

Guess What? You're a Family Court
Too (if your Clients have Children)
Legal Issues and Practical Considerations When
Working with Families in Drug Courts

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Family Drug Courts

*Improving
Family
Outcomes*

*Strengthening
Partnerships*



Acknowledgement

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Learning Objectives

- Gain greater understanding of dependency and child welfare system and learn practical strategies on how to work with Adult Drug Court participants who are also child welfare involved.
- Gain a greater understanding of the impact of substance use on children, and the importance of addressing the needs of children and the parent-child relationship as a critical part of family recovery.
- Learn how cross-systems collaboration, communication, and community partnerships are critical in serving the complex needs of children and families in your drug court.



Panel Self-Introductions





Core Messages

- **Don't forget the children - treatment is about families**
- **Some participants are adolescents themselves.**
- **Recovery for both parent and child occurs in the context of family**



8.3 million children

** 2002 – 2007 SAMHSA National Survey on Drug Use and Health (NSDUH)*



60-75%
of participants in
adult drug courts
have at least
one minor child

Did You Know?

Raising the Bar – All Drug Courts are Family Courts



- Collaborative Courts **hold parents responsible** for their recovery and their parenting
- But to function effectively, courts must also **hold the system accountable** for responding to the needs of children
- If treatment has a family dimension, collaborative courts must **raise the bar on their capacity to serve families**



Addiction as a Family Disease

Developmental
impact

Generational
Impact

Psycho-social
impact

Impact on
parenting



Family Recovery

Developmental
assessment
and services

Drug
treatment
and
prevention

Mental
health
services

Parenting
and parent-
child
relationship

Family-Centered Approach



Recognizes that addiction is **a disease that affects the entire family** and that recovery and well-being occurs **in the context of families**



What is the impact

*of parental substance use disorders
on children?*

- Prenatal exposure
- Postnatal environment:
 - Living with a parent with a substance use disorder
 - Trauma
 - Separation and attachment



Impact on the Child

Prenatal Exposure



- Prenatal screening studies document **11-15%** of infants were prenatally exposed to alcohol, tobacco, or drugs
- The most severe consequence of exposure to alcohol during pregnancy is **Fetal Alcohol Syndrome (FAS)**, the largest **preventable** cause of birth defects and mental retardation
- **Fetal Alcohol Spectrum Disorder (FASD)** – full range of effects

Impact on the Child

- Executive functioning problems, inability to self-regulate and to generalize across situations
- Gross and fine motor delays
- Attention problems
- Memory difficulties
- Attachment disorders
- Communication
- Social/Emotional



Children of parents with substance use disorders are at an increased risk for developing their own substance use and mental health problems.

Postnatal Environment – Potential Impact of Living in Substance Abusing Family

The potential impact on the child can range from:

- Severe, inconsistent or inappropriate discipline
- Neglect of basic needs: food, shelter, clothing, medical care, education and supervision
- Situations that jeopardize the child's safety and health (e.g. drug manufacturing and trafficking)
- Trauma as a result of all of the above as well as from removal
- Disruption of parent/child relationship, child's sense of trust and belonging
- Chronic trauma of childhood

Sources of Trauma in the CWS Population



- Neglect
- Physical abuse
- Sexual abuse
- Placement history

Source: E. Telford, Children's Research Triangle, 2012

Childhood Trauma

Trauma disrupts all aspects of normal development,

especially during infancy and early childhood, including:

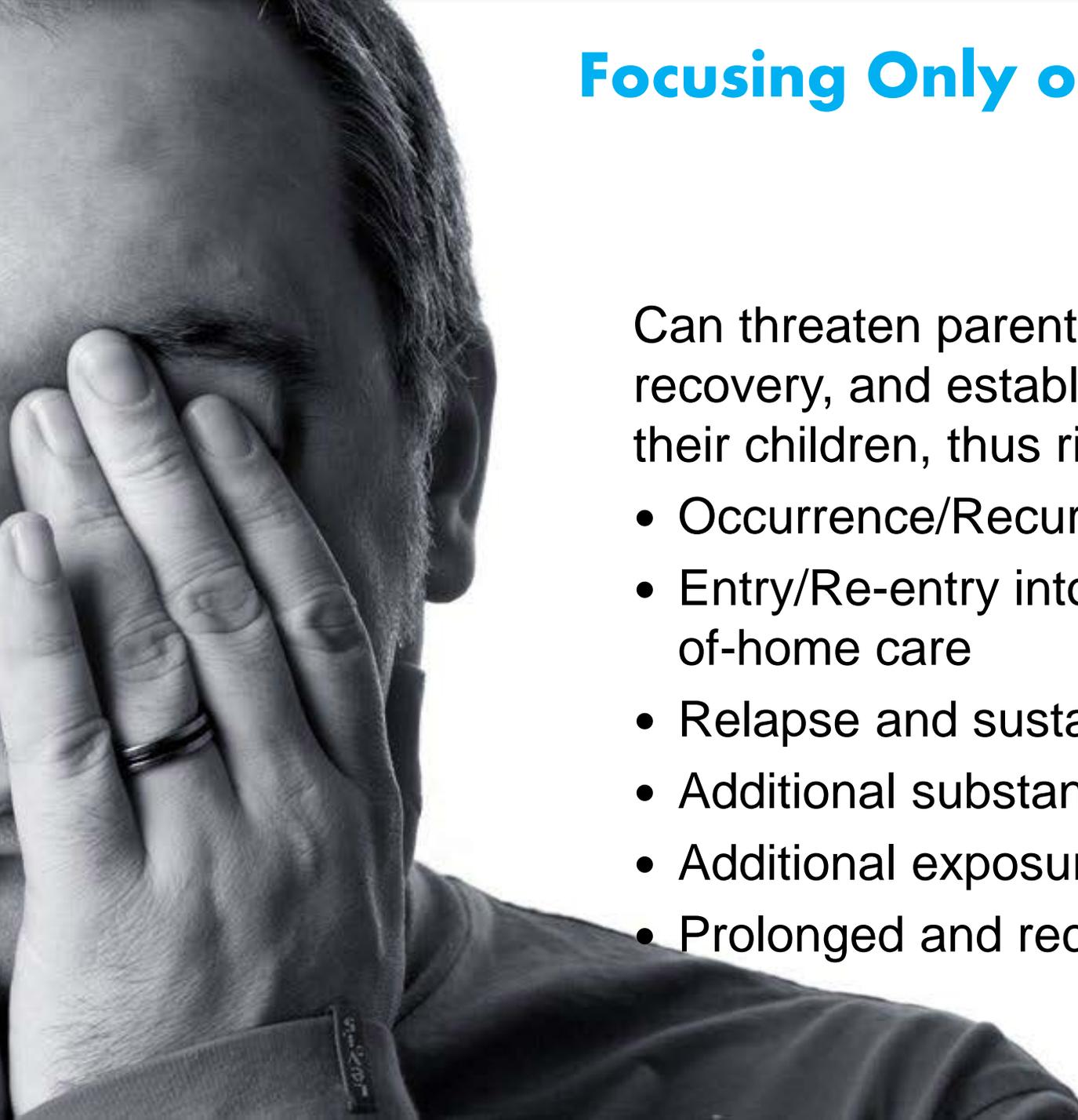
- Brain development
- Cognitive growth and learning
- Emotional self-regulation
- Attachment to caregivers and social-emotional development
- Trauma predisposes children to subsequent psychiatric difficulties

Source: Lieberman et al., 2003





**What is the
Relationship Between
Children's Issues
and Parent's
Recovery?**



Focusing Only on Parent's Recovery Without Addressing Needs of Children

Can threaten parent's ability to achieve and sustain recovery, and establish a healthy relationship with their children, thus risking:

- Occurrence/Recurrence of maltreatment
- Entry/Re-entry into child welfare system and out-of-home care
- Relapse and sustained sobriety
- Additional substance exposed infants
- Additional exposure to trauma for child/family
- Prolonged and recurring impact on child well-being

Parenting in Adult Drug Courts



Adult Drug Courts that provided parenting classes had **65% greater reductions** in criminal recidivism and **52% greater cost savings** than Drug Courts that did not provide parenting classes.

Source: Carey, S.M., Mackin, J.R., & Finigan, M.W. (2012). What works? The 10 key components of Drug Court: Research-based best practices. Drug Court Review.

We Know the Costs: Children of Parents with a Substance Use Disorder



- They are children who arrive at kindergarten not ready for school
- They are in special education caseloads
- They are disproportionately in foster care and are less likely to return home
- They are in juvenile justice caseloads
- They are in residential treatment programs

Opportunity Knocking at the Door



"Nothing is more expensive than a missed opportunity." - H. Jackson Brown Jr.
Author of Life's Little Instruction Book

Panel – Q&A and Discussion





Strategies and Techniques to Integrate Family into Court and Treatment Process

- Definition of family-inclusive vs. exclusive
- Family group conference
- What are social and economic needs
- Child-family outcomes critical: can families work with parents
- Can families work with court



Strategies and Techniques to Integrate Family into Court and Treatment Process

- Find opportunities for team members to have conversations with members of families
- Review records and assessments with family members
- Observations/Home visits
- Family Functioning Instruments: open ended questions, strength based

Q

Is it the role of the criminal court to determine child safety?

What role do judicial leaders have in ensuring that participants in their drug court are connected to child and family-based services and resources?



60-75%
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Did You Know?

Numbers

- Ask clients if they have children.
- Ask about other family relationships, such as non-custodial parents (identity, location and quality of relationship).
- Ask questions about **family status** at intakes.
- Strategize on how to get **entire family into treatment** to assist in identification of parental drug use and facilitate treatment
- Ensure that **court information systems** including tracking of family members

Q

What are key practice considerations for Drug Court teams and judicial leaders when a participant is also involved in the Juvenile Dependency Court?

Q

What steps do you and your Drug Court Team make to elevate the focus on children and families and provide relevant services?

Understanding the Complex Needs of Families



Needs

- Are child's medical, developmental, behavioral, and emotional needs assessed?
- How will your DC ask clients if their children have received appropriate screenings and assessments
- Has the child and family been assessed for trauma? Relationship issues?
- Did the child receive appropriate interventions or services for the identified needs?
- Do the parents have an understanding of the child's identified needs? Are they able to cope with the child's needs?
- Does the family have access to long-term supportive services?
- Are you providing training and education to DC Team, including judicial leaders on the importance of serving children and families?

Q

**How do you engage families,
attorneys and service providers and
get them onboard?**

Network

- Do you refer and follow-up to outside agencies with children's services?
- Are child and family-serving agencies on your collaborative team?
- Are you mobilizing and linking to new resources from other agencies that already serve children and families?
- Remember – you do not have to divert resources from treating parents to help their children

Child and Family Services



- Maternal and child health
- Mental health
- Child development
- Youth services
- Special education
- Delinquency prevention

Are child and family-serving agencies on your collaborative team?

Importance of a Cross-Systems Response

- Effective family interventions require **collaboration** to facilitate meaningful and sustainable family involvement and successful individual and family outcomes.
- Interventions are most effective when implemented within the context of a **coordinated, cross-system approach**.
- Interventions should consider children's and family's ecology—extended family, peers, school and neighborhood.
- Parental substance use and child abuse are often **multi-generational problems** that can only be addressed through a **coordinated approach across multiple systems** to address needs of **both parents and youth**.

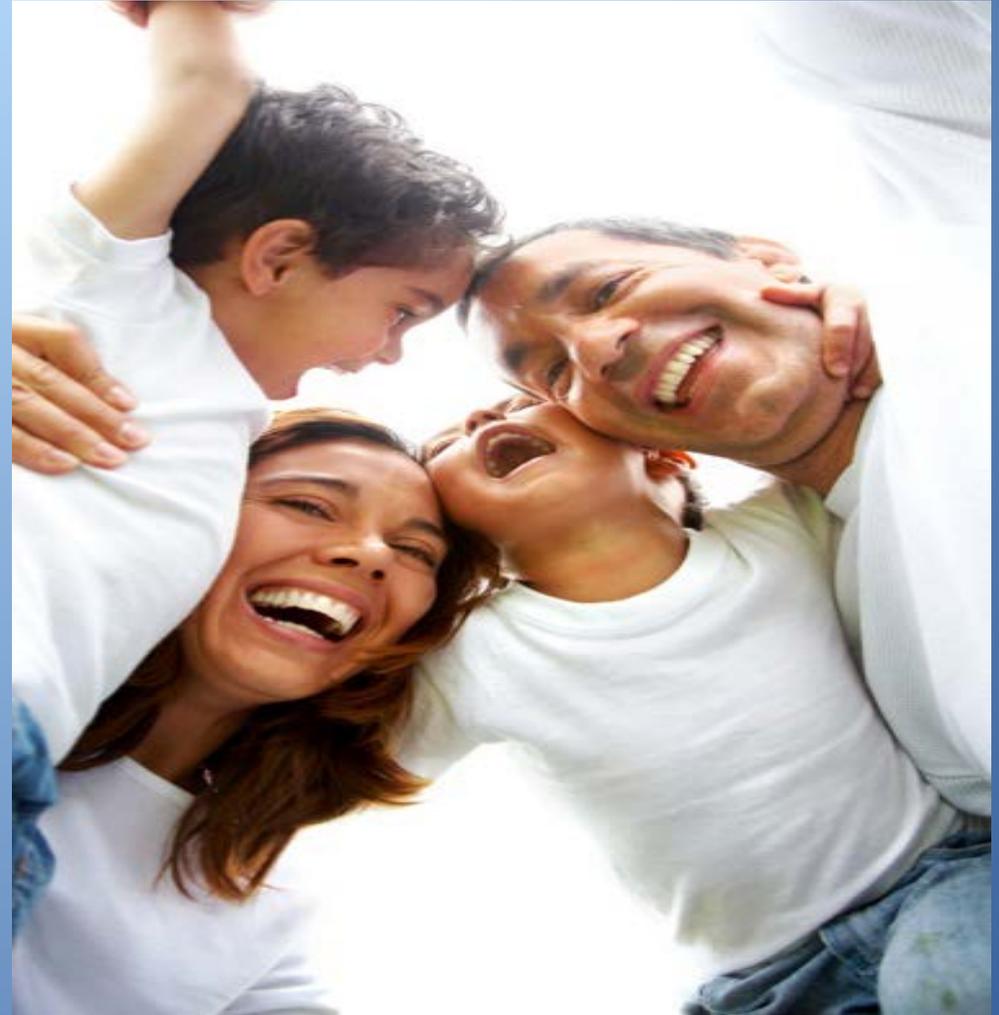
THE TIMELINE BEGINS



- April 12, 2012, Sid Gardner's presented at the Montana Drug Court Conference.
- **“We Are in This Together: Why Drug Courts Cannot Neglect Children”**

WHY TREATMENT SHOULD BE ABOUT FAMILIES

- Family treatment is effective
- The best *prevention* for children is *effective treatment* for their parents
- Visitation and custody are powerful rewards
- Family stress and trauma can contribute to relapse; family stability contributes to recovery



WHAT ADULT DRUG COURTS CAN DO!

- **Assess family strengths and needs as part of assessment process during the first 2-4 weeks in drug court and include as part of treatment plan.**
- The court's decisions impact the child(ren) as well as the parent, even though you may never see the children in court.
- **Ensure that questions about child(ren) and family status are continually asked.**
- Advocate for a family-centered approach (family-based treatment, parenting classes, ensure that parent has opportunity to express concerns about parenting a child)
- Track participants who are parents and the progress of children

IN MONTANA...



- Drug Court Action Plans identified need for family assessment instrument
- The literature supported identification of family strengths and issues and working to resolve them
- Children and Family Futures Training and Technical Assistance was available to help

WHY INVOLVE FAMILIES IN DRUG COURT? (THE LITERATURE)

- Family issues are one of most commonly identified criminogenic factors (Bonta et al., 2008)
- Family interventions are one of most effective methods to reduce offender recidivism (Lipsey et al., 2010)
- Inadequate family support, family problems and family disruption contribute to offending (Salisbury & Van Voorhis, 2009; Wareham, Dembo & Poythress, 2009)
- Attachment to children reduces violations (Visher, 2013)
- Meta-analyses show that family interventions reduce recidivism (Farrington & Welsh, 2003; Woodfenden, Williams & Peat, 2002)

THE LITERATURE ALSO SUGGESTS...

- Families are powerful informal agents of control
- Families often help the offender in addressing issues such as housing and employment (Young, Taxman & Byrne, 2002)
- Family involvement results in better employment and reduced drug use (Visher, La Vigne & Travis, 2002)
- Offenders with more family contact are less likely to be arrested again or reincarcerated (LaVigne, Visher, & Castro, 2004; Martinez and Christian, 2009)





A FAMILY-FOCUSED APPROACH BEGINS WITH A COMPREHENSIVE FAMILY ASSESSMENT

Montana needed an instrument that:

- Time efficient/simple/MI principles
 - Included multiple domains
 - Employed a broad definition of “family”
 - Placed an emphasis on strengths and challenges

FAMILY STRENGTHS AND NEEDS SURVEY

FAMILY STRENGTHS AND NEEDS SURVEY (FSNS)

Administrators' Guide

A Survey Instrument for Adult Drug Court Participants

Family Strengths and Needs Survey

Case or Client ID: _____ Survey Administrator ID: _____

Jurisdiction: _____ Interview Start Time: _____

① Missoula County Family Drug Court ⑤ Missoula County Veteran's Court
② Missoula County Co-Occurring Court ⑥ Cascade County Adult Treatment Court
③ Mineral County Adult Treatment Court/DUI Court ⑦ Billings Municipal Treatment Court
④ Custer County Adult Treatment Court ⑧ Fort Peck DUI Court (Nat. Am.)
⑨ First Judicial District Adult Treatment Court

Program: _____

Day's Date _____ Enrollment/Intake Date _____

PARTICIPANT DEMOGRAPHICS:

Gender? Male Female Other

Please specify "Other" _____

Years? _____

Number: ① ② ③ ④ ⑤ ⑥ ⑦

Number: ⑧ ⑨ ⑩ ⑪ ⑫ ⑬ ⑭ ⑮ ⑯ ⑰ ⑱ ⑲ ⑳

Race/ethnicity?

① Indian or Alaskan native
② Pacific Islander
③ African American
④ Hispanic/Latino
⑤ Caucasian
⑥ Other (please specify) _____

As you know, substance abuse impacts the entire family. We want to make sure that you and your family receive as much support as possible during your recovery process. May I ask you a few questions about your family's strengths? This will help identify the ways we can support you to meet your family's needs. Your responses will remain confidential. However, I need to make you aware of some limits to confidentiality. I have a legal responsibility to report suspected abuse or neglect of a child, elderly person or a person who is in danger of harming yourself or another person. If you report that you are someone the law requires me to inform that person as well as the legal system, I am not directly seeking this type of information in this interview. May I answer any questions you have? If you are OK to begin now?

FSNS-MT ITEM DOMAINS



- Participant Demographics (Family description, strengths etc.)
- Sources of Emotional Support and Effects of Drug and Alcohol use on Others
- Medical and Dental Issues
- Social/emotional well-being
- Development and behavioral concerns

FSNS-MT ITEM DOMAINS (CONTINUED)



- Mental health issues
- Child care summary
- Parenting skills
- Children's education
- Employment/Financial Status
- Service Needs
- Trauma Concerns

ADDITIONAL FEEDBACK

- Process of completing the FSNS-MT fostered rapport and contributed to building a relationship between the survey administrator and participant
- The process expanded administrators' view of a participant to include her/his family issues and dynamics and other factors affecting recovery
- Encouraged respondents to reflect upon issues they may not have considered before, like the effects of their drug and alcohol use on their families and others
- Form was long – developed a short form

DRUG COURT COORDINATOR EXPERIENCE



Administering the Family Strengths and Needs Survey: Positive feedback

“This experience opened up a world of needs that have gone unaddressed and also provided motivation for finding these services and linking with other community organizations.”

“The process of administering the FSNS helps coordinators to get to know the participant at a deeper level, much less superficial than with the standard intake/ screening tool.”



Resources



Join Us!



Family Drug Court Learning Academy

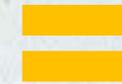
2016 Virtual Classroom Series

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Virtual Classroom

Webinar Available

Classroom Schedule

Screening & Assessment

April 1

April 14,
May 12, May 26

Governance & Leadership

April 5

April 19,
May 3, May 17

Parent-Child Relationships

July 1

July 14, July 28,
August 18

Data & Info Systems

July 5

July 21,
August 11, August 25

- Real-time networking and knowledge sharing
- Coaching & mentoring
- Applied learning through homework or project assignments
- 24/7 access to classroom
- Technical assistance and resources

Register Now!
Space Limited

FDC Learning Academy Blog

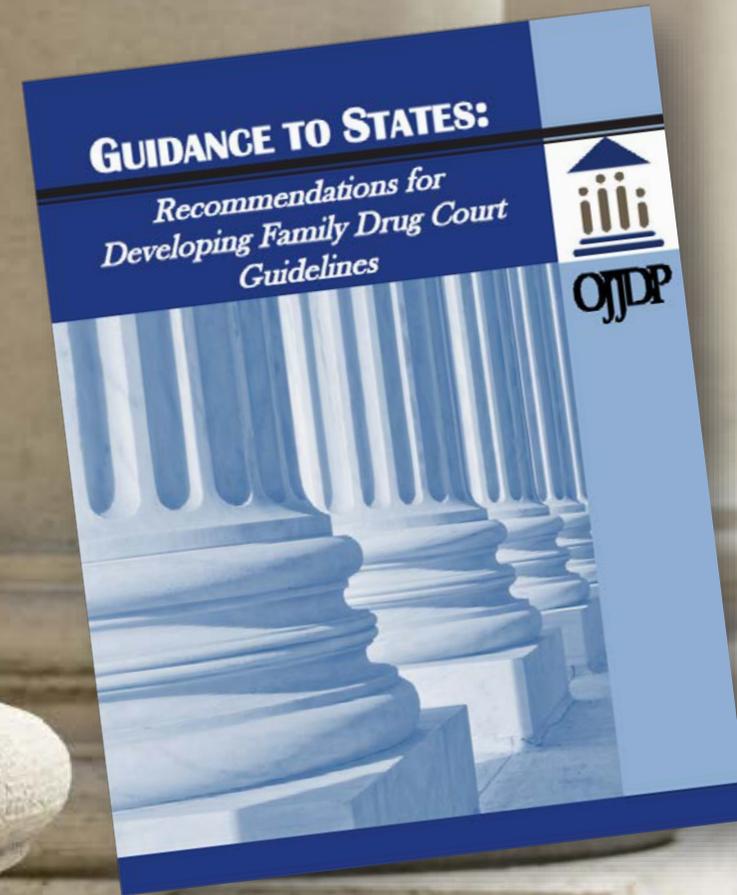
- Webinar Recordings
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www.familydrugcourts.blogspot.com

**2nd Edition – Research Update –
Just Released**

FDC Guidelines



To download a copy today visit our website:

<http://www.cffutures.org/files/publications/FDC-Guidelines.pdf>



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What Works
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August 1-3, 2016 | Hyatt Regency | Orange County, California

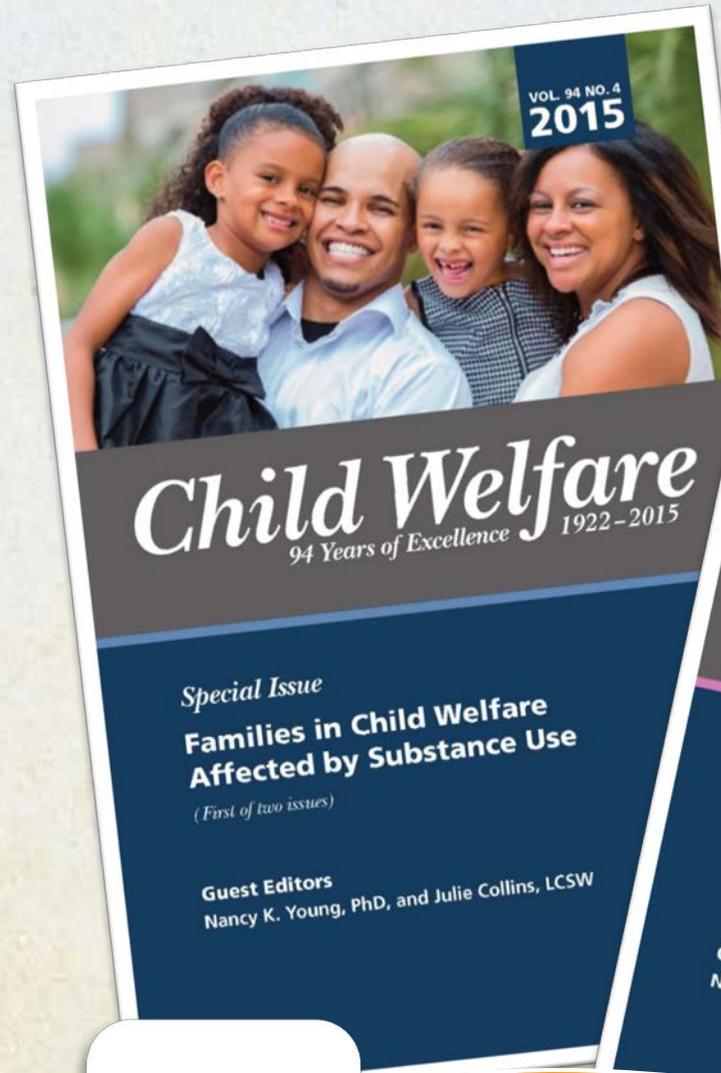
Join Us!



2015 Special Issue

Includes four Family Drug Court specific articles presenting findings on:

- Findings from the Children Affected by Methamphetamine (CAM) FDC grant program
- FDC program compliance and child welfare outcomes
- Changes in adult, child and family functioning amongst FDC participants
- Issues pertaining to rural FDCs



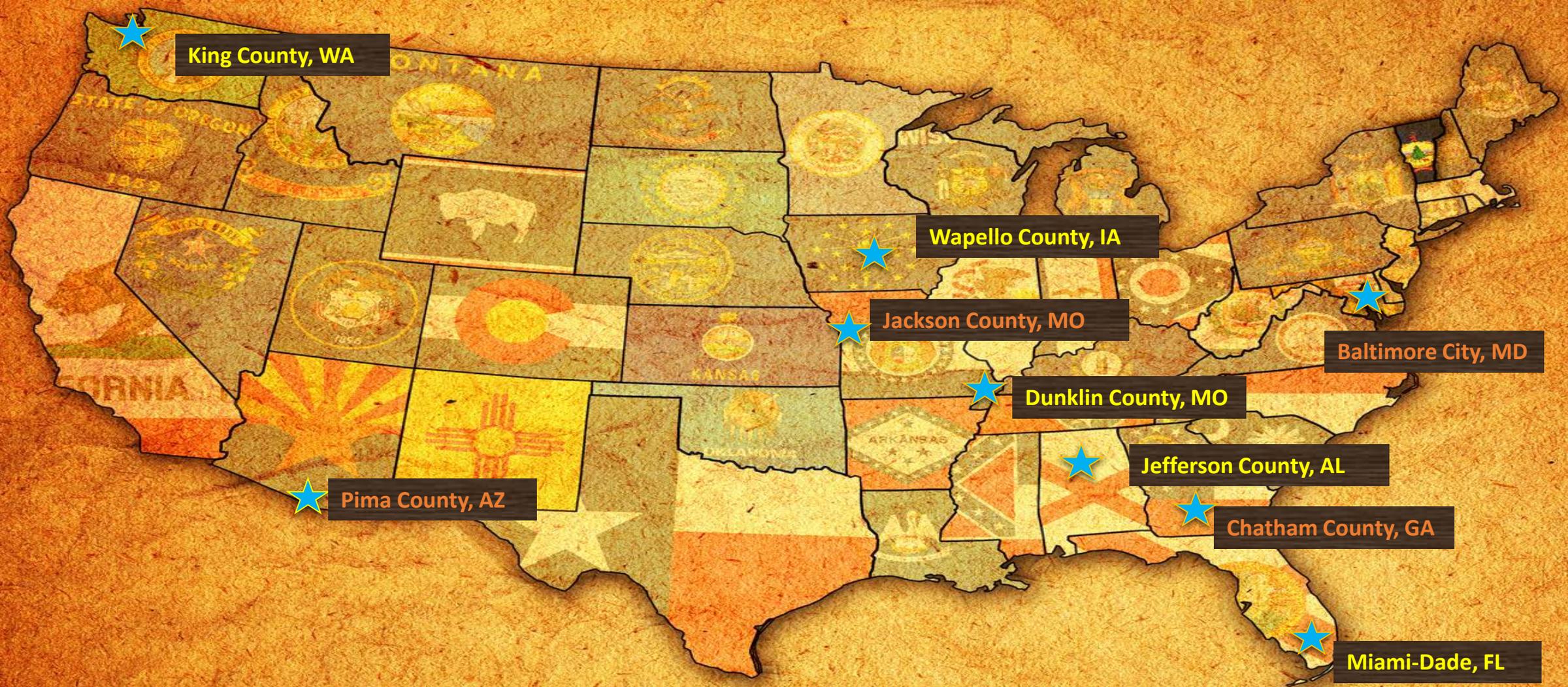
www.cwla.org

Coming in 2016!

Family Drug Court Online Tutorial



FDC 101 – Will cover basic knowledge of the FDC model and operations



★ FAMILY DRUG COURT PEER LEARNING COURT PROGRAM

CONTACT US FOR MORE INFORMATION: fdc@cffutures.org



Resources

FDC Discipline Specific Orientation Materials

Child Welfare | AOD Treatment | Judges | Attorneys

Please visit: www.cffutures.org/fdc/



FREE CEUs!

Resources

NCSACW Online Tutorials

- Understanding Substance Abuse and Facilitating Recovery: A Guide for Child Welfare Workers
- Understanding Child Welfare and the Dependency Court: A Guide for Substance Abuse Treatment Professionals
- Understanding Substance Use Disorders, Treatment and Family Recovery: A Guide for Legal Professionals

Please visit: <http://www.ncsacw.samhsa.gov/>



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