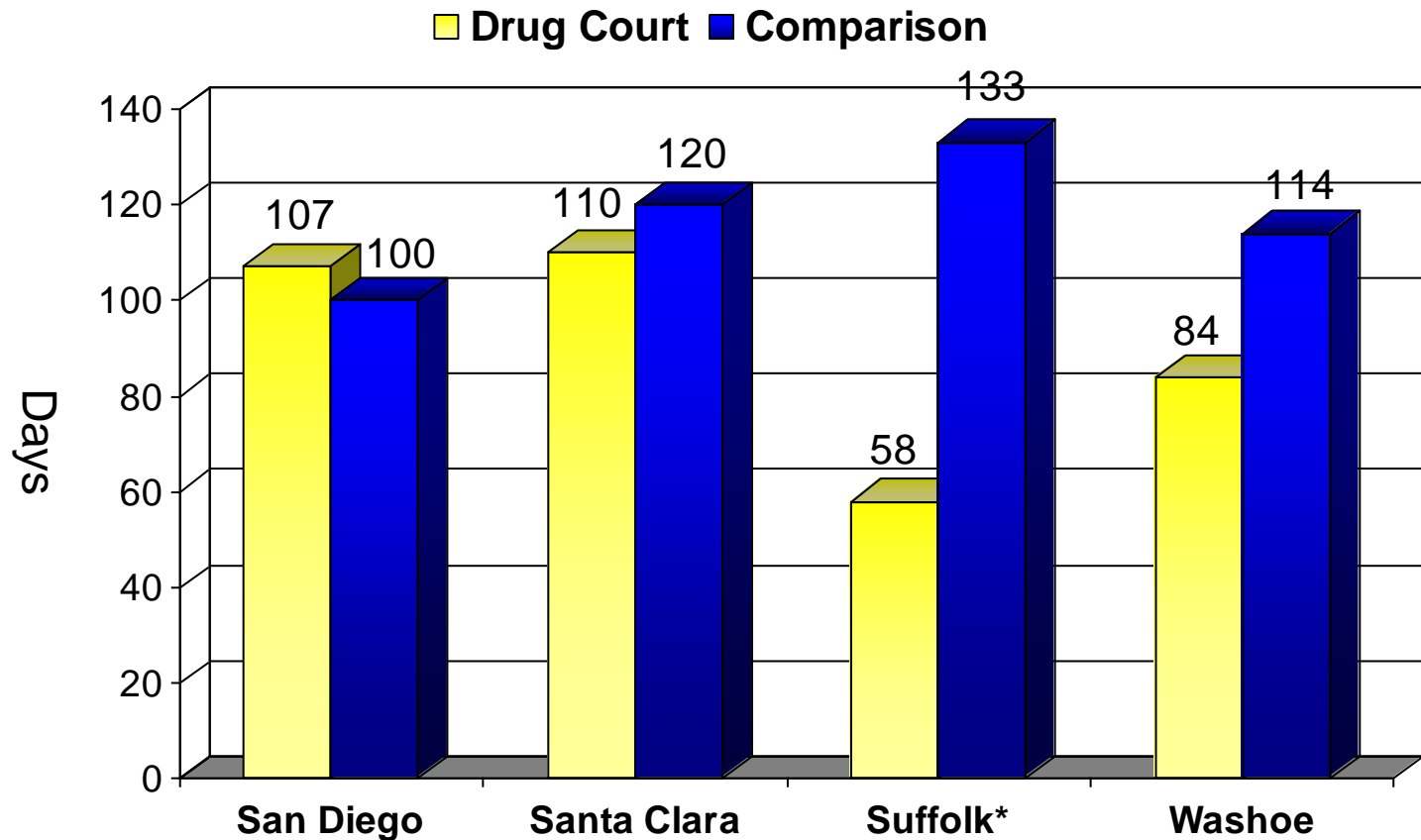
- Compared to Control Parents, Did Parents in FTDC:
 - Enter treatment at a higher rate?
 - Enter treatment more quickly following their child welfare petition?
 - Spend more time in treatment?
 - Complete treatment at a higher rate?

Likelihood of Treatment Entry



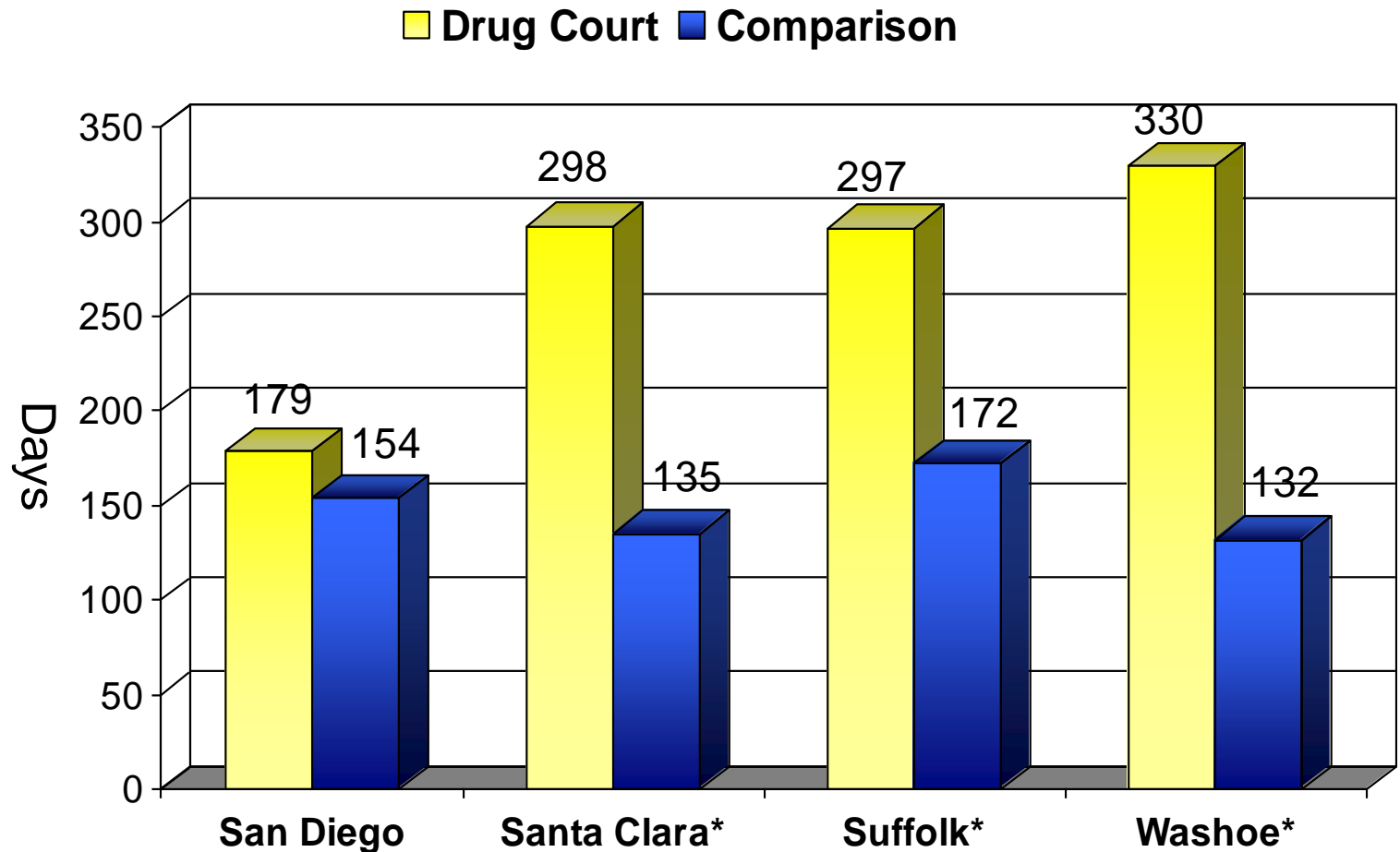
* Statistically significant at $p < .001$.

Days to Treatment Entry



* Statistically significant at $p < .001$.

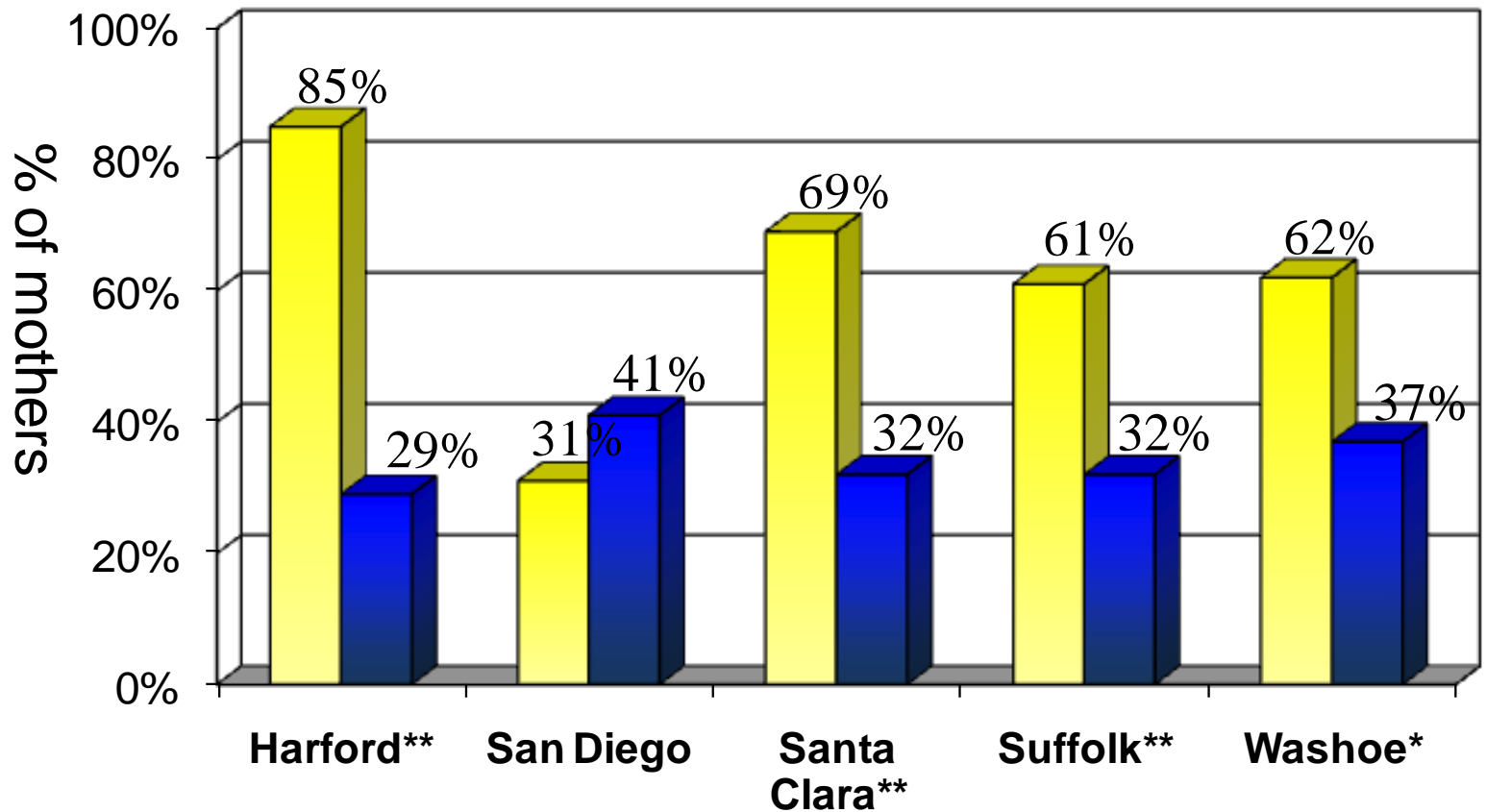
Days Spent in Treatment



* Statistically significant at $p < .001$.

Percent Completing at Least One Treatment

■ Drug Court ■ Comparison



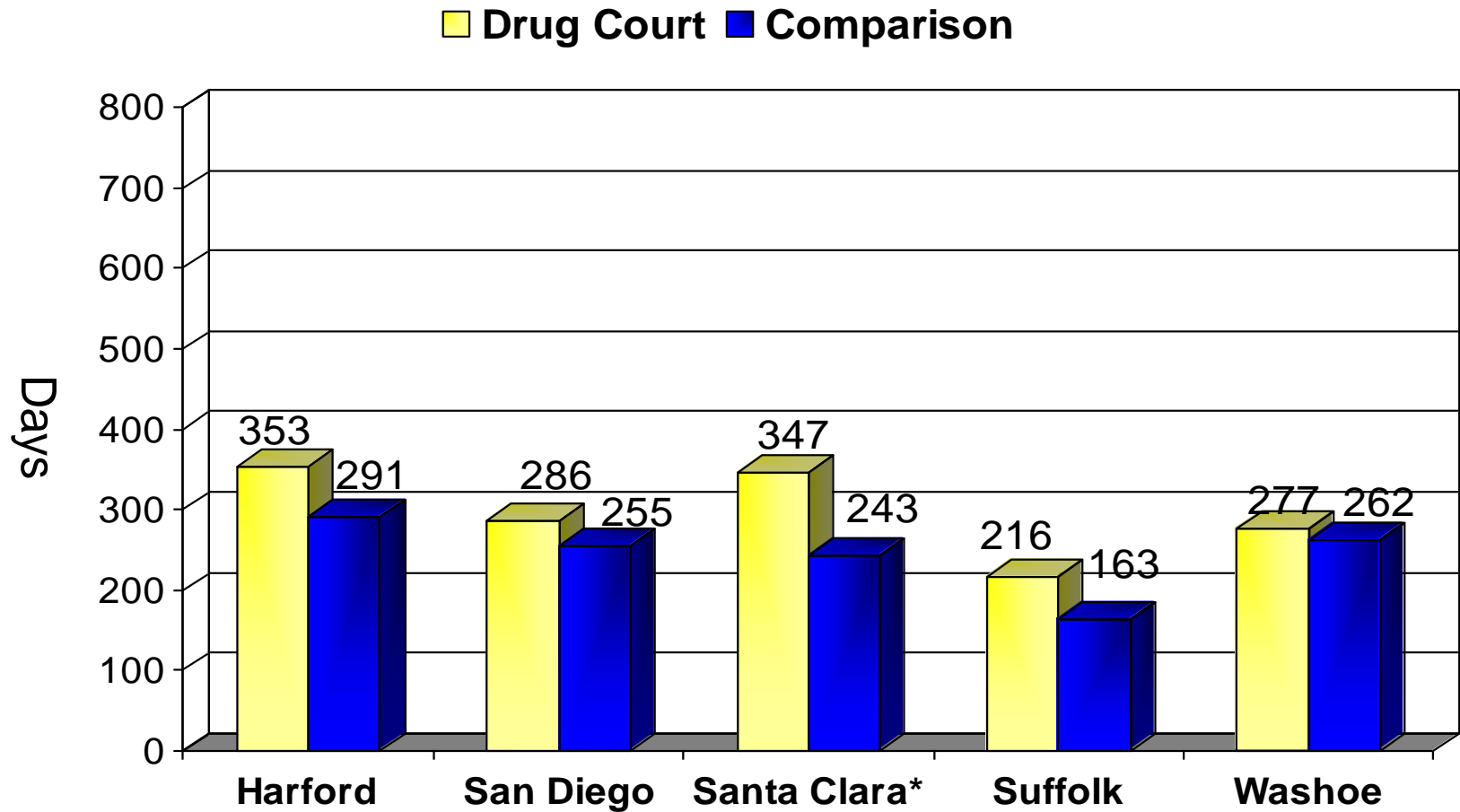
**Statistically significant at $p < .001$.

*Statistically significant at $p < .01$.

Child Welfare & Court System Outcome Questions

- Did children of FTDC parents spend less time in out-of-home care?
- Did FTDC cases reach permanency faster?
- Were children of FTDC parents reunified at a higher rate?

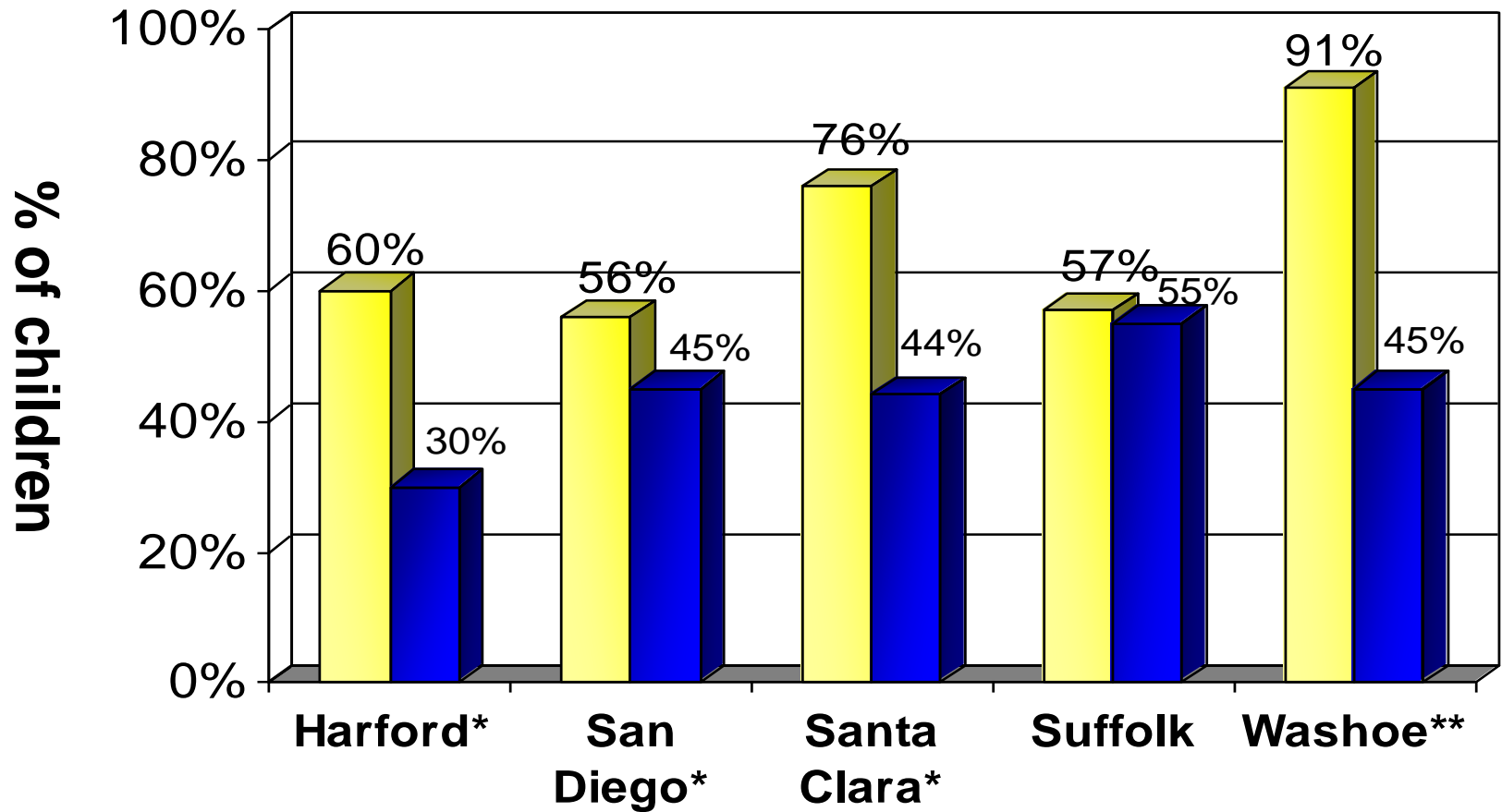
Days to Permanent Placement



* Statistically significant at $p < .05$.

Percent Reunified

■ Drug Court ■ Comparison



* Statistically significant at $p < .05$. ** Statistically significant at $p < .001$.

Summary: Outcomes for FTDCs

- **Strong treatment outcomes:** FTDC parents more likely to enter treatment, spend more time in treatment, and complete treatment
- **Longer time to permanent placement** for FTDC parents could be explained by the longer treatment stays
- **Less time in Out of Home Placements:** FTDC children spent more of this time with their parents
- **More likely to be reunified:** FTDC children were more likely to be reunified with their parents at the end of the case

Transferable Practices

- Strategies that can be used in non-FDTCs.
- Practices that can be evaluated in dependency proceedings.

Collaborative Justice in Conventional Courts CCI, 2004

Judges identified the following collaborative justice principles and practices as the easiest or most appropriate to transfer:

- *A proactive, problem-solving orientation of the judge*
- *Interaction with the defendant/litigant*
- *Ongoing judicial supervision*
- *Integration of social services*
- *A team-based, non-adversarial approach*

FTDC Experiences and Substance Abuse Treatment Outcomes

Variable	Statistically Significant?	Nature of Relationship to Treatment Outcomes
Time to FTDC entry (petition to entry)	No	No relationship
Longer time spent in FTDC	Yes	Longer stays in tx More tx completion
More FTDC appearances	Yes	Longer stays in tx More tx completion
FTDC graduation	Yes	Longer stays in tx More tx completion

FTDC Experiences and Reunification

Variable	Statistically Significant?	Nature of Relationship to Reunification
Faster time to FTDC entry	No	No relationship
More time spent in FTDC	Yes	More reunification
More FTDC appearances	Yes	More reunification
FTDC graduation	Yes	More reunification

Treatment Experiences and Treatment Completion

Variable	Statistically Significant?	Nature of Relationship to Treatment Outcomes
Faster time to treatment entry	Yes	Longer treatment stays Higher rates of treatment completion
Longer time in treatment	Yes	Higher rates of treatment completion

What do the parents say?

Emotional Support

- Parents talked about how the drug court team, and in particular the judge and the drug court-dedicated case workers, provide a support system.

“The drug court team and the drug court case worker have helped me a lot. My first case worker, that wasn’t the drug court one, didn’t spend much time with me, but my drug court case worker always knew what was going on with me, and helped me get what I needed to get my kids back.”

Accountability and Collaboration

- Parents also explained how frequent hearings and attendance in drug court provided accountability for their behavior because:
 - *“the team knows what’s going on with you and you get immediate support for whatever is going on as soon as you need it.”*
 - *“it’s helpful going every two weeks because things can come up during that time, and in drug court these problems are addressed quickly.”*

Accountability and Collaboration, cont'd

- Frequent court attendance means that the judge and others are well informed about the parents' cases and able to provide appropriate support for recovery and other issues facing the parent.

“(attending drug court regularly) helps you feel less alone, that someone knows what’s going on in your life and the all the issues that you face, they know how to support you and what you need.”

Putting It All Together— What Have We Learned?

- **FTDC's work** — Families have more positive treatment and child welfare outcomes
- **How FTDC's work** —
 - Support for treatment entry, retention, and completion
 - Combination of emotional support, accountability, and service coordination – but how these work is largely unknown
- Retention of families in FTDC programs is important to success
- FTDC influence on child welfare recidivism needs additional data and research

Resources

- National Council for Juvenile and Family Court Judges
<http://www.ncjfcj.org/content/blogcategory/369/438/>
- http://www.npcresearch.com/Files/FTDC_Evaluation_Final_Report.pdf
- http://www.ndci.org/publications/FDTC_Fact_Sheet.web.pdf
- <http://www.courtinfo.ca.gov/programs/collab/documents/TransferabilityStudyFullReport.pdf>

Questions?

janepfeifer@msn.com