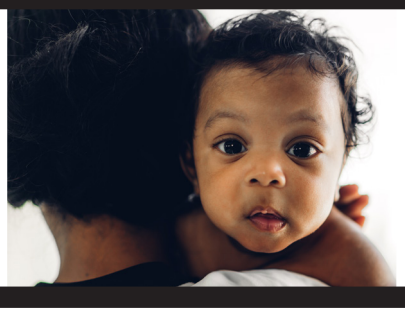
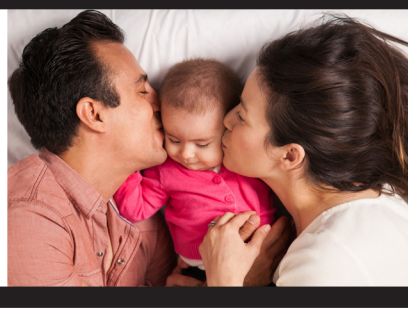
NATIONAL FAMILY TREATMENT COURT PROGRAM
Training and Technical Assistance

HARNESSING THE POWER OF FAMILY TREATMENT COURTS: PRACTICE AND POLICY STRATEGIES ACROSS THE PREVENTION SPECTRUM



Introduction

Family treatment court (FTC) is a juvenile or family court docket for cases of child abuse or neglect in which parental substance use and often co-occurring mental health disorders are contributing factors. FTC teams provide parents, children, and family members with timely access to comprehensive care, increased case management, and intensive judicial oversight. The goals are to ensure children have safe, nurturing, and permanent homes, avoiding out-of-home placement whenever possible; children, parents, and family members receive services and supports to meet their individual needs; and parents achieve stable recovery from their substance use and mental health disorders. While FTCs often intervene with families once children are placed in protective custody and the focus is on timely permanency, there are opportunities to implement an approach to enhance supportive services and prevent child placement for families affected by substance use disorders (SUDs).

> It is important to recognize the numerous meanings of "family" and the differing roles of family members. This series of briefs defines family as parents, children, nuclear family members, extended family members, and families of choice (unrelated by blood or marriage but whose members regard one another as family).

This brief... **is part of a series** focused on helping collaborative teams fund (**Brief 1**) and evaluate (**Brief 2**) FTCs while identifying and meeting the needs of their community (**Brief 3**). The briefs combine existing collaborative practices to present an overview of pertinent strategies for FTC teams. The series is intended as interrelated briefs but each resource can be viewed individually. Links to tools and resources are provided throughout the briefs for more in-depth information on each topic

The series of briefs includes:

- *Brief 1: Harnessing the Power of Family Treatment Courts: Funding and Sustaining Crucial Services for Families*
- *Brief 2: Harnessing the Power of Family Treatment Courts: Using Data as a Tool for Change*
- *Brief 3: Harnessing the Power of Family Treatment Courts: Considerations for Meeting the Needs of Families Based on Community Population Density*
- *Brief 4: Harnessing the Power of Family Treatment Courts: Scaling Effective Practice to Meet Community Needs*
- ***Brief 5: Harnessing the Power of Family Treatment Courts: Practice and Policy Strategies at All Levels of Prevention***

Brief 5 describes how FTCs can intervene early with families to provide basic services based on assessed community needs to prevent child maltreatment as well as practice and policy strategies to prevent court involvement and placement in out-of-home care.

Defining Prevention

Preventing child maltreatment and family separation helps ensure that children grow up in safe and stable families with nurturing, capable, and healthy parents. While prevention-focused interventions and services vary in scope and intensity, they share a common goal of improving outcomes for children, parents, and family members. The Child Welfare Information Gateway defines prevention efforts using a three-level continuum:[1]

Level of Prevention	Approach
Primary	Connects families to needed resources and supports within their community to prevent child maltreatment and child welfare system involvement
Secondary	Provides families with one or more risk factors with services to prevent child maltreatment or deeper child welfare system involvement
Tertiary	Intervenes with families in which child maltreatment has already occurred with the goal of preventing family separation, recurrence, and reentry into the child welfare system

In this brief, the prevention framework is adapted for FTCs to broaden their continuum of interventions to effectively serve all families affected by SUDs. The following sections describe how FTCs are uniquely positioned to implement strategies that span across the three-level continuum to prevent maltreatment, court involvement, and children placed in out-of-home care.

1 Primary Prevention for FTCs

Primary services aim to prevent maltreatment before it occurs and prevent the need for child welfare involvement. Traditionally, FTCs are not a part of primary prevention efforts because they serve families *after* child welfare involvement. This narrow focus overlooks broader issues and opportunities for comprehensive, preventive care that respond to the root causes of family challenges. It is well-established that many families experiencing poverty are involved in the child welfare system.[2] An estimated 85% of families investigated by the child welfare system have incomes below 200% of the federal poverty line.[3] It is critical for FTCs to recognize that families are experiencing poverty and contribute to supporting healthy families and communities, thereby reducing the likelihood of unnecessary child welfare involvement. FTCs can:

- **Use the convening power of the judge to bring together a wide range of community partners such as public health, child welfare, family resource centers, and community non-profits to inspire systems change** so that family members feel safe seeking help prior to child welfare or court involvement becomes necessary. Through collaboration, FTCs can identify barriers, brainstorm strategies, and improve services to meet families' basic needs. This convening power is not considered a violation of judicial ethics but rather a core aspect of judicial leadership in the child welfare context. For more information, see the ***Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases***.
- **Reflect on how community context influences child welfare involvement and develop a plan of action to support healthy communities.** Examples of questions to initiate discussions with partners include:
  - What role does community context and environment play in referrals to child welfare and child placement?
  - If families are coming to the attention of child welfare due to living situations, what can we do to support them instead of involving them in the system and removing children?
  - How are we making reasonable and active efforts to keep families together?
  - What can we do to keep families from coming to the court's attention?
  - What funding and resources can we bridge to meet families' needs now rather than waiting for something in the future?

- **Identify opportunities to engage in anti-poverty initiatives** such as using flexible funds or guaranteed income programs to offer concrete economic support to meet families' foundational needs (see ***Research Reinforces: Providing Cash to Families in Poverty Reduces Risk of Family Involvement in Child Welfare*** and ***Economic and Concrete Supports are Key Ingredients in Programs Designed to Prevent Child Welfare Involvement*** for more information). For example, providing participants with information about the Earned Income Tax Credit and the Child Care Tax Credit is an important strategy.

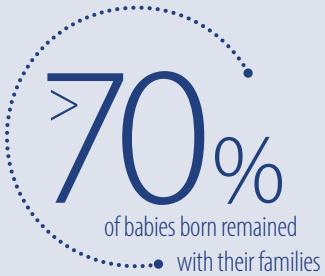
2 Secondary Prevention for FTCs

Secondary services seek to prevent maltreatment before it occurs among high-risk populations and to prevent the need for initial or deeper involvement with the child welfare agency. Federal legislation such as the Child Abuse and Prevention and Treatment Act (CAPTA) and Promoting Safe and Stable Families have provisions, including the Plan of Safe Care (POSC), that can ground FTCs' efforts to advance prevention goals. A POSC is specified in CAPTA to ensure the safety and well-being of an infant affected by prenatal substance exposure. A POSC provides services and supports that respond to the safety, health, and developmental needs of infants affected by prenatal substance exposure, and the health and SUD treatment needs of their parents or caregivers. A POSC has been shown to reduce child safety risks, demonstrating its potential to keep families together and prevent the need for placement in out-of-home care.[4] Additional information on POSC is available from the National Center on Substance Abuse and Child Welfare (NCSACW).

FTCs can be catalysts for implementing POSC as: 1) an effective intervention for infants and their parents or caregivers involved with the court; and 2) a prevention strategy for infants and their parents or caregivers at risk of, but not involved in, the child welfare system. To integrate into the larger prevention and early intervention systems of care, FTCs can:

- **Take leadership to engage with community partners** such as maternal and infant health care providers, birthing hospitals, and early intervention services providers on the purpose and importance of POSC to obtain buy-in and promote a prevention mindset.
- **Formalize cross-system partnerships** through co-location of partner agency staff, co-visiting families, and team monitoring of POSC to strengthen collaborative relationships and practice. See the ***Plans of Safe Care Learning Modules Series*** for additional strategies on how to provide coordinated family-centered care and support the development and implementation of POSC.
- **Integrate POSC, including coordination of pre- to post-natal care, into case and treatment plans** to support families and provide continuity of services. Contact the Family Treatment Court Training and Technical Assistance Program to review the ***Infants with Prenatal Substance Exposure and their Families: Five Points of Family Intervention*** which describes key intervention points for collaborative teams to help prevent prenatal substance exposure and respond to the needs of families affected by substance use and mental health disorders.

POSC for pregnant women has been shown to inform child welfare practice and prevent removal when notified of an infant affected by prenatal substance exposure. Across 14 demonstration sites, over 70% of babies born during this initiative remained with their families. Sites accomplished this through prenatal POSC, early engagement, and expanding partnership such as adding a physician or hospital representative to the core team. Contact Children and Family Futures to access the Quality Improvement Center for Collaborative Court Teams (QIC-CCCT) *Program Summary Brief* for more information.



3 Tertiary Prevention for FTCs

Tertiary services strive to prevent family separation, recurrence of maltreatment and reentry into the child welfare system. FTCs typically become involved after a child welfare case has been filed and a child has been removed from home, working to respond to the issues that led to the family's court involvement and aiming for family preservation or reunification. While many FTCs currently operate under this post-file operational design (i.e., allegations have been substantiated and a petition has been filed with the dependency court), there remain prevention opportunities for FTCs to move upstream. At this level, FTCs can aim to prevent court involvement and out-of-home placement when possible. FTCs can:

- **Advocate for the use of Family First Prevention Services Act (FFPSA) funding for services** to: 1) keep children with their parent(s) in residential SUD treatment, and 2) provide SUD treatment and other prevention services (e.g., mental health, in-home parenting, kinship navigator) to families. Casey Family Programs offers ***State-by-State Data*** regarding children in out-of-home care that can be used to highlight the need for prevention services.
- **Collect data to track successes, needs, and areas for improvement** which can be used to justify or strengthen requests for new or continued funding. Examples of performance measures include:
  - What percentage of families were served without a formal case open?
  - Of families who were diverted to an alternate pathway away from the court or child welfare system, what services did they receive?
  - Of children affected by prenatal substance exposure, what percentage received a POSC?
  - What percentage of women who were pregnant at program enrollment had a POSC at the time of program exit?
  - What percentage of babies born during the FTC remained with their families?
  - Of children in-home at case open or program entry, what percentage remained at home throughout program involvement?
- **Ensure reasonable or active efforts to prevent removal are made.** The FTC serves as a key resource to ensure that reasonable efforts are made to preserve families and avoid the trauma of removal by working with their child welfare and family partners. If the request is for the child to be placed in out-of-home care, FTC teams can use the following question, 'What would it take to maintain the child in the home?' as a foundation for their prevention approach.

  In one county, a program was designed to make reasonable efforts to avoid removal and preserve families. Children are allowed to stay with their parents for the duration of the program and the child welfare case, which includes 90 days each of residential treatment and post-treatment sober housing. This allows the child welfare and legal systems to serve families with high-risk factors while keeping children with their parents.



- **Implement a pre-file operational design**[i] in which families can participate in an FTC prior to the formal filing of a petition alleging abuse or neglect to prevent unnecessary removals and formal court involvement. Due to the level of FTC intervention and oversight in this design, children can often safely remain at home while parents access the needed levels of care for treatment and other areas of support such as healthcare, housing, and social connections. Pre-file operational designs vary from state to state and among local jurisdictions. Common elements of this approach include:
  - **Population Focus:** Assessment of SUD severity and maltreatment risk is imperative as families who are appropriate for pre-file courts generally have lower maltreatment risk compared to post-file tracks and may be part of differential or alternative response initiatives. If safety concerns arise and the risk of maltreatment changes, pre-file FTCs have a formal protocol to notify child welfare. Parents typically have at least a moderate substance use disorder.

[i] This is also known as a pre-petition or early intervention FTC operational design.

- **Court Reviews, Monitoring, and Support:** Families' progress is regularly monitored through administrative reviews, which occur weekly, bi-weekly, or at least monthly. These reviews provide ongoing support to help families meet their goals and decrease safety risks. They can look like court hearings but are usually off the record.
- **Judicial or Court Facilitator Role:** Judicial officers, non-acting judicial officers, and family court facilitators may oversee administrative reviews.
- **Comprehensive Services:** The court collaborates with service providers to offer comprehensive support, including case management, substance use treatment, mental health services, parenting classes, and other resources. Special attention is given to non-clinical basic needs such as income, housing, and education.
- **Length:** Participation in pre-file FTCs is typically shorter (6 to 12 months) than post-file FTCs. If families are not successful in the pre-file track, a petition may be filed, and the case transferred to the partnering FTC for more intensive support.

- **Expand eligibility criteria to include families with children who remain in the home.** This is often referred to as a **family preservation operational design** which provides intensive services and supports to resolve safety and risk factors that might otherwise lead to child removal. Contact Children and Family Futures to access *Let's Be Better Together - Five Questions Your Family Treatment Court Team Must Discuss If You Want to Serve In-Home Families* for more information on preservation and pre-file operational designs. The following table outlines a continuum of approaches for FTCs to consider based on their community's strengths and context.

	Pre-file FTC	Family Preservation FTC	Traditional FTC
Jurisdiction and Court Filing	Petitions may be drafted but not filed (held in abeyance)	Petition is filed	Petition is filed
Population	Lower maltreatment risk and at least a moderate SUD	Moderate to high maltreatment risk and a moderate to high SUD	Moderate to high maltreatment risk and a moderate to high SUD
Child Placement	In home	In home	Out of home
Role of Court and Judicial Officer	Non-acting judicial officer, or a judicial officer oversees administrative reviews	A judicial officer oversees court hearings	A judicial officer oversees court hearings
Length	6 to 12 months	12 to 18 months	12 to 18 months

One county implemented a pre-filing approach for families affected by SUD and eligible for informal supervision (a prevention program in lieu of court intervention) through the child welfare agency. The FTC includes a specialized administrative hearing docket in which the dependency petition is held in abeyance as long as the parent complies with the treatment plan and the child is not placed at significant risk of maltreatment necessitating his or her removal. Evaluation of the program has demonstrated positive SUD treatment and child permanency outcomes. Since 2007, 98.5% of children who were home at enrollment remained home through child welfare case closure, and 90% of parents entered treatment.

98.5 percent

of children who were home at enrollment remained home through child welfare case closure

Considerations for FTCs in Prevention Work

While the benefits of engaging in prevention efforts are clear, if not done properly this can lead to:

- **Net-widening:** FTCs can inadvertently widen the net or expand the scope of individuals subject to legal system intervention, resulting in more people being processed through the system rather than fewer which is counterproductive to the goals of prevention.
- **Labeling and stigmatization:** Early involvement in the child welfare system can lead to negative labeling and stigmatization. Many families will opt out of voluntary prevention services and not get the services they need because of fear and shame.
- **Diverting resources:** Resources intended for the most at-risk families may be spread too thin, resulting in less effective interventions for those who need them most.

In general, pre-file and family preservation operational designs have not undergone rigorous outcome studies. It is important for FTC teams to continuously track outcomes and consider these potential risks as they implement major practice and policy changes focused on prevention for families.

Conclusion

While the collaborative structure of FTCs provides a unique opportunity to prevent court involvement and child placement in out-of-home care, it is important to recognize that this work takes time and can be challenging. FTC teams can take incremental steps to implement prevention strategies related to meeting families' basic needs, shifting to a prevention mindset, expanding partnerships, and securing funding and resources for families. The National FTC Training and Technical Assistance Program is available to help FTC teams implement the strategies outlined in this brief to improve outcomes for children, parents, and families affected by SUDs.

CONTACT US

Email FTC Training and Technical Assistance Program at ***ftc@cffutures.org***

Visit the website at ***https://www.cffutures.org/national-fdc-tta-program/***

Call toll-free at ***866.493.2758***

CENTER FOR CHILDREN AND FAMILY FUTURES
Strengthening Partnerships, Improving Family Outcomes

NATIONAL FAMILY TREATMENT COURT PROGRAM
Training and Technical Assistance

Children and Family Futures strives to prevent child abuse and neglect while improving safety, permanency, well-being and recovery outcomes for all children, parents and families affected by trauma, substance use and mental health disorders.

References

[1] Child Welfare Information Gateway. (n.d.). *Prevention continuum*. https://www.childwelfare.gov/topics/prevention/prevention-continuum/

[2] Child Welfare Information Gateway. (2023). *Separating poverty from neglect in child welfare*. https://www.childwelfare.gov/resources/separating-poverty-neglect-child-welfare/

[3] Casey Family Programs. (2024). *Why is it imperative to minimize children's time away from family?* https://www.casey.org/minimize-time-away/

[4] Casey Family Programs. (2023). *How can Plans of Safe Care help infants and families affected by prenatal substance exposure?* https://www.casey.org/infant-plans-of-safe-care/