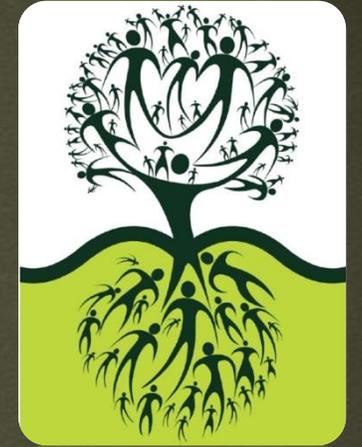


Balancing Permanency & Recovery in a Family Drug Court



A Presentation by the Travis County Parenting in Recovery/
Family Drug Treatment Court Program

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Presiding Judge

Brief History of Parenting in Recovery (PIR)



- ❧ Community collaboration began in 2006
- ❧ Historical Funding Sources for the Program
 - ❧ Federal Regional Partnership Grant
 - ❧ Drug Court Grants – Texas Office of the Governor
 - ❧ OJJDP – Family Drug Courts Grant
- ❧ Strategic and Sustainability planning
- ❧ Governing Bodies – Operations and Advisory Committees

Who PIR Serves - Demographics



- ❧ Race - 44% Caucasian, 20% African American, 18% Hispanic, 18% Other
- ❧ Gender - 91% women
- ❧ Average Age - 28
- ❧ Mental Health - 92% with DSM-V diagnosis not SUD
- ❧ Education - 73% with GED or High School Diploma
- ❧ Criminal History - 85%
- ❧ Trauma History - 79%
- ❧ Drug of Choice - 36% with 3 or more substances
- ❧ Prior Child Protective Services Involvement - 67% as adult, 20% as child
- ❧ Number Served - 55 parents, 71 children, 50 families

Support Provided by PIR



- ☞ Substance Use Disorder Treatment
- ☞ Child and Family Therapist - Assessment and Services for Children
- ☞ Wrap Around Support Services - Gap funding
- ☞ Housing - Recovery housing for 3 months
- ☞ Mental Health Services
- ☞ Domestic Violence Services
- ☞ Education/Employment
- ☞ Parent Training
- ☞ Peer Recovery Coaching

Accountability – PIR Structure



- ⌘ Hearings – initially weekly interaction with the Judge
- ⌘ Pre-Hearing and Case Management Staffings
- ⌘ Four Phases
- ⌘ Incentives and Sanctions
- ⌘ Graduation / Termination Criteria
- ⌘ Recovery Related Activities and 12-step meeting requirements
- ⌘ Drug Testing

TMC to COS



- ❧ 2008 – program provided both Temporary Managing Conservatorship (TMC) and Court Ordered Services (COS) tracks
- ❧ By 2010, only COS lawsuits eligible for PIR
- ❧ Conflict between the TMC deadline and full participation in PIR program
- ❧ Placement of child(ren) in treatment with Mother was a Return and Monitor with 6 month deadline

Substance Abuse Treatment



- ❧ Mothers and one child – 90 days of residential treatment at Austin Recovery
- ❧ Ongoing Communication between treatment and the Court
 - ❧ Austin Recovery representative attends pre-hearing staffing and hearings
 - ❧ Reports provided to Coordinator each week to write Court reports
- ❧ Agreement with CPS that supervision of Mother and child will occur at all times off-site until supervision lifted by CPS
- ❧ Austin Recovery's willingness to call CPS if Mother attempts to leave facility ASA

Requirements for PIR Case



- ❧ Referral involving child under the age of 5 where drugs are the primary issue
- ❧ Need to have family that can agree to take child with PCSP or take child right from hospital into treatment
- ❧ Issues requiring Department's intervention have to rise to the level that the Department would be taking TMC if the parent does not engage in drug treatment
- ❧ Parent needs to agree to comply with drug court requirements after meeting with an attorney who explains the program

Filing The Petition



- ❧ Maintain Flexibility
- ❧ Hoping for best but planning for the worst
- ❧ Pleading termination ground
 - ❧ Utilizing the Fair Notice Standard TRCP 45
 - ❧ Requires that pleading contain a statement in plain and concise language
 - ❧ Tex Civ. Prac & Rem. Code 10.001(3)
 - ❧ Each allegation or other factual contention in the pleading...is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery

Show Cause Orders



On this ____ **day of** _____, **2014** there was presented to me Petitioner's application for Temporary Orders in the above-entitled and numbered cause. The Court finds that it has jurisdiction of this cause under the provisions of the Texas Family Code, and finds that there is an immediate need for the issuance of Temporary Orders governing the care, control and possession of the Child, AAAA. The said Orders are necessary for the safety and welfare of the subject Child.

IT IS THEREFORE, ORDERED:

That BBBB and CCCC, Respondents appear at the Travis County Courthouse on the ____ **day of** _____, **2014 at** _____, to show cause, if any there may be, why the Petitioner herein should not be named as the Temporary Managing Conservator of the subject Child, AAAA, and why Respondents should not be ordered to pay child support pendente lite, pending further hearing in this cause.

IT IS FURTHER ORDERED that the subject Child shall be placed with _____ and the parents may **ONLY** visit the subject Child while being supervised by the Department or a Department-approved supervisor.

Texas Family Code

264.203



(a) Except as provided by Subsection (d), the court on request of the department may order the parent, managing conservator, guardian, or other member of the subject child's household to:

(1) participate in the service the department provides or purchases for:

(A) alleviating the effects of the abuse or neglect that has occurred: or

(B) Reducing the reasonable likelihood that the child may be abused or neglected in the immediate or foreseeable future; and

(2) permit the child and any siblings or the child to receive the services.

...

(c) If the person ordered to participate in the services fails to follow the court's order the court may impose appropriate sanctions in order to protect the health and safety of the child, including the removal of the child as specified by Chapter 262.

Permanency



- ❧ No deadline until TMC
- ❧ Texas Family Code 263.401 calculates the deadline to be “on the first Monday after the first anniversary of the date the court rendered a temporary order appointing the department as temporary managing conservator...”
- ❧ Utilizing family placements prevent the necessity of foster care at the beginning of the case
- ❧ Avoid TMC and then dismissing TMC- dismissing TMC does not get rid of the deadline In re: TDFPS, 210 S.W.3d 609

TMC May Be Granted During Drug Court

- ⌘ Planning for what will happen in the event of a relapse
 - ⌘ Rule 11
 - ⌘ Frequent reviews
 - ⌘ Motion requesting TMC with a full evidentiary hearing
 - ⌘ Emergency removal

Continuing Review Hearings



- ✧ This is still a CPS case which requires review
- ✧ Not everything can be taken care of in drug court
 - ✧ What about the dads?
 - ✧ Service-paternity-visitation-protective orders
 - ✧ Reviewing father's service plan
 - ✧ Siblings
 - ✧ Services for children
- ✧ Court of continuing jurisdiction

How PIR Began with CPS



- ❧ Travis County CPS faced growing rates of substance use cases
- ❧ A proposal was made to the Program Administrator to develop a specialized unit that would handle those cases and work in collaboration with other drug court team stakeholders to provide a continuum of support and wrap around services during the course of a CPS case.
- ❧ Travis County CPS embarked on the creation of a specialized Drug Court unit that would work specifically identified cases and make referrals to the program.

Building Expertise



By creating a specialized Drug Court unit Travis County CPS was able to:

- ❧ Identify potential drug court candidates quickly from the initial intake and work with those families without transferring the case to other case workers
- ❧ Create expertise among the Drug Court unit around drug testing, substance use, recovery and recovery support systems
- ❧ Create strong partnerships between the Drug Court unit case workers and community stakeholders on the Drug Court team (CASA, treatment facility, attorneys, recovery coaches, housing support, etc.) as well as community supports who often make the referrals (hospital social workers, law enforcement, etc.)

How Cases Are Identified



- ❧ Cases are identified by the routers as meeting basic initial criteria (substance use, at least one child under 5, professional reporter)
- ❧ Intakes are assigned to Drug Court unit investigators who then assess the family and request any appropriate drug tests
- ❧ Family Team Meetings are scheduled to discuss the concerns of the case and explain Drug Court. Any information about potential parental child safety placement is collected and arrangements are made to have the parents observe Drug Court.

Balancing Safety



As you might expect, sending drug exposed newborns to treatment with their mother was quite a departure from CPS norm and there were concerns early on about how these most vulnerable children would be kept safe. This concept works because:

- ❧ CPS can work in partnership with the treatment facility with the knowledge that a mother will not be allowed to simply leave treatment with the child
- ❧ CASA is assigned to every case and as a result you have a second individual making regular contact and assessment
- ❧ The cases are staffed weekly and treatment staff report on a mother's adjust to treatment, bond with the child, struggles, accomplishments, etc.
- ❧ Family is incorporated very early on into the recovery process by having their voice heard at Family Team Meetings and Family Group Conferences
- ❧ From the beginning, expectations are clearly communicated and reinforced at every court hearing.

Contact Us



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