



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

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# What the talk will cover

- Experience with implementing Family Treatment Courts (FTCs) in three countries (U.S., England, and Australia)
- Success and challenges
- What have we learned?
  - Identification of commonalities and differences
- How to move forward

\*Harwin, J., Broadhurst, K., Cooper, C. and Taplin, S. (2019)

'Tensions and contradictions in family court innovation with high risk parents: the place of family drug treatment courts in contemporary family justice', *International Journal of Drug Policy*, 68, pp.101-108.

# Family Treatment Courts: what are they?

- Problem-solving courts 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 the most radical paradigm shift in family justice in the last 20 years**

# Comparing FTCs to other problem-solving courts: similarities and differences

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## Similarities

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

# Differences from other problem-solving courts

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- Primary focus is on the best interests of the child with change targeted at the parents & wider family
  - Potential conflict of interests between the child and parent
- Use of sanctions not encouraged
- The focus is on addressing best interests of the child and motivating parents to focus on meeting the child's best interests
- E.g In England keeping the child is the 'reward' while the loss of the child at the end of the FDAC trial is considered sufficient hardship.

# Special challenges in implementing family treatment courts (1)

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- Dealing with an “unpopular” population
- Family issues entail working 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 the timeframe 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 current approaches to evaluation
  - In USA focus is on reunification & often measured narrowly (e.g. days saved in foster care and money saved)
  - 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 (1)

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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 and a transformation approach where:
  - the justice system and service providers recognise that positive outcomes for families affected by parental substance misuse are feasible
- To recognise that court timeframes and recovery timeframes do not match

# Learning from this cross-national comparison- and discussion issues (2)

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- To recognise the impact of economic and political contexts on investment in FTCs that:
  - promote a short-term focus and easy fixes that may result in under-investment and failure over the longer term
- 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-
  - the majority of children and parents affected by parental substance misuse do not access FTCs
- How best to achieve?

For more information:

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