

**Rhode Island Family Court
Administrative Order
2005 - 02**

Establishment of the Rhode Island Family Treatment Drug Court in the Counties

Pursuant to Rhode Island General Laws sections chapter 10 of title 8, chapter 1 of title 14 and chapter 11 of title 40, as well as other applicable law, there is hereby established a Family Treatment Drug Court in and for Kent County.

Purpose

Consistent with federal and state public policy, the purpose of the Family Treatment Drug Court program is to protect children up to age eighteen (18) whose health and welfare may be adversely affected by parental use of drugs and/or alcohol, to strengthen the family unit, to enhance parental capacity to meet the health and developmental needs of their children and to expedite permanency for children in state care. These objectives can be met by quickly identifying substance-involved families who are amenable to treatment, helping these parents access treatment, developing comprehensive multi-disciplinary case plans for families in collaboration with child welfare services, ensuring intensive case monitoring and frequent court supervision of court orders, case plan compliance and progress in treatment.

Organization

The Family Treatment Drug Court (Treatment Court) is founded upon a multi-systemic approach to achieve reunification and permanency for children in substance-involved families. In accordance with its statutory duties, the Family Court, in conjunction with the state Departments of Children Youth and Families (DCYF), Human Services (DHS) and Mental Health Retardation and Hospitals (Division of Behavioral Health) (MHRH-DBH), Public Defender, Court-Appointed Special Advocate (CASA)/ guardian ad litem, Rhode Island Legal Services (RILS), court-appointed counsel, Women & Infants Hospital/Infant Development Center-Vulnerable Infants Program (VIP-RI), and others, has established a separate court calendar for children up to age eighteen in substance-involved families in Kent County.

The Chief Judge of the Family Court as the administrative judge of the Family Court has overall responsibility for the program. The Family Treatment Drug Court will hear Family Treatment Drug Court cases, provide judicial supervision for the program and serve as leader of the Treatment Court team. The Treatment Court team consists of an attorney and/or case worker from DCYF, parents' counsel (Public Defender, RILS and/or court-appointed counsel), CASA counsel/ guardian ad litem, VIP-RI court liaison and care manager as well as others as required by the court. VIP-RI will provide care coordination for a family referred to Treatment Court with case management to be provided by DCYF. Treatment and case planning will be the responsibility of DCYF with input provided by VIP-RI. CASA attorney/guardian ad litem and parents' counsel as

part of the Treatment Court team may make recommendations to the treatment and case plans. The Court is responsible for reviewing and approving all case plans.

Eligibility Screening

Eligibility will be any child(ren) up to age eighteen in a substance-involved family. DCYF will be contacted to initiate a child protection investigation in accordance with applicable law. A petition (ex parte or straight) filed with the Family Court alleging dependency and/or neglect due to substance exposure of the child(ren) will be flagged by DCYF for review by the Juvenile Clerk's office. A copy of the petition and summons will be issued by the clerk requiring the parent(s) and/or person legally responsible for the care of the child(ren) to appear for an arraignment before the Treatment Court.

At arraignment, counsel will be determined for the parent(s). A CASA attorney/ guardian ad litem will be appointed for the child(ren.) Any preliminary requests for relief will be addressed by the Court. If requested, a probable cause hearing will be assigned within ten (10) days. After the first appearance in Family Treatment Drug Court, VIP-RI will administer and evaluate needs assessments of the child(ren) and family and make recommendations to DCYF. DCYF in consultation with VIP-RI will begin initial development of a family case plan.

The respondent(s) will be advised of the availability and requirements of the Family Treatment Drug Court program.

To be eligible for Family Treatment Drug Court, the following criteria must be met:

1. A respondent must be at least 18 years old with a residence or last known address in the county where the case is heard and with a child(ren) under the age of eighteen (18.) and enrolled in VIP-RI, the FTDC care coordination program.
2. A respondent must be in need of substance abuse treatment services in order to achieve reunification or maintenance at home with her or his child(ren) and must be willing to seek treatment;
3. There are no pending and/or there have been no previously granted involuntary termination of parental rights (TPR) petitions on the grounds set forth in Rhode Island General Law sections 15-7-7 (a) (2) (ii), (v), or (vi);
4. The primary case plan goal is reunification or maintenance at home;
5. A respondent is willing to enter an admission with respect to the presented petition;
6. The child(ren) is committed to DCYF as a result of the admission to dependency or neglect; and
7. A respondent does not exhibit violent behavior and/or mental health issues of such nature and intensity as to preclude meaningful participation in the Treatment Court;

8. A respondent is willing to comply with Family Treatment Drug Court program rules.

Final eligibility decisions rest with the Family Treatment Drug Court.

After arraignment, the matter will be continued for two weeks to allow counsel to enter their appearance and review the appropriateness of the Treatment Court program with their client. If not already done, respondent will be administered a substance abuse assessment and a drug screen. A mental health and parenting assessment will also be conducted. VIP-RI staff will be available to discuss participation in the Family Treatment Drug Court with potential participants and their counsel. DCYF will provide parties with affidavits and other documentation alleging dependency and/or neglect. The next Treatment Court event will be an orientation session with the respondent(s) and counsel, CASA attorney/guardian ad litem, DCYF, VIP-RI, and other parties deemed necessary by the Court in attendance.

At orientation, a Family Treatment Drug Court team conference will be conducted to consider a respondent's acceptance into the program. The Treatment Court team is composed of a DCYF attorney and/or social worker, VIP-RI, CASA attorney/guardian ad litem, respondent(s) counsel and others as needed by the Court. Team conferences are prior to a Treatment Court appearance with all team members present unless excused. Attorneys should possess authority to negotiate or agree to pleas or petition amendments at the team conference. The Family Treatment Drug Court makes the ultimate determination whether a participant is admitted into the program. In the event that a respondent is not admitted into the program or does not agree to enter the program, he or she will be given a pretrial and/or case management conference date on the DCYF calendar.

If accepted into the Family Treatment Drug Court program, a parent(s) will admit to dependency or neglect and the child(ren) will be committed to DCYF. Participants will execute all Treatment Court forms including but not limited to a Treatment Court contract and release of confidential information. A twelve month permanency hearing date will be set at orientation.

Assessment and Treatment

Thereafter, the matter will be set down for bi-weekly, or as scheduled, court reviews. Respondents who present with underlying mental issues will be referred for further assessment to determine final program eligibility as well as to develop a comprehensive treatment plan. Final eligibility will be determined by the Family Treatment Drug Court. In the event that it is determined that mental health issues are of such a nature and intensity as to preclude meaningful participation in the program, the admission to dependency or neglect may be vacated by the Court and the matter will be referred to the DCYF docket for further proceedings.

A comprehensive DCYF case plan shall be prepared by the department for submission to the court within two months from a family's entry into the program. The case plan shall detail services to be provided to a family, identify service providers and delineate responsibilities of the parties. The DCYF case plan will be reviewed by the Treatment Court team at a team conference. Case plans must be approved by the Court, and once approved, compliance orders will be entered.

Court Reviews

Regular court sessions shall be conducted bi-weekly, monthly, or as needed to monitor a respondent's progress in substance abuse treatment, compliance with court orders, and progress toward case plan goals and permanency. In the initial stages of the program, a respondent is required to attend Family Treatment Drug Court bi-weekly. As a respondent becomes engaged in treatment and services are in place for the family, reviews will be reduced. Status reviews, however, may be increased for non-compliance with court orders.

At status reviews, the Court in its discretion may award incentives to a respondent to acknowledge progress or may sanction a respondent for non-compliance. Team conferences will be held prior to a scheduled status review for the purpose of discussing progress, treatment needs, modifications to case plans, barriers to success, incentives and sanctions for participant behavior. Progress reports should be available to the Court and to the parties' counsel by the close of business on the day prior to a scheduled court review. Results of all drug testing shall also be made available to the Court and counsel. All team members are expected to attend status reviews and be prepared to discuss a participant's case.

Termination

A participant is expected to remain in the Family Treatment Drug Court program for at least six months. At approximately the six-month hearing, the Treatment Court team will convene to review a participant's likelihood of permanent reunification with her or his child(ren.) If a parent's prognosis indicates that the child(ren) will not be able to return to the parent(s)' custody within a reasonable period of time, the Court in its discretion may terminate a participant from the program. If so, the Court will set a date on the DCYF calendar. On the other hand, if it appears that a parent's prognosis is such that the child(ren) may be returned to the parent's custody within a reasonable time, the Court will continue a participant in the program. Thereafter, the matter will be continued for regular status reviews until a participant either graduates from the program or is terminated.

One month prior to the twelve-month permanency hearing date, the Treatment Court team will convene to discuss the child(ren's) permanency plan. At that time, the Court shall determine and enter an order that the permanency plan is reunification with the family. The Court may order an alternative permanency plan consistent with the Adoption and Safe Families Act (ASFA). In the event that reunification is not the ordered permanency plan, the Court will set a date on the DCYF calendar, and a participant will be terminated from the program.

Permanency and Graduation

Participants who successfully achieve case plan goals are eligible for graduation from the Treatment Court program.

A graduation ceremony will be held at which a participant will receive a Family Court proclamation acknowledging attainment of abstinence and reunification with his or her family.

To be eligible for graduation, a participant shall have achieved:

1. continued abstinence as evidenced by clean toxicology screens;
2. completion of a substance abuse treatment program;
3. participation in parenting, living skills, and other programming;
4. stable housing for the family;
5. safe maintenance of the child(ren) in the participant's home; and
6. an approved aftercare plan
7. Any other individual requirements as ordered by the Court.

At graduation, the presenting petition will be closed, plea vacated, and DCYF services terminated.

Administrative Order 2002 – 04 shall be incorporated as part of this Administrative Order and, if any terms are inconsistent, the Court shall refer to Administrative Order 2005 – 02 for authority.

11/3/05

Date

Jeremiah S. Jeremiah, Jr.
Chief Judge