



**OJP Drug Court Clearinghouse
School of Public Affairs
American University**

FREQUENTLY ASKED QUESTION SERIES: Assessing the Impact of Family Drug Courts

- 1. What are the primary motive(s) for participants to enter a family drug court? From the Court's perspective, what are the principal criteria relevant to assessing the effectiveness of a family drug court?**

Note: We received a number of inquiries relating to the factors motivating participants to enter a family drug court (which is generally a civil rather than criminal court process), and criteria which would be useful to evaluating the effectiveness of a family drug court program. We asked the following family drug court judges to provide perspective on these issues:

Judge Jeri Cohen, Dade County (Miami), Florida
Judge Charles McGee, Washoe County (Reno), Nevada
Judge Nicolette Pach, Suffolk County (Central Islip), New York; and
Judge John Parnham, Escambia County (Pensacola), Florida

Below is a composite summary of their responses.

- 1. Based on your experience, what do you feel is the primary motive(s) for participants to enter the family drug court?**

Judge Cohen: "I think that the primary motivating factor for parents entering drug court is to get children back. Although they can do this without drug court, I believe their lawyers tell them that the services in drug court are outstanding and that without drug court they will not be successful. In addition, our DC&F is terrible. The attorneys have seen over the years how DC&F actually works to hinder the parents rather than help them. Our addiction specialists essentially babysit these parents for 12 months. In addition, drug court helps parents get preferred placement in maternal addiction centers and, because we have so many eyes on the parents, quicker reunification. For example, I can put my parents into sober housing after treatment with children because I have a structured and monitored environment."

Judge McGee: "I feel the primary motive for participants entering the Family Drug Court is the assurance of getting their children back if they get clean and sober and satisfy the case plan."

Judge Pach: Based on my telephone conversation with Judge Pach, she cited the following factors which she felt motivated parents to participate: fear of losing their child; and actually losing their child. She also cited the encouragement which the defense bar gives for participation. Under ASFA, the family drug court presents the parents' best hope of reunification with or maintaining custody of their child; the service plan developed is consistent with ASFA requirements. If a parent doesn't participate, their case will go into the neglect docket with only the support of an overworked case worker, with minimal services. When they come back for a permanency hearing, little will have been accomplished.+

Judge Parnham: Based on my telephone conversation with Judge Parnham, he indicated that, under the new system applicable to the Escambia County Family Drug Court – which makes program participation voluntary -- the primary motivating factor for parents' entry appears to be the desire to regain custody of their children. However, he also noted that, under the previous "semi-coercive" system in which a jail sentence could be imposed for a finding of contempt for failure to comply with a dependency court order, which sentence would be suspended if the participant agreed to participate in the family drug court, the desire to avoid jail appeared to be the primary motivating factor. He also noted that, with the shift to a purely voluntary program, far fewer participants now enter the family drug court since all entities involved in the case (defense, case workers, the Department of Social Services, etc.) need to support the family drug court option; if one entity doesn't support that option, the client doesn't enter the program.

2. What are the principal criteria you would use to assess the effectiveness of the family drug court (from the court's perspective, that is)?

Judge Cohen: "The success of a particular case should be judged not so much based on whether a parent gets all of his/her children back, but rather whether the parent can make good decisions with the drug court on safe permanent placements for the children. This would include giving some children up for relative/stranger adoption; leaving some/all children with relatives but being a helper; getting custody of the children and breaking the cycle of violence, substance abuse and neglect. The primary goal is safe, permanent and nurturing homes within the statutory time frames."

Judge McGee: "The principle criterion to assess the effectiveness of the court will be the longitudinal study to show whether or not these people are able to maintain their sobriety and their parenting skills. In another sense, however, the Family Drug Court is even a success as it fails to reunify children with parents. If the intensive efforts at reunification don't work, then the judge can at least honestly and with good faith certify reasonable efforts at reunification before proceeding to a termination of parental rights."

Judge Pach: Based on my telephone conversation with Judge Pach, she noted that the primary criteria she would look at is the outcome for the child and, particularly, the length of time that elapses until a permanent plan for the child is in place when the child is in a permanent safe and stable home. She would also look at how long it takes to complete assessments and get meaningful services delivered. She, too, noted that the focus can't simply be on reunification or parental sobriety. While reunification is the preferred permanency plan, the court must focus on timely permanency for children.

Judge Parnham: Judge Parnham indicated that he agreed with Judge Cohen's comments in this regard. He also noted that, because of the bifurcated design of the Escambia County Family Drug Court, "the best interests of the child" aren't addressed in the *family drug court* component of the dependency process. These are addressed in a separate, traditional adversarial dependency hearing, in which parties are represented, with prior notice given, etc.. The "best interests of the child" are therefore always the consideration and the reason the case is in the dependency court. However, decisions that affect dependency issues (e.g., termination of visitation, reunification, placement of the child, etc.) are made in the *dependency* component of the proceedings. The focus of the *family drug court* component of the dependency case process is upon assisting the parent in changing his/her lifestyle that necessarily affects the child –not making decisions regarding the placement of the child or reunification – decisions which remain in the traditional dependency process. Given the context in which the family drug court operates in Escambia County, Judge Parnham therefore cited as the primary criteria he would use to evaluate the success of the program is the degree to which the parent makes lifestyle changes that affect the child -- becoming clean and sober; securing/maintaining employment; developing parenting skills, etc.