

NATIONAL DRUG COURT INSTITUTE



DRUG COURT PRACTITIONER FACT SHEET

Judge Jeffrey Tauber, Director

May 1999

Family Drug Courts: An Alternative Approach to Processing Child Abuse & Neglect Cases

In 1996, over 2 million reported incidents of alleged maltreatment of nearly 3 million children were filed, resulting in nearly 1 million substantiated cases of child abuse and neglect and 1,077 deaths. Further complicating this issue, studies suggest that up to 80% of substantiated child abuse cases involve parents who are involved with alcohol or other drugs. In order for these parents to regain custody of their child(ren) they must be drug free. Under the current system, the parents inability to maintain a drug free lifestyle delays the reunification process and can often lead to the termination of parental rights of the child(ren).

With the passage of the Adoptions and Safe Families Act (ASFA) of 1997, courts are required to begin termination of parental rights proceedings after the child has been removed from the home for 1 year to 18 months. This arbitrary time frame can be a insurmountable barrier for addicted parents unable to enter treatment due to waiting lists, or for parents in treatment who relapse.

In response, family drug courts offer a comprehensive systemic approach to treating substance-abusing parents, while maintaining the goal of reunification and meeting the requirements of the AFSA. There are approximately 20 family drug courts operational or in the planning phase.

Another Permanency Perspective, by Judge Charles M. McGee (Juvenile and Family Court Journal, Vol. 48 No. 4, 1997) highlights the key components of a family drug court, that includes: team approach to treatment, team members necessary to be successful and community resources.

To date there are no published findings on the effectiveness of family drug courts, but there is some promising initial data. In January 1999 the National Center on Addiction and Substance Abuse at Columbia University, published *No Safe Haven: Children of Substance-Abusing Parents*, which analyzes the link between child maltreatment and substance

abuse. The report includes a chapter on family drug courts and highlights three family drug courts.

Reno, Nevada, program began in February 1995

Of the 169 participants 74 have successfully graduated. Only 45 were terminated from the program and only 2 have been reported for new incidents of maltreatment.

Pensacola Florida, program began in February 1996

Of the 39 participants, 21 have graduated from the program and 52 children have been reunited with their parents. Only 18 parents were terminated from the program, where 38 children were freed for adoption or permanent placement.

Suffolk, New York, program began December 1997

30 of the 33 participants have been in compliance with the expectations of the program and in May 1998 a participant delivered a drug free baby.

In March of this year, the American Bar Association published an issues of the Child Law Practice devoted to family drug courts and states: "family drug courts offer intensive drug treatment intervention and supportive services, within a structure of sanctions and incentives. It is an approach worth considering."

The National Drug Court Institute, in collaboration with the National Association of Drug Court Professionals, the Center for Substance Abuse Treatment and the National Council of Juvenile and Family Court Judges, is working to promote the development of successful family drug courts, including a family drug court workshop, a two-day family drug court focus group and the first annual NADCP Juvenile and Family Drug Court Conference, January 6-8, 2000 in Phoenix, Arizona.