Family Drug Treatment Courts and Child Protection: Looking to the Future

Professor Judith Harwin, Co-Director, Centre for Child and Family Justice Research, Lancaster University & Caroline Cooper, Justice Consultant, Researcher & Attorney, USA

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What the talk will cover

- Experience with implementing Family Treatment Courts (FTCs) in three countries (U.S., England, and Australia)
  - presentation based on first cross-national comparison of FTCs in these jurisdictions that includes wider political and economic contexts
- Success and challenges
- What have we learned?
  - Identification of commonalities and differences
- How to move forward

Family Treatment Courts: what are they?

• A problem-solving court operating within the framework of child protection legislation
• Aim to improve permanency outcomes for children
  – family reunification
  – swifter out-of-home permanency if reunification not possible
• To achieve higher rates of control or cessation of parental substance misuse
• To achieve a more effective court process
• FTCs are a the most radical paradigm shift in family justice in the last 20 years
Similarities with other problem-solving courts

- Treat and adjudicate within the court proceedings
- A non-adversarial and collaborative process
- Tackle the underlying problems through use of motivational approaches
- Provide intensive but **time-limited support** using the authority of the court and well coordinated case management
- Underpinned by TJ and its theory of change

Differences

- The primary focus is on the best interests of the child but change is targeted at the parents & wider family
  - Potential conflict of interests between the child and parent
- Use of sanctions
Special challenges in implementing family treatment courts (1)

• Dealing with an “unpopular” population
• Dealing with family issues entails dealing with multiple individuals, problems, needs and services
• Parental substance misuse requires months/years to deal with and sustain recovery
  – need direct services as well as social supports
• Completing the case within the justice system timeframe -(which is far shorter than required for recovery)
Special challenges in implementing family treatment courts (2)

• Far more agencies involved than for drug courts or other problem-solving courts
• Rely on strong case management services that are integrated with all of the service providers
• Limitations of the approaches to evaluation
  – In USA focus is on reunification & often measured narrowly
  – Sustainability of reunification and parental substance misuse cessation has received little attention - other problems not tracked
• In USA no data available on what they do, who they service and who they do not service
• Local initiatives, with some centrally funded pilots but no infrastructure to ensure their sustainability
Learning from this cross-national comparison- and discussion issues

To develop and sustain FTCs need in all 3 countries:

• an infrastructure that can sustain the programmes beyond the period of special government support or grass roots initiatives
• a change in culture of all those involved – a transformation approach
• To recognise that court and recovery timeframes do not match
• To recognise the impact of economic and political contexts that promote under-investment & short-termism
• Reframing child and parent outcomes agenda is needed with focus on durability beyond the court process. Evidence of better short-term child outcomes is not enough
• Options for incorporating a problem-solving approach into mainstream child protection proceedings
For more information:

Contact details

Judith Harwin  j.e.harwin@lancaster.ac.uk
visit our website  https://www.cfj-lancaster.org.uk

Caroline Cooper  carolinecooperesq@gmail.com