

Advancing the FDC Movement 2017

Building Stronger Families & Brighter Futures –
The Unique Adaptations of the Family Drug Court
and Family Tribal Healing to Wellness Courts to
Better Serve Children, Families, and Communities

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July 10, 2017 | NADCP

Advancing the FDC Movement 2017

*Improving
Family
Outcomes*

*Strengthening
Partnerships*



Acknowledgement

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*Points of view or opinions expressed in this presentation are those of
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Advancing the FDC Movement 2017

*Improving
Family
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Learning Objectives

- Highlight the achievements and challenges of the Family Drug Court and Tribal to Wellness Court movements as adaptations of the drug court model
- Explore the unique role and importance of Tribal justice systems, family and holistic approach to recovery, and cultural values embedded in Tribal to Wellness Courts
- Increase knowledge and cultural competency to better serve Tribal and Native American families in your jurisdiction



Tribal Law and Policy Institute

Our Approach

- Facilitate the sharing of resources so that Indian Nations and tribal justice systems have access to cost effective resources which can be adapted to meet the individual needs of their communities

Our Mission

To improve safety, permanency, well-being and recovery outcomes for children, parents and families affected by trauma, substance use and mental health disorders.



Advancing the Movement 2017

National Family Drug Court *Strategic Plan*

Vision: *Every family in the child welfare system affected by parental/caregiver substance use disorders will have timely access to comprehensive and coordinated screening, assessment and service delivery for family's success.*

Expansion of
FDC Reach

Ensure Quality
Implementation

Build
Evidence Base

Visit: www.familydrugcourts.blogspot.com

Advancing the Movement 2017

National **FDC** *Strategic Plan*

NADCP 2017 Sessions

Expansion of FDC Reach

- Unique Adaptations of FDC & Family Tribal Healing to Wellness Courts
- Transitioning to Family-Centered Approach – Lessons from Three ADCs
- Planning for Safe Care: What FDC Need to Know about Opioid
- Tompkins County (NY) Prevention and Family Recovery Initiative

Ensure Quality Implementation

- The Big 7 – Key Practices to an Effective FDC
- Blueprint Guide for Building or Re-Designing Your FDC
- How FDCs are Supporting Recovery and Reunification Using Milestones
- Utilizing Parent Mentors in FDCs
- Enhancing Accountability & Success Using Mandatory Approach
- Effective Strategies to Engage Fathers in FDC
- What Does Quality Treatment Look Like?

Build Evidence Base

- Moving Forward – Research, Reflections, and Roadmap for FDCs
- Advancing the FDC Movement – National Strategic Plan and FDC Standards

Advancing the Movement 2017

National Family Drug Court *Strategic Plan*

Webinar

Wednesday, September 13th

@ 11:00 – 12:00 PM PST (2:00 – 3:00 PM EST)

The FDC Movement has come a long way!

Join us to hear the **State of the Movement** and
what you can do **advance the vision to**
serve **more children and families!**

Expansion of
FDC Reach

Ensure Quality
Implementation

Build Evidence
Base

Statement of the Problem

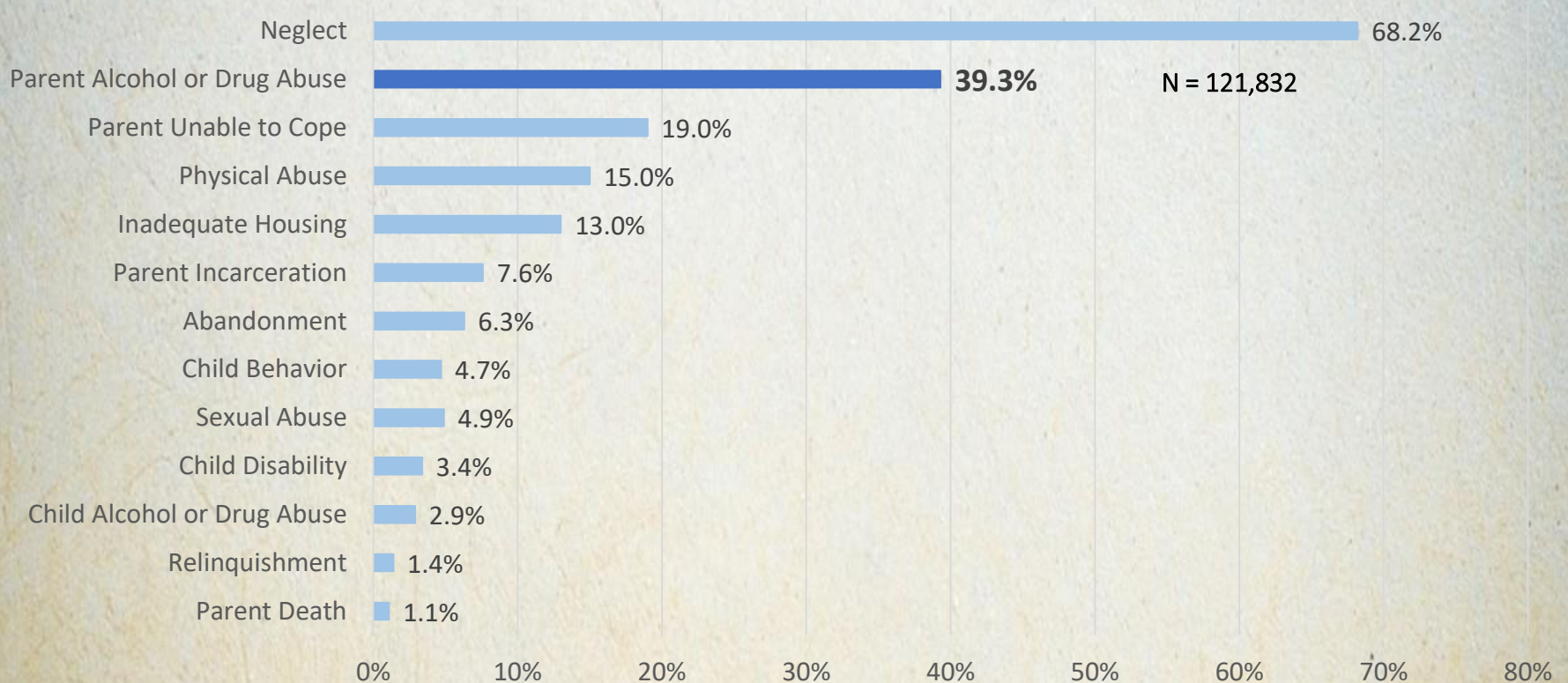
How many children in the child welfare system have a parent in need of treatment?

- Between 60–80% of substantiated child abuse and neglect cases involve substance use by a custodial parent or guardian (Young et al., 2007)
- 61% of infants, 41% of older children who are in out-of-home care (Wulczyn, Ernst, and Fisher, 2011)
- 87% of families in foster care with one parent in need; 67% with two (Smith, Johnson, Pears, Fisher, and DeGarmo, 2007)

Statement of the Problem

- In 2015, parental alcohol or other drug use was identified as a reason for removal for 34.4% of children nationally.
- The total number of children entering out-of-home care has been increasing since 2012.
 - In 2012 there were 397,301 children in out-of-home care.
 - That number increased to 427,910 by 2015.

Percent of Children with Terminated Parental Rights by Reason for Removal in the United States 2015



Note: Estimates based on all children in out-of-home care at some point during Fiscal Year

Source: AFCARS Data, 2016

Addiction in Indian Country

- Cigarette Addiction 52% - highest among all other ethnic groups
 - Childhood trauma increases smoking risks
 - Daily smokers are 5 times more likely to abuse alcohol
- Alcoholism is at an all time high among Native people
- Most violent crimes committed in Indian country involve alcohol/drugs on both the part of the offender and the victim

FDC Movement

1994

First Family Drug Courts Emerge – Leadership of Judges Parnham & McGee

10 Key Components and Adult Drug Court Model

2002

Six Common Ingredients Identified

2004

Grant Funding – OJJDP, SAMHSA, CB

2007

Practice Improvements – Children Services, Trauma, Evidence-Based Programs

2014

Systems Change Initiatives

Next

**National Strategic Plan
Institutionalization,
Infusion, Sustainability**

What have we learned?



How Collaborative Policy and Practice Improves

Recovery

Remain at home

Reunification

Re-occurrence

Re-entry

5Rs

FDC Outcomes



- **HIGHER** TREATMENT COMPLETION RATES
- **SHORTER** TIME IN FOSTER CARE
- **HIGHER** FAMILY REUNIFICATION RATES
- **LOWER** TERMINATION OF PARENTAL RIGHTS
- **FEWER** NEW CPS PETITIONS AFTER REUNIFICATION
- **LOWER** CRIMINAL JUSTICE RECIDIVISM
- **COST SAVINGS** PER FAMILY

Tribal Courts

Prior to European contact, Indigenous peoples practiced various forms of meaningful dispute resolution.



1883: First modern iteration of tribal courts: “Courts of Indian Offenses” (CFR)

1934: Indian Reorganization Act: permitting tribes to organize and adopt constitutions under federal law.

Today: tribal justice systems are diverse in concept and character. At various stages of development.

Complex Jurisdictional Framework

Criminal and Civil Jurisdiction is complex; often depends on the:

- Indian status of the offender/defendant
- Indian status of the victim/plaintiff
- Location of the offense/act
- The nature of the offense/act

Additional factors include:

- Federal prosecutorial discretion
- Development of the Tribal Court and/or Tribal Code
- Possible state jurisdiction (e.g. PL 280)
- Joint Powers Agreements and/or Memorandums of Understanding



Tribal Healing to Wellness Courts

Healing to Wellness Courts are tribal drug courts.

Particular interest in addressing alcoholism, especially in a non-adversarial nature.

The term “Healing to Wellness Courts” was adopted to:

1. Incorporate two important Indigenous concepts - Healing and Wellness
2. Promote wellness as an on-going journey





Key Family Drug Court Ingredients

The Big 7

Key Ingredients for FDCs

7

- System of identifying families
- Timely access to assessment and treatment services
- Increased management of recovery services and compliance with treatment
- Improved family-centered services and parent-child relationships
- Increased judicial oversight
- Systematic response for participants – contingency management
- Collaborative non-adversarial approach grounded in efficient communication across service systems and court

Sources: 2002 Process Evaluation and Findings from 2015 CAM Evaluation

Key Ingredients for FDCs

7

1

- System of identifying families

4

- Improved family-centered services and parent-child relationships

6

- Systematic response for participants – contingency management

7

- Collaborative non-adversarial approach grounded in efficient communication across service systems and court

Sources: 2002 Process Evaluation and Findings from 2015 CAM Evaluation



Key Family Drug Court Ingredients


1

System of Identifying
Families

Challenges & Barriers

- Target population unclear
- Restrictive and/or subjective eligibility criteria
- Screening and identification conducted late
- Lack of utilization of standardized screening protocols
- Referral process with weak hand-offs, lack of tracking





**Since *timely*
engagement and
access to
assessment and
treatment matters:**

**How can
identification and
screening be moved
up as *early as
possible*?**

What makes effective protocols?

- Shared mission and vision—agreement and understanding of target population and expected outcomes
- Clear and consistent referral process—preferably warm hand-off
- Coordinated case planning, information sharing
- Timely and ongoing communication and follow-up
- Understanding of and attention to competing “clocks”—timeframes—recognizing that time is of the essence



Key Family Drug Court Ingredients

4

Improved Family-Centered
Services and Parent-Child
Relationships

Family-Centered Approach



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

Family Recovery, Parent and Child Well-Being



Parent Recovery

Focusing on parent's recovery and parenting are essential for reunification and stabilizing families



Child Well-Being

Focusing on safety and permanency are essential for child well-being

Child and Family Well-Being

Because children stay home, go home or find home



Strategies to Integrate Family into Court and Treatment Process

Implement an evidence-based practice that includes parent-child time

- SafeCare
- Celebrating Families
- Strengthening Families Program
- Parents as Teachers
- Child Parent Psychotherapy

Impact of Parenting Time on Reunification Outcomes

Children and youth who have **regular, frequent contact** with their families are **more likely to reunify and less likely to reenter foster care** after reunification (Mallon, 2011)

Visits provide an important **opportunity to gather information** about a parent's capacity to appropriately address and provide for their child's needs, as well as the family's overall readiness for reunification

Improve service coordination for all members of the family

Expand case staffings to address the needs of the family rather than focus on the individual parent

- Added liaisons from treatment, mental health, children's mental health, EBP providers

Use a Children's Services Coordinator

- Improved access to and coordination with existing services
- Tracked services received by children

Implement a family functioning assessment tool

Use the North Carolina Family Assessment Scales (NCFAS) as a case planning tool

Helped determine improvements in family functioning as well as areas of need for the family that would help support reunification

Gila River Indian Community Family Drug Court



New PFR 2 Grantee

**Will be implementing Family
Wellness Court strategies in
the coming three years**

Goals and Challenges Identified in the Application



The FDC team and partners hope to implement a program that teaches the FDC participants:

- Better ways to cope with their role as parent and mentor to their children, and
- How to engage in healthy dialogue and conversations between the parents and child

Goals and Challenges Identified in the Application



- New parenting program needs to incorporate more of the Akimel O’Odham and Pee Posh cultures and traditional ways of parenting
- Concern that participants do not have a strong, consistent parent in their life to teach them how to be a parent
- Seeking an **FDC Case Manager** who is the parenting provider for all FDC participants, a new **data management system**, and a new **parenting tool**

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**

Key Family Drug Court Ingredients

6

Systematic Response for
Participants – Contingency
Management

Setting Range of Responses

- ▶ FDC team should develop a range of responses for any given behavior, and should be consistent for individuals similarly situated (phase, length of sobriety time)
- ▶ Avoid singular responses, which fail to account for other progress
- ▶ Aim for “flexible certainty” – the certainty that a response will be forthcoming united with flexibility to address the specific needs of the individual

Proximal vs. Distal Responses

- ▶ Timing is everything; delay is the enemy; how can you as a team work on this issue?
- ▶ Intervening behaviors may mix up the message
- ▶ Brain research supports behavioral observation; dopamine reward system responds better to immediacy



Effect on Children and Families



- Accountability is focused on parents
- Court must consider effect of a response on children and family as a unit
- Visitation should be determined solely on basis of child's safety and best interest (vs. parent sanction or reward)

Responses to Behavior

Safety

- A protective response if a parent's behavior puts the child at risk

Therapeutic

- A response designed to achieve a specific clinical result for parent in treatment

Motivational

- Designed to teach the parent how to engage in desirable behavior and achieve a stable lifestyle

Examples of FDC Incentives

ACHIEVEMENTS	RESPONSES/INCENTIVES
<ul style="list-style-type: none">▪ Attending all court appearances▪ Attendance and participation in treatment▪ Attendance and participation in support meetings▪ Attendance and participation at visitation/parenting time▪ Compliance with treatment plan▪ Voluntary Speaking Engagements▪ Artwork, Essays, Journals▪ Phase Advancement▪ Negative drug test results	<ul style="list-style-type: none">▪ Recognition and Praise by the Judge▪ Courtroom recognition (applause, All-Star Board)▪ Certificates of achievement▪ Bus Passes▪ Movie/Event tickets or gift cards▪ Family event tickets▪ Children's books▪ Recovery affirmation books/items▪ Reduction in Fines and Costs▪ #1 on Docket▪ Permission to leave after case is heard▪ Haircut/manicure/pedicure▪ Pick from FishBowl

Examples of FDC Sanctions

CHOICES

- Missed court appearances
- Missed appointments
- Missed support meetings
- Missed visitation/parenting time
- Missed treatment
- Inappropriate behavior at treatment facility
- Noncompliance with treatment plan
- Dishonesty
- Positive drug test
- Missed drug test
- Tampered drug test

RESPONSES/SANCTIONS

- Reprimand from the Judge
- Increased court appearances
- Increased drug testing
- Community service hours
- Essay presented to Judge or gallery
- Attend Criminal Sentencing Docket and write reflection
- Delay in Phase advancement

Key Family Drug Court Ingredients

7

Collaborative Non-Adversarial
Approach Grounded in *Efficient
Communication Across Service
Systems and Court*



Missed Opportunities

“Here’s a referral, let me know when you get into treatment.”

“They’ll get into treatment if they really want it.”

“Don’t work harder than the client.”

“Call me Tuesday.”

A young girl with braided hair, wearing a light blue tank top, is shown in profile from the chest up, drinking from a metal cup. The background is dark, and a thin, bright diagonal line of light crosses the scene from the right side.

Barriers to Effective Cross-Systems Communication

- Discipline-specific training
- Legal mandates and administrative codes
- Lack of trust between the systems
- Competing timelines
- Caseload volume
- Confidentiality provisions

Strategies to Improve Team Communication

- *Case Staffings*
- *Family Team Meetings*
- *Judicial Oversight*
- *More frequent review hearings*
- *Responses to behavior*

Participant Experience

Systems Walk-Through

Assess effectiveness of system in achieving its desired results or outcomes

Data and Info Walk-Through

Who collects data, where is it stored, who uses it, who “owns” the data, levels of access



Legal Considerations



ASFA Time Clock

1997

Adoption and Safe Families Act (PL 105-89)

Conflict with Tribal Values

For many Native Nations, the termination of parental rights is contrary to traditional and/or contemporary cultural practices, religion, and law

Application of ASFA to Tribes?

Depends...

Title IV-E: provides funds for child welfare services

Under 42 U.S.C. 675(5)(E), Native Nations **need to have laws** that require filing a petition to terminate parental rights:

- When a child has been in foster care for the designated amount of time (at least fifteen of the previous twenty-two months);
- Where a court has determined that the child is abandoned; or
- When the parent has committed a designated crime that constitutes “aggravated circumstances”

Application of ASFA to Tribes?

Title IV-B: provides funds for child welfare services

- Must submit 5-Year Child and Family Services Plan
- Sign assurances that Tribe is providing a compliant case review system with §475(5) (which includes ASFA requirements)

Tribal Considerations

BUT... a tribe can use some other type of **permanent placement** such as guardianship or relative care when appropriate.

Customary Adoption:

- Establishes a permanent legal relationship between a child and adoptive parent(s);
- Allows for continued contact between the child and the original parent/family instead of terminating parental rights; and
- Orders a permanent suspension of the rights of the birth parent to provide for the care, custody, and control of their child

*Improving
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Resources

Resources



10 Key Components (1997)

<http://www.ndci.org/sites/default/files/ndci/KeyComponents.pdf>

Tribal 10 Key Components of Wellness Courts (2014)

<http://www.wellnesscourts.org/tribal-key-components/index.cfm>

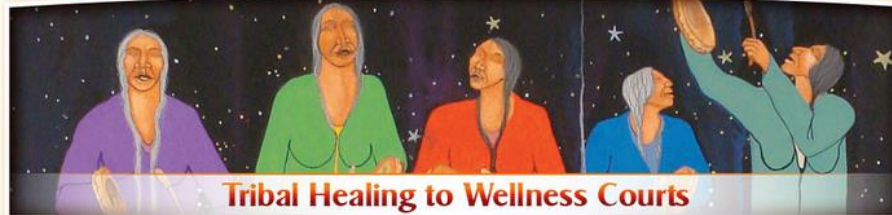
Family Drug Court Practice Guidelines (2013)

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

WellnessCourts.org

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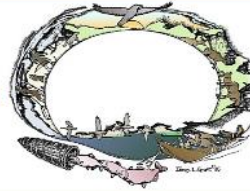
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31st Annual Alaska Tribal Court Development Conference - August 5-7, 2014

"Expanding the Role of Tribal Courts in Alaska" in Fairbanks, AK on August 5-7, 2014, sponsored by the National Judicial College, ... [More](#)



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State Resources

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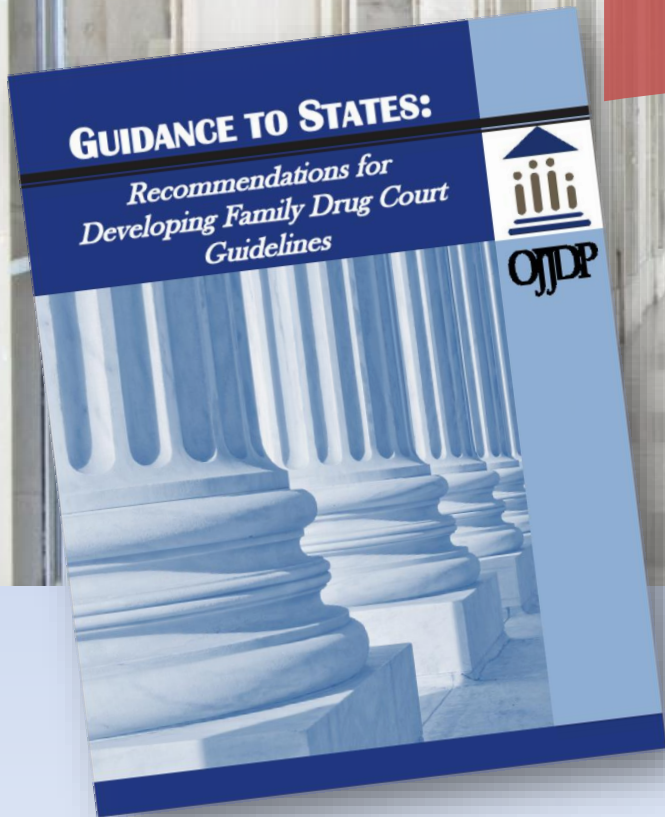
[Tribal-State Collaborations](#)

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Family Drug Court *Guidelines*

2nd Edition – Research Update



www.cffutures.org/fdc/

View the Recorded Webinar!!

Supporting Families in Family Drug Courts for Recovery, Reunification
and Permanency



July 2016



Parent-Child Relationship

Family Drug Court *Online Tutorial*

Coming Soon!

- Self-pace learning
- Modules cover basic overview of FDC Model
- Certificate of Completion



www.cffutures.org

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TRANSITIONING TO A FAMILY CENTERED APPROACH:

Best Practices and Lessons Learned
from Three Adult Drug Courts

2017



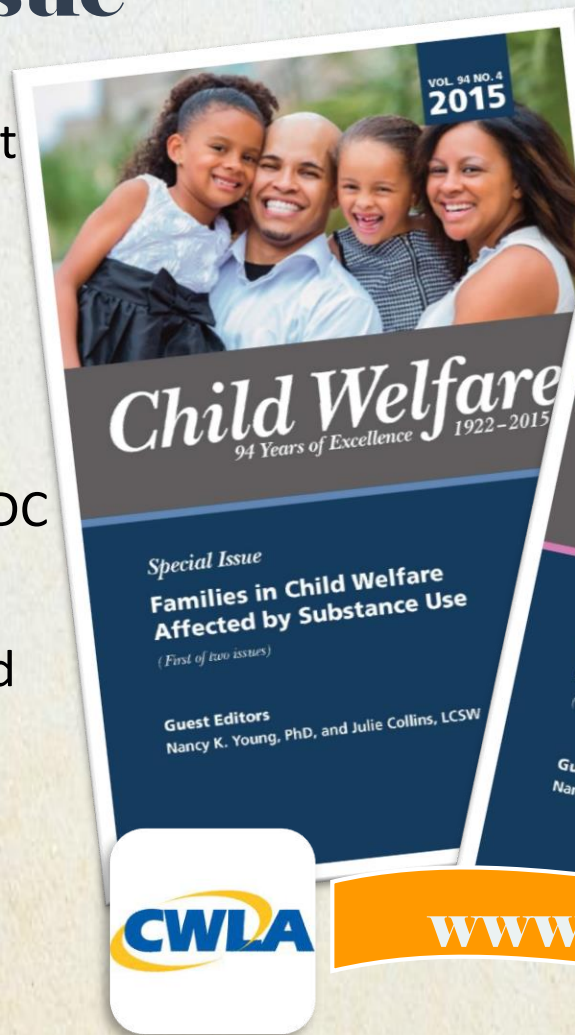
Children and Family Futures
National Association of
Drug Court Professionals



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

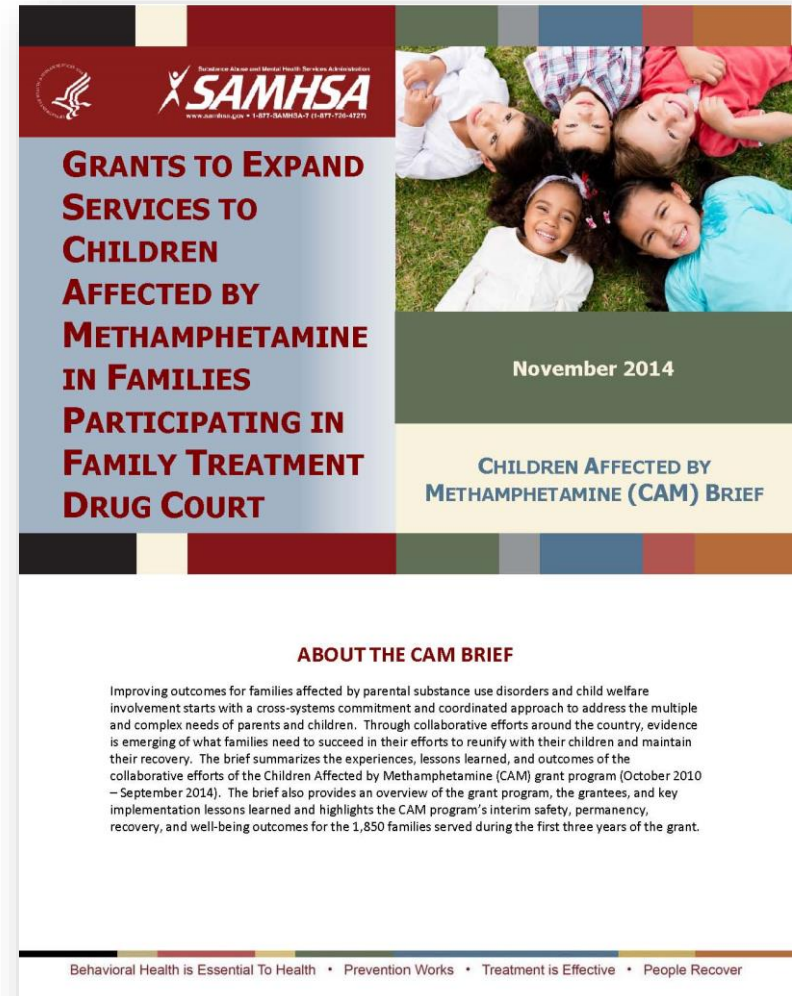


CWLA

www.cwla.org

Children Affected by Methamphetamine Brief

- Overview Children Affected by Methamphetamine (CAM) grant program (funded by SAMHSA from October 2010 – September 2014)
- Key implementation lessons learned
- Highlights safety, permanency, recovery, and well-being outcomes for the 1,850 families served during the first three years of the grant



Practice Brief

Matching Service to Need: How Family Drug Courts Identify, Assess and Support Families to Achieve Recovery, Safety, and Permanency

A Practice Brief presented by
Children and Family Futures
Lake Forest, California
June 2016

Visit www.cffutures.org
to download a copy



Matching Service to Need: How Family Drug Courts Identify, Assess and Support Families to Achieve Recovery, Safety, and Permanency

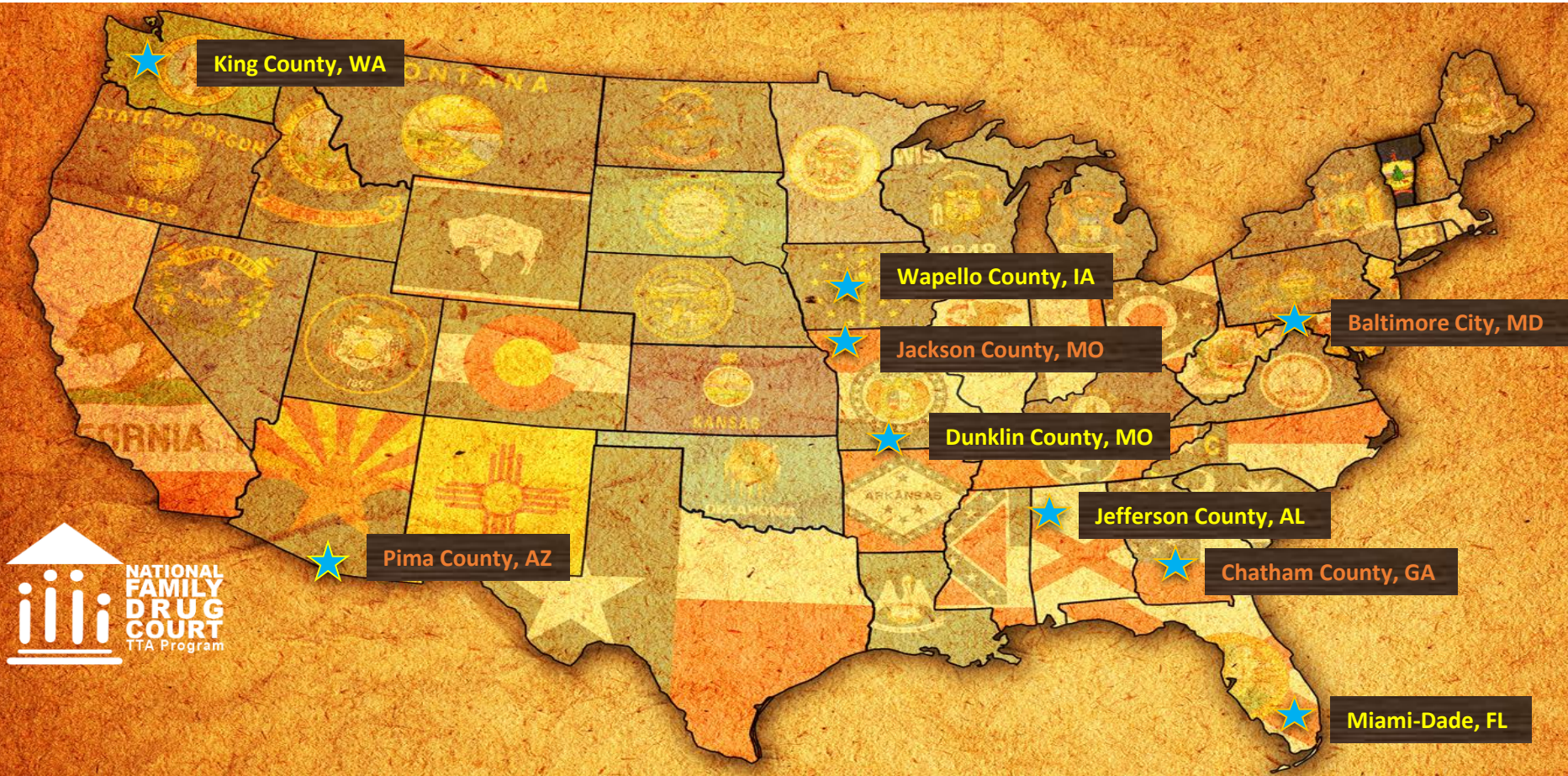
A Practice Brief presented by
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Introduction & Overview

Parental substance use disorders are a prevalent risk factor among families in child welfare services. Mothers with substance use disorders in the US are more than twice as likely to lose custody of their children than non-affected mothers (Suchman, DeCoste, Leigh, & Borelli, 2010) and when children are taken into protective services, mothers affected by substance use disorders are least likely to comply with court orders and most likely to permanently lose custody of their children (Barnard & McKeganey, 2004; Grella, Needell, Shi, & Hser, 2009). For these families who have children placed in protective custody, there is no time to lose in working toward recovery, safe parenting, and family stability as statutory timelines set forth by the Adoption and Safe Families Act (ASFA) (1997) drive decisions about the need for children to have permanency in their caregiving relationships. Thus, timely, effective, and coordinated interventions are critical to achieve treatment and child welfare outcomes.

As an adaptation of the adult criminal drug court model, Family Drug Courts (FDCs) have used the adult drug court experience, literature, and research to guide development and implementation of its model. Through intensive monitoring, high levels of coordination, effective communication, and comprehensive services, FDCs offer a solution to improve outcomes for families affected by parental substance use and child maltreatment. FDCs emerged in the mid-1990s to address inadequate access to treatment for substance use disorders among parents in child welfare and to improve families' outcomes in child welfare services and dependency courts. With over 300 FDCs now in operation across the nation, FDC outcomes have shown significantly higher rates of parents' participation in substance use disorder treatment, longer stays in treatment, higher rates of family reunification, less time for children in foster care, and decreased incidence of repeat maltreatment and return to out-of-home care compared to non-family drug court participants (Marlowe & Carey, 2012).

Family Drug Court *Peer Learning Court Program*



fdc@cffutures.org

Family Drug Court *Orientation Materials*




Discipline Specific

Child Welfare | AOD Treatment | Judges | Attorneys



www.cffutures.org/fdc

NCSACW Online Tutorials *Cross-Systems Learning*



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**

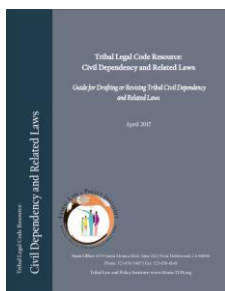
Understanding Substance Use Disorders, Treatment and Family Recovery: **A Guide for Legal Professionals**

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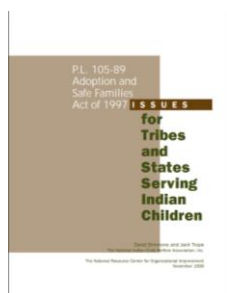
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Tribal Child Welfare Resources

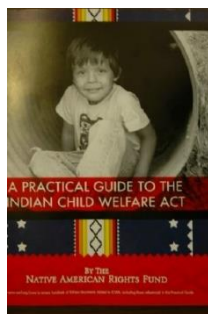


- Legal Code Resource: [Tribal Civil Dependency and Related Laws](#), Maureen White Eagle, Kori Cordero, and Pat Sekaquaptewa, Tribal Law and Policy Institute (2017).

- [Permanency of American Indian and Alaska Native Foster Children: Taking Lessons from Tribes](#), Barbara Ann Atwood, Arizona Legal Studies No. 08-22 (2008).



- [P.L. 105-89 Adoption an Safe Families Act of 1997: Issues for Tribes and States Serving Indian Children](#), David Simmons and Jack Trope, National Indian Child Welfare Association (1999).



- [A Practical Guide to the Indian Child Welfare Act](#), Native American Rights Fund (2007).