

Healing Families and Communities: Guiding Principles and Effective Practices for Family Treatment Courts



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What is a Family Treatment Court?

Family treatment courts handle child welfare cases where parental substance abuse is a significant factor.

They address parental substance abuse issues and the children's needs through collaboration with outside agencies.

FTCs try to promote family reunification whenever possible. Ultimately, the goal is a safe, stable, permanent home.

The Problem

- ▶ Between 40-80% of child abuse and neglect cases involve parental substance abuse
- ▶ Nationwide, there has been a surge in child welfare cases, largely driven by the intersection of substance abuse and child abuse and neglect

Special Relevance for Tribes

- ▶ Historical trauma and abuse (war, colonization, boarding schools)
- ▶ Likely a high number of adult abuse survivors among tribal populations
- ▶ Likely adult abuse survivors in tribal leadership, service providers, and HTWC/FTC team

Special Relevance for Tribes

- ▶ “Research suggests that adults with histories of child abuse and neglect are at a high risk for developing substance abuse disorders.”
- ▶ “Childhood abuse and neglect issues may negatively affect clients’ chances for recovering from substance abuse.”
- ▶ There is an “increased likelihood of substance-abusing parents abusing their own children.”

SAMHSA TIP 36

Do FTCs Work?

Research suggests that Family Treatment Courts can be effective at:

- ▶ Improving treatment outcomes
 - ✓ Parents enter treatment significantly more quickly
 - ✓ Parents spent significantly more time in treatment
- ▶ Increasing the likelihood of family reunification
- ▶ Reducing the amount of time children spend in foster care

Beth Green, et al., *Building the Evidence Case for Family Drug Court Treatment Courts: Results from Recent Outcome Studies*, VI, 2 DRUG COURT REVIEW 53 (2009)

Eligible Cases

FTC Eligibility

Eligibility must be determined by local partners in light of local resources and needs

In general, cases are eligible if:

- parent is charge with child abuse or neglect, AND
- substance abuse is a significant factor.

However, FTCs tend to exclude cases involving serious harm to a child or parent's severe mental illness

The 10 Key Components in Family Treatment Courts

The 10 Key Components aren't enough.

- The 10 Key Components were developed for criminal cases.
- They are important in child welfare cases too, but they aren't sufficient.
- The goals in a Family Treatment Court are very different, as are the dynamics.

HTWC vs. FTC

HTWC (criminal)

- Focus is on defendant
- Goal is abstinence and reduced criminal behavior
- Leverage is jail

FTC (child welfare)

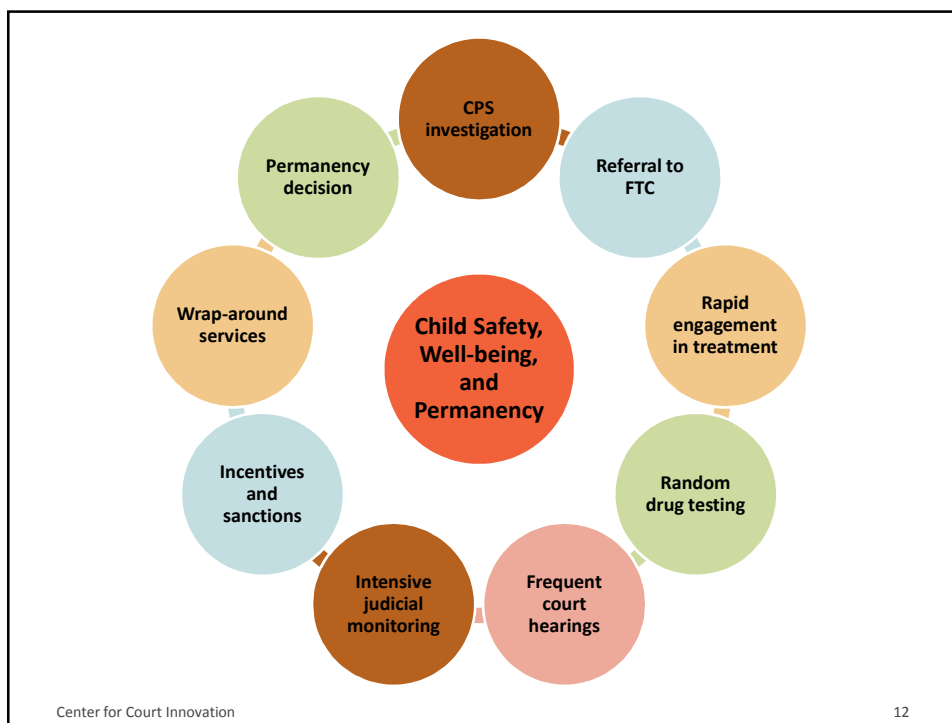
- Focus is on children first
- Goal is reunification (or other permanency)
- Leverage is parent's desire for family reunification

Guiding Principles for FTCs

1. Children come first in Family Treatment Court.
2. Prompt action is a central feature of FTC practice.
3. FTC eligibility should be as inclusive as possible and reach out to challenge populations.
4. FTCs facilitate access to services that meet the individual and co-occurring needs of parents, children, and family members.
5. FTCs utilize a collaborative team approach to coordinate the efforts of key stakeholders.

Guiding Principles for FTCs

6. FTCs create coordinated case plans that are comprehensive, concrete, time-specific, and developed with the family.
7. FTCs monitor respondents and their families and respond promptly to issues that affect progress toward permanency.
8. FTC judges encourage individual participants, hold partner agencies accountable, and provide community leadership.
9. FTCs use data on child permanency and family recovery goals to improve both family outcomes and the FTC program.
10. FTC practices comport with due process and applicable laws.



Tribes with FTCs

- ▶ Chippewa Cree Tribe of Rocky Boy Montana
- ▶ Fort Peck Assiniboine & Sioux Tribes
- ▶ Three Affiliated Tribes: Mandan, Hidatsa & Arikara Tribes
- ▶ Pueblo of Sandia
- ▶ Red Lake Band of Chippewa Indians
- ▶ Rosebud Sioux Tribe

Tribes with FTCs

- ▶ Sac & Fox Tribe of the Mississippi in Iowa
- ▶ Scammon Bay Traditional Council
- ▶ Snoqualmie Tribe
- ▶ Suquamish Tribe
- ▶ White Earth Nation
- ▶ Yavapai-Apache Nation
- ▶ Yurok Tribe

Key Partners

Core FTC Team

- Judge
- Child protective services
- Treatment providers
- Court coordinator
- Case manager

15

Other Potential Partners

Other Team Members

- Mental health service providers
- Domestic violence advocates
- Early childhood intervention specialists
- School officials
- MIS/data specialist

16

Defining the FTC's Mission

Different Family Treatment Courts can have different missions.

Some are very narrow: facilitate access to treatment services and monitor compliance for the defendant/respondent

Others are much broader: address all of the treatment and non-treatment needs of the entire family

17

FTC Jurisdiction

Jurisdiction is determined by tribal codes, court rules, etc.

“One-family/one-judge” model: dependency court judge and FTC judge are the same

“Parallel” model: dependency court and FTC are separate

Judge handles both child's permanency and parent's treatment

FTC only handles parent's treatment

18

Program Phases

Phase 1:
assessment,
service planning,
admission to
treatment and
other services

Phase 3:
sobriety skills,
other life skills,
increased
responsibility for
children's needs

Phase 2: accessing
services, maintaining
abstinence, meeting
parental
responsibilities,
education

Phase 4:
solidifying gains,
accomplishing
concrete goals
leading to
reunification.

19

Incentives and Sanctions

FTC should develop a range of incentives and sanctions consistent with:

- Due process
- Court's jurisdiction
- Treatment protocols
- Culture, tradition, values
- Best interests of the child

20

Common Incentives

- ▶ Praise from judge/team
- ▶ Being excused from court hearings early
- ▶ Less frequent court hearings
- ▶ Phase advancement
- ▶ Tangible incentives (gift cards)
- ▶ Others?

21

Common Sanctions

- ▶ Reprimand from judge
- ▶ Increased treatment intensity
- ▶ Required to wait through court hearings
- ▶ More frequent court hearings
- ▶ Educational videos
- ▶ Essays or reports
- ▶ Letter to children
- ▶ Work of art
- ▶ Community service
- ▶ Return to previous phase

22

More Severe Sanctions

- ▶ Electronic monitoring
- ▶ House arrest
- ▶ Incarceration
 - ▶ Somewhat controversial
 - ▶ Should be used carefully and sparingly
 - ▶ Will it help?

23

Contact with Child

- ▶ The parent's contact with the child should not be considered an incentive or reward.
- ▶ Child contact is determined by many factors.
 - ▶ Client who misses treatment may still be capable of safely visiting children.
 - ▶ Client doing well in treatment may still be denied child contact.
- ▶ Ultimately, child's best interests determine contact.

24

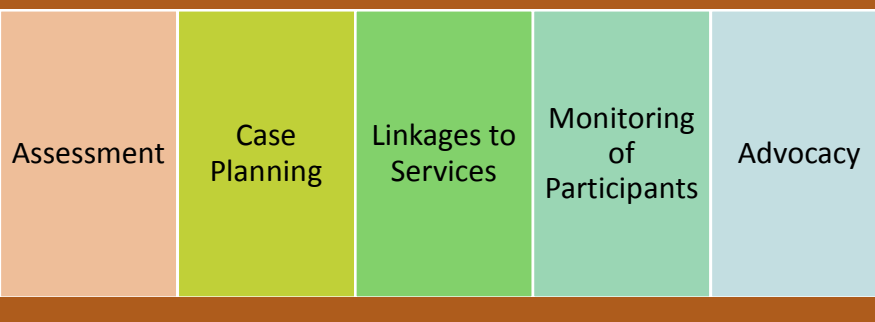
In the Courtroom

- ▶ Important to acknowledge parent's successes in the courtroom.
- ▶ Parents in FTC often have conflicted relationships with authority figures.
- ▶ Not used to being praised.
- ▶ Praise from the judge can be very powerful.
- ▶ Praise from elders? Cultural leaders?

25

Case Management

Case management functions include:



26

Case Management

- ▶ In some courts, case management oversight is limited to parental participation in treatment
- ▶ In others, it involves service planning for families and children and a broad array of services including housing aid, vocational, educational, and employment planning, and various services to address the children's specific needs.
- ▶ A single team member assigned to work with a single family may perform case management functions, or functions may be shared among various team members.

27

Case Management

Sample case manager responsibilities:

- Alcohol and drug abuse screening and assessments
- Referrals to and enrollment in treatment services
- Alcohol and other drug testing
- Progress monitoring
- Advocating for the parent
- Keeping the parent motivated
- Reporting to the court treatment progress and other issues
- Collaborating with relevant agencies to develop case plans

28

Case Plans

- ▶ FTCs have more than one “case plan”
 - ❖ Treatment provider develops a treatment plan
 - ❖ Child protective agency develops service plan to assure child safety and promote reunification
 - ❖ Court may have its own overall case plan
- ▶ The court oversees all of these plans and may review and revise the plans several times over the life of the case
- ▶ Parental involvement in case planning varies

29

Challenges for Implementing a Tribal FTC

- ▶ Successful assertion of tribal jurisdiction over non-Indian parents is complex and limited
- ▶ Under-developed dependency laws, regulations, policies and procedures
- ▶ Insufficient child welfare or treatment services (impacts ability to do investigations, home visits, reports to the court, client assessment and treatment)
- ▶ Federal funding for tribal foster care/adoptive care (Title IV-E) services is hard to get and comes with strings attached (more limited reunification, expedited TPR and permanency, less time for treatment)

30

More Effective Practices for FTCs

- ▶ FTC team cross-training
 - ▶ Legal responsibilities
 - ▶ Ethical duties
 - ▶ Confidentiality concerns
 - ▶ Perceived role on the team

More Effective Practices for FTCs

- ▶ Inter-agency MOAs
 - ▶ Help create clear understanding of roles and responsibilities
 - ▶ Help when there is staff turnover
 - ▶ Resource for handling disputes

More Effective Practices for FTCs

- ▶ Regular team meetings
 - ▶ Semi-annual “retreats” to discuss the big picture
 - ▶ Opportunity to revisit policies and procedures
 - ▶ Team building

More Effective Practices for FTCs

- ▶ Develop a formal, written Policies & Procedures Manual, Participant Handbook, and Contract
 - ▶ Eligibility
 - ▶ Screening, Assessment, Referral
 - ▶ Phases
 - ▶ Incentives and sanctions
 - ▶ Drug testing requirements

Major Themes

Developing and sustaining a good FTC is hard work.

There are important differences between HTWCs and FTCs.

We know that certain practices are likely to increase FTC effectiveness.

The FTC model is still developing, especially in tribal courts.

35

Training and Technical Assistance

Center for Court Innovation

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36