

**Rhode Island Family Court
Administrative Order 2002-05
(Amending Administrative Order 2002-04)**

Establishment of the Rhode Island Family Treatment Drug Court

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 Providence and Bristol Counties.

Purpose

Consistent with federal and state public policy, the purpose of the Family Treatment Drug Court program is to protect infants and children 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 infants and children in state care. These objectives can best be accomplished through a court-based collaborative Family Treatment Drug Court program that quickly identifies and assesses drug-exposed infants, provides substance-abuse treatment for parents, develops comprehensive multi-disciplinary case plans for families, ensures intensive case monitoring, and provides for 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 born drug-exposed. 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 Substance Abuse) (MHRH-DSA), 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 pilot court calendar for drug-exposed infants born in Providence and Bristol Counties.

The Chief Judge of the Family Court as the administrative judge of the Family Court has overall responsibility for the program. The Treatment Court judge/magistrate 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 AOD exposed infants enrolled in VIP-RI. DCYF will be contacted to initiate a child protection investigation in accordance with applicable law. During this interval, VIP-RI will administer and evaluate needs assessments of the newborn and family and make recommendations to DCYF. DCYF in consultation with VIP-RI will begin initial development of an infant/caretaker plan.

A petition (ex parte or straight) filed with the Family Court alleging dependency and/or neglect due to the drug exposure of infants born 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 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 infant. Any preliminary requests for relief including placement will be addressed by the court. If requested, a probable cause hearing will be assigned within ten (10) days. The respondent(s) will be advised of the availability and requirements of the Treatment 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 Providence or Bristol counties;
2. A respondent has delivered a baby who was Drug exposed during pregnancy or at birth;
3. A respondent must be in need of treatment services in order to achieve reunification or maintenance at home with her or his infant and must be willing to seek treatment;

4. 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);
5. The primary case plan goal is reunification or maintenance at home;
6. A respondent is willing to enter an admission with respect to the presented petition;
7. The infant is committed to DCYF as a result of the admission to dependency or neglect; and
8. 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;
9. A respondent is willing to comply with Family Treatment Drug Court program rules.

Final eligibility decisions rest with the Treatment Court judge/magistrate.

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 Treatment 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 held one hour prior to a Treatment Court session 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 Drug Court judge/magistrate 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 Treatment Court program, a parent(s) will admit to dependency or neglect and the infant 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 six-month review hearing date will be set at orientation.

Assessment and Treatment

Thereafter, the matter will set down for 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 judge/magistrate. 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.

After assessment, an individual treatment plan (ITP), to include FIP employment plan) will be developed by VIP for each respondent family. ITPs shall include substance abuse and mental health treatment, drug testing schedules, parental education and support, health and dental care, education, housing, transportation, living skills, employment training and referrals, vocational rehabilitation, child care, children's services, and other areas as needed. At the next scheduled review, the ITP will be discussed by the Treatment Court team. Once approved by the court, the ITP becomes a court order that must be adhered to by a respondent. ITPs will be reviewed by the Treatment Court team at least monthly to assess progress toward goals and any modifications thereto.

A comprehensive DCYF case plan shall be prepared by the department for submission to the court within 30 days 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 case plan should incorporate a respondent's ITP. 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 weekly, semimonthly, or as needed to monitor a respondent's progress in 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 Treatment Court weekly. As a respondent becomes engaged in treatment and services are in place for the family, reviews will be reduced to semi-monthly attendance. Status reviews, however, may be increased for non-compliance with court orders or ITPs.

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 ITPs or 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 Treatment Court program for at least six months. At the six-month hearing, the Treatment Court team will convene to review a participant's likelihood of permanent reunification with her or his child. If a parent's prognosis indicates that the child 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 may be returned to the parent's custody within a reasonable time, the court will continue a participant in the program. A twelve-month permanency hearing date will be set by the court. 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'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 complete their ITPs and 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 court proclamation acknowledging attainment of abstinence and reunification with his or her family.

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

1. six months or more of 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 infant in the participant's home; and
6. Any other individual requirements as ordered by the court.

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

This administrative order shall become effective immediately.

Date

01/11/09

Jeremiah S. Jeremiah, Jr.
Chief Judge