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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Acknowledgement

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Points of view or opinions expressed in this presentation are those of the presenter(s) and do not necessarily represent the official position or policies of OJJDP or the U.S. Department of Justice.
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
To improve safety, permanency, well-being and recovery outcomes for children, parents and families affected by trauma, substance use and mental health disorders.
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.

Visit: www.familydrugcourts.blogspot.com
Advancing the Movement 2017

National **FDC Strategic Plan**

**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

**NADCP 2017 Sessions**

- • 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?
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!
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)
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
First Family Drug Courts Emerge – Leadership of Judges Parnham & McGee

Six Common Ingredients Identified

Grant Funding – OJJDP, SAMHSA, CB

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

Systems Change Initiatives

Institutionalization, Infusion, Sustainability

National Strategic Plan

FDC Movement

10 Key Components and Adult Drug Court Model
What have we learned?
How Collaborative Policy and Practice Improves

5Rs

- Recovery
- Remain at home
- Reunification
- Re-occurrence
- Re-entry
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
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

1. **System of identifying families**
2. **Timely access to assessment and treatment services**
3. **Increased management of recovery services and compliance with treatment**
4. **Improved family-centered services and parent-child relationships**
5. **Increased judicial oversight**
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 Ingredients for FDCs

1. System of identifying families
2. Improved family-centered services and parent-child relationships
3. Systematic response for participants – contingency management
4. 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

Improved Family-Centered Services and Parent-Child Relationships
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
- Strengthening Families Program
- Child Parent Psychotherapy
- Celebrating Families
- Parents as Teachers

**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
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
• 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

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

<table>
<thead>
<tr>
<th>Safety</th>
<th>Therapeutic</th>
<th>Motivational</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A protective response if a parent’s behavior puts the child at risk</td>
<td>• A response designed to achieve a specific clinical result for parent in treatment</td>
<td>• Designed to teach the parent how to engage in desirable behavior and achieve a stable lifestyle</td>
</tr>
</tbody>
</table>
# Examples of FDC Incentives

<table>
<thead>
<tr>
<th>ACHIEVEMENTS</th>
<th>RESPONSES/INCENTIVES</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ Attending all court appearances</td>
<td>▪ Recognition and Praise by the Judge</td>
</tr>
<tr>
<td>▪ Attendance and participation in treatment</td>
<td>▪ Courtroom recognition (applause, All-Star Board)</td>
</tr>
<tr>
<td>▪ Attendance and participation in support meetings</td>
<td>▪ Certificates of achievement</td>
</tr>
<tr>
<td>▪ Attendance and participation at visitation/parenting time</td>
<td>▪ Bus Passes</td>
</tr>
<tr>
<td>▪ Compliance with treatment plan</td>
<td>▪ Movie/Event tickets or gift cards</td>
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<tr>
<td>▪ Voluntary Speaking Engagements</td>
<td>▪ Family event tickets</td>
</tr>
<tr>
<td>▪ Artwork, Essays, Journals</td>
<td>▪ Children’s books</td>
</tr>
<tr>
<td>▪ Phase Advancement</td>
<td>▪ Recovery affirmation books/items</td>
</tr>
<tr>
<td>▪ Negative drug test results</td>
<td>▪ Reduction in Fines and Costs</td>
</tr>
<tr>
<td></td>
<td>▪ #1 on Docket</td>
</tr>
<tr>
<td></td>
<td>▪ Permission to leave after case is heard</td>
</tr>
<tr>
<td></td>
<td>▪ Haircut/manicure/pedicure</td>
</tr>
<tr>
<td></td>
<td>▪ Pick from FishBowl</td>
</tr>
</tbody>
</table>
# Examples of FDC Sanctions

<table>
<thead>
<tr>
<th>CHOICES</th>
<th>RESPONSES/SANCTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missed court appearances</td>
<td>Reprimand from the Judge</td>
</tr>
<tr>
<td>Missed appointments</td>
<td>Increased court appearances</td>
</tr>
<tr>
<td>Missed support meetings</td>
<td>Increased drug testing</td>
</tr>
<tr>
<td>Missed visitation/parenting time</td>
<td>Community service hours</td>
</tr>
<tr>
<td>Missed treatment</td>
<td>Essay presented to Judge or gallery</td>
</tr>
<tr>
<td>Inappropriate behavior at treatment facility</td>
<td>Attend Criminal Sentencing Docket and write reflection</td>
</tr>
<tr>
<td>Noncompliance with treatment plan</td>
<td>Delay in Phase advancement</td>
</tr>
<tr>
<td>Dishonesty</td>
<td></td>
</tr>
<tr>
<td>Positive drug test</td>
<td></td>
</tr>
<tr>
<td>Missed drug test</td>
<td></td>
</tr>
<tr>
<td>Tampered drug test</td>
<td></td>
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</tbody>
</table>


Key Family Drug Court Ingredients

Collaborative Non-Adversarial Approach Grounded in *Efficient Communication* Across Service Systems and Court
“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.”
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
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
Contact Information

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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)
View the Recorded Webinar!!

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

Parent-Child Relationship

July 2016
Family Drug Court Online Tutorial

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

www.cffutures.org

Coming Soon!
TRANSITIONING TO A FAMILY CENTERED APPROACH:
Best Practices and Lessons Learned from Three Adult Drug Courts

Children and Family Futures
National Association of Drug Court Professionals

2017
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
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
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
Family Drug Court *Peer Learning Court Program*

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Tribal Child Welfare Resources


