

Section XI

Family Drug Court Standards

- 1. Family Treatment Court (FTC) integrates substance abuse treatment services with dependency/child welfare/child abuse and neglect case processing.**
 - 1.1. Pursuant to O.C.G.A. § 15-11-70, each FTC shall establish a planning group to create a work plan for the court. The work plan shall “address the operational, coordination, resource, information management, and evaluation needs” of the court and shall include all policies and practices related to implementing the standards set forth in this document. The family treatment court shall rely on judicial leadership for both planning and implementation of the court.
 - 1.2. The FTC team (“team”) shall include, at a minimum, the following representatives: judge, Special Assistant Attorney General (SAAG), parent attorney, child attorney, program coordinator, Department of Family and Children Services (DFCS), Court Appointed Special Advocate (CASA) or other child advocate, community policing officer/surveillance officer, case manager, and treatment provider/substance abuse professional.
 - 1.3. The team shall collaboratively develop, review, and agree upon all aspects of treatment court operations (mission, goals, eligibility criteria, operating procedures, performance measures, orientation, drug testing, and program structure guidelines) prior to commencement of FTC program (“program”) operations. This plan shall be executed in the form of a Memorandum of Understanding (MOU) between all team members and updated annually as necessary.
 - 1.4. Each of these elements shall be compiled into a written Policies and Procedures Manual which shall reflect current practices and shall be reviewed and updated as necessary no less than every two years.
 - 1.5. Program goals shall be as follows:
 - The protection, best interests, and permanency of children.
 - The promotion of safe and stable families through abstinence from alcohol and illicit drugs.
 - The promotion of law-abiding behaviors in the interest of public safety while addressing the comprehensive needs of parents and children.
 - Targeting permanency for children who have been exposed to parental substance abuse.
 - 1.6. All team members are expected to attend and participate in a minimum of two formal staffings per month.
 - 1.7. Team members are expected to attend all treatment court sessions.
 - 1.8. FTCs shall adopt evidence-based treatments, programs, and practices to ensure the quality and effectiveness of counseling services. Refer to Section XII: Family Treatment Court Treatment Standards for a list of approved curricula.
 - 1.9. FTC’s should provide a continuum of services through partnership with a primary provider(s) to deliver evidence-based substance abuse services and programming to address participants’ criminogenic needs (when present). Additional services shall be provided to children, parents and families, which may include child development, trauma, behavioral health, parenting, vocational education, or other ancillary services on an as-needed basis.

- 1.10. All service providers shall maintain ongoing communication with the FTC. Treatment and other service providers should provide weekly written reports to the court on the progress of the children, participants and families in the treatment court. A reporting schedule shall be agreed upon by the team and established in writing as part of the court's operating procedures. Significant events should be reported immediately but in no event later than 24 hours after they occur.
- 1.11. FTC participants ("participants") shall have contact with case management personnel (family drug court staff, treatment representative or DFCS) at least once per week during the first twelve months of treatment to review status of treatment and progress. Thereafter, participant contact shall be determined based on need.
- 1.12. FTC's shall operate within the mandates of all applicable state and federal laws.

2. Using a non-adversarial approach, the judge, Special Assistant Attorney General (SAAG), parent attorney, child attorney prosecution, defense counsel and others promote public safety while protecting the rights of participants.

- 2.1. State attorneys, parent attorneys and child advocates shall be members of the team and shall participate in the design, implementation and enforcement of the program's screening, eligibility, and case-processing policies and procedures.
- 2.2. The state attorney, parent attorney and child advocate shall work to create a sense of stability, cooperation and collaboration in pursuit of the program's goals.
- 2.3. Roles of FTC team members:

Judge – to ensure the safety, permanency and well-being of children; provide leadership; serve as the public face of the FTC; ensure children and participants receive appropriate services; oversee the progress of family members in treatment; lead the team in development of all protocols and procedures; encourage continuous education for all staff; make appropriate court orders at hearings; reward successes; sanction noncompliance and facilitate team discussions. Judges are a vital part of the team. As a leader, the judge's role is paramount to the success of the FTC program. The judge must also possess recognizable leadership skills as well as the capability to motivate team members and elicit buy-in from various stakeholders. The selection of the judge to lead the team is therefore of utmost importance.

Coordinator – to jointly serve as the public face of the FTC; serve as the chief administrator; coordinate drug testing and results; coordinate the referral process; develop and communicate agendas; provide notification of special meetings and dates; schedule and facilitate clinical staffing and pre-court staffing; participate with all team members in the development of the forms necessary to process cases in the FTC; maintain files on all clients; act as liaison between parents, attorneys, treatment providers and others; monitor the provision of services (including adherence to best and Evidence-Based Practices (EBP) in the delivery of case management services; behavioral modification [sanctions and incentives]; treatment dosage and responsiveness, and model fidelity); keep appropriate and current case files on clients; collect weekly progress information; prepare a consolidated weekly progress update on each client reporting for court; assist in identification and enrollment of potential participants; report on state and federal grants and coordinate additional services for participants.

SAAG – to represent DFCS at staffings and hearings; prepare and file necessary pleadings and participate as an active, engaged member of the team.

Child attorney – to represent children served by FTC at staffings and required hearings; prepare for and file necessary pleadings and participate as an active, engaged member of the team.

Parent attorney – to represent parent participants at staffing and required hearings; prepare and file necessary pleadings and participate as an active, engaged member of the team.

CASA/Child Advocate – to advocate for the best interests of the children served by FTC at staffings and hearings and participate as an active, engaged member of the team.

DFCS Representative – to protect children's health and safety; ensure the well-being of the children; ensure that children and their parents receive necessary services in addition to substance abuse treatment; assist in identifying potential participants and refer them to FTC; inform the team immediately of any significant changes in the needs of children and parents as well as to attend and participate as an active, engaged member of the team in all staffings and required hearings.

Treatment provider – to provide the parent with the appropriate level of treatment to address their substance abuse and criminogenic needs (determined by evaluation and assessment), bring the parents' physical/behavioral health treatment needs to the attention of the team, either provide the services to address their needs or make appropriate referrals for others to provide the services, provide weekly progress notes to the FTC in a timely manner, provide random, observed drug and alcohol testing and to provide a discharge plan for the parent and all parties involved. Additionally, treatment providers will ensure adequate supervision, coaching and oversight practices to ensure model fidelity for EBP's and provide regular feedback to the team regarding program integrity elements.

Community Policing Representative/Surveillance Officer – to report observations made during random home visits; report observations regarding the children and the home environment; conduct random, observed drug tests and report results of drug tests and any other information deemed relevant to the family's continued success.

Case manager – when available and funded, is to serve as the mandated official that ensures the client is following the court order and rules of the program; conduct case management reviews as deemed appropriate by the team; correspond with DFCS regarding case plans and progress of the clients; attend court hearings and reviews; maintain files of clients; coordinate drug testing and results; correspond with any pertinent community resources related to the clients' case.

- 2.4. All pending FTC cases shall be scheduled for regular staffing and judicial court reviews in compliance with the standards set for each case's current phase in the program.
- 2.5. All team members shall agree to attend staffing and court as appropriate, participate in relevant training opportunities; continuously strive to improve the lives of children and families by providing support and services; and contribute to the team's efforts in community education, education of peers, colleagues and the judiciary regarding the effects of generational substance abuse and neglect and the efficacy of FTC's in addressing the problem.
- 2.6. All team members shall strive to work together as a collaborative, non- adversarial team, which effort shall be supported by regular cross-training opportunities.
- 2.7. FTC shall employ a non-adversarial approach with all parties which shall promote public safety while protecting participants' due process rights.
- 2.8. Parents are eligible for FTC's when they have unremediated substance abuse which adversely affects their ability to parent their children properly.
- 2.9. FTC shall focus on the permanency, safety and welfare of abused and neglected children while addressing the needs of the parents as well.
- 2.10. All participants shall receive a participant handbook. Receipt of the handbook shall be acknowledged through a signed form or through a signed contract, a copy of which shall be placed in the court file.
- 2.11. Each FTC shall develop and use a form or contract to document that each participant has received counsel from an attorney prior to admittance to the FTC, a copy of which shall be placed in the court file.
- 2.12. The decision to participate in an FTC shall be made solely by the eligible participant with advice from counsel.
- 2.13. The judge must apprise a participant of all due process rights, rights being waived, and program expectations on the record or through signed contract entered into the record.
- 2.14. Parents may request a formal hearing on the issue of termination from the program.

3. FTC emphasizes early identification and placement of eligible participants.

- 3.1. Eligible participants shall be identified early and admitted promptly into the program, should they elect to participate.
- 3.2. Eligibility should be defined by objective criteria to ensure clinical and legal suitability for the program.
- 3.3. Eligibility requirements/criteria for participants (verified through legal and clinical screening) shall be developed and agreed upon by all members of the team and included in writing as part of the program's policies and procedures.
- 3.4. Program eligibility determination shall include the review of the potential participant's criminal history, legal requirements, and clinical appropriateness, including the administration of a risk and needs assessment.
- 3.5. The target population for FTC should be participants classified as moderate to high-risk and/or needs, as determined by a risk and needs assessment. Criminogenic risk shall be assessed utilizing a standardized, evidence-based tool approved by the Council of Accountability Court Judges.¹ The assessment shall be conducted prior to program entry to ensure the program is targeting appropriate participants.
- 3.6. Members of the team shall screen cases for eligibility and identify potential participants. Program eligibility requirements should be shared regularly with stakeholders including other judges in the jurisdiction, court personnel, members of the local bar association, local law enforcement, and the Division of Family and Children Services.
- 3.7. Participants being considered for FTC shall be promptly advised about the program, including the requirements, scope and potential benefits and effects on their case.
- 3.8. Participants should begin treatment as soon as possible. Preferably, no more than 30 days should pass between a participant being determined eligible for the program and commencement of treatment services.
- 3.9. Assessment for substance use disorder and other treatment shall be conducted by appropriately trained and qualified professional staff using standardized assessment tools. Refer to the Family Treatment Court Treatment Standards for a list of recommended clinical assessment tools.
- 3.10. FTC's shall maintain an appropriate caseload based on their capacity to effectively serve all participants according to these standards.
- 3.11. Individuals who have historically experienced sustained discrimination or reduced social opportunities because of their race, ethnicity, gender, sexual orientation, gender identity, physical or mental disability, age, national origin, marital or parental status, religion, or socioeconomic status shall receive the same opportunities as other individuals to participate and succeed in the drug court.

¹ The current approved tool is the Level of Service/Case Management Inventory (LS/CMI). Use of another tool must be approved by the Council of Accountability Court Judges prior to implementation.

4. FTC's provide access to a continuum of alcohol, drug and other related treatment and rehabilitation services.

- 4.1. FTC shall provide confidentiality for both parents and children in accordance with the law.
- 4.2. FTC programs should last a minimum of 18 to 24 months.
- 4.3. FTC programs should be structured into a series of phases. The final phase may be categorized as "aftercare/continuing care." Phases and phase movement should have defined criteria that are maintained in writing and reviewed with participants.
- 4.4. FTC's will provide a validated assessment normed to the target population, including substance abuse and risk of recidivism/criminogenic needs
- 4.5. Programming shall include services for addiction and criminal risk or recidivism. These services will be Evidence-Based/Evidence-Informed and include:
 - Group counseling
 - Individual counseling
 - Drug testing
- 4.6. FTC programs should ideally provide:
 - Family counseling
 - Gender specific counseling
 - Domestic violence counseling
 - Health screening
 - Behavioral health services
 - Trauma-informed care and counseling
 - Individual case management and treatment planning
 - Parenting services
 - Assessment and treatment services for children
 - Reunification support
- 4.7. Ancillary services are available to meet the needs of participants. These services may include but are not limited to:
 - Employment counseling and assistance
 - Educational component
 - Medical and dental care referrals and assistance
 - Transportation
 - Housing assistance
 - Mentoring
 - Alumni groups
 - Relationship counseling
- 4.8. Case management plans shall be individualized for each participant based on the results of the initial assessment. Ongoing assessment shall be provided according to a program schedule and treatment plans should be modified or adjusted based on results.

- 4.9. Treatment shall be comprised of standardized, Evidence-Based Practices and other practices recognized by the Substance Abuse and Mental Health Services Administration Evidence-Based Practices Resources Center. All treatment providers must be appropriately licensed and certified to administer those curricula and services. Similarly, they must be appropriately licensed and certified to administer any clinical services to any accountability court participant.
- 4.10. Treatment providers shall maintain a calendar that outlines the dates and times that group treatment sessions and individual counseling sessions take place. The treatment provider shall provide this calendar to the court and the Council of Accountability Court Judges upon request.
- 4.11. Treatment providers shall maintain individualized treatment plans with appropriate dosage hours as determined by the American Society of Addiction Medicine (ASAM).
- 4.12. A set of quality controls/review process shall be in place to ensure accountability of the treatment provider. Court staff may, from time to time, observe evidence-based group treatment sessions. Additionally, group counseling sessions are subject to fidelity monitoring by the Council of Accountability Court Judges with adequate notice to the drug court team.
- 4.13. Programs shall not exclude any participant solely on the basis of his or her use of a prescribed addiction or psychotropic medication. Programs shall consider these services for participants where clinically appropriate and available.

5. Abstinence is monitored by frequent alcohol and other testing.

- 5.1. Participants shall be administered a drug test a minimum of twice per week until the final phase of the program. A standardized system of drug testing shall continue until completion of the final phase of the program.
- 5.2. Participants shall be subject to drug testing on weekends and holidays due to the likelihood of use during these times, and to ensure that substances with shorter testing windows are detected.
- 5.3. Drug testing shall be administered to each participant on a randomized basis, using a formal system of randomization. Participants should be given a minimum window of notice to report for drug testing, ideally, no more than eight hours prior to testing.
- 5.4. All FTC's shall utilize urinalysis as the primary method of drug testing; a variety of alternative methods may be used to supplement urinalysis, including breath, hair, sweat, and saliva analysis.
- 5.5. All drug testing shall be directly observed by an authorized, same sex member of the team, a licensed/certified medical professional or other trained professional of the same sex as the participant being tested.
- 5.6. Urine specimens should be analyzed as soon as practical. Results of all drug tests should be made available to the court and action should be taken as soon as practical, ideally within 48 hours of receiving results of the test.
- 5.7. In the event a single urine specimen tests positive for more than one prohibited substance, the results shall be considered as a single positive test.
- 5.8. A minimum of 90 days negative drug testing shall be required prior to a participant being deemed eligible for graduation from the program.
- 5.9. Each FTC shall establish a method for participants to admit to use or dispute the results of a positive drug test through gas chromatography-mass spectrometry or liquid chromatography-mass spectrometry.
- 5.10. Evidence of adulterated urine specimens, diluted urine specimens, failure to timely produce and violations of testing protocols (i.e. temperature anomalies) may be considered positive tests. Missed, unexcused (as determined by the presiding judge) or substituted urine tests will be considered a positive test.
- 5.11. Each FTC shall maintain the drug testing procedures in a policy and procedure manual. The drug testing procedure should include the steps taken to ensure proper chain of custody of all specimen throughout the testing and confirmation process.
- 5.12. Drug testing procedures should be included in the participant handbook and reviewed with participants upon entering the program. Participants should be made aware of the possible consequences of using substances including alcohol and other non-illicit substances.

6. A coordinated strategy shall govern responses to participant's compliance.

- 6.1. FTCs shall have a formal system of swift and certain sanctions, including a system for reporting noncompliance, which shall be established in writing and included in the court's policies and procedures.
- 6.2. FTCs shall have a formal system of rewards and incentives for positive behavior.
- 6.3. The formal system of sanctions and rewards shall be organized on a gradually escalating scale and applied in a consistent and appropriate manner to match a participant's level of compliance.
- 6.4. FTCs shall implement a system for a minimum level of field supervision for each participant based on their respective level of risk. Field supervision may include unannounced visits to the participant's home or workplace as well as curfew checks. The level of field supervision may be adjusted throughout the program based on participant progress and any reassessment process.
- 6.5. Regular and frequent communication among all members of the team shall provide for immediate and swift responses to all incidents of noncompliance, including positive drug tests, among other transgressions. Sanctions should be imposed immediately following noncompliance.
- 6.6. There shall be no indefinite time periods for sanctions, including those sanctions involving incarceration or detention.
- 6.7. Incarceration or detention should only be considered as the last option in the most serious cases of noncompliance. Incarceration should ideally be less than 3-5 days. Where possible, participants should continue receiving treatment while incarcerated.
- 6.8. Participants shall be subject to progressive positive drug test sanctions prior to being considered for termination unless there are other acts of noncompliance affecting this decision.
- 6.9. Program infractions, including relapse, should result in a review of the participant's treatment plan and modification as needed.

7. Ongoing judicial interaction with each participant is essential.

- 7.1. A designated juvenile court judge must preside over an FTC program and should be committed to serving in this role for at least two years.
- 7.2. The presiding judge may authorize assistance from other judges, including senior judges and judges from other classes of courts, on a time-limited basis when the presiding judge is unable to conduct court.
- 7.3. The judge shall attend and participate in all pre-court staffings.
- 7.4. A regular schedule of status hearings shall be used to monitor participant progress.
- 7.5. There shall be a minimum of two status hearings per month in the first phase of FTC programs; dependent on participant needs, this minimum schedule may continue through additional phases.
- 7.6. Frequency of status hearings may vary based on participant needs and benefits, as well as judicial resources. Status hearings shall be held no less than once per month during the last phase of the program.
- 7.7. Status review shall be conducted with each participant on an individual basis to optimize program effectiveness, group reviews should be avoided unless necessary based on an emergency.
- 7.8. The judge, to the extent possible, should strive to spend an average of three minutes or greater with each participant during status review.
- 7.9. The judge and team shall minimize discussion of protected health information, and otherwise private information, in an open court setting, even where a participant has executed a HIPAA waiver.

8. Monitoring and evaluation to measure the achievement of program goals and gauge effectiveness.

- 8.1. Each FTC shall be committed to regular measurement of program outcomes.
- 8.2. Participant progress, success and satisfaction should be monitored on a regular basis (including upon program entry and graduation) through the use of surveys.
- 8.3. Participant data should be monitored and analyzed on a regular basis (as set forth in a formal schedule) to determine the effectiveness of the program.
- 8.4. Courts should track significant changes in program policies, to include the change that was made and the date the change went into effect, to monitor the effectiveness of those changes, and to inform future changes in policy and practice.
- 8.5. A process and outcomes evaluation should be conducted by an independent evaluator within three years of the implementation of an FTC program and at regular intervals thereafter as necessary, appropriate and/or feasible.
- 8.6. Feedback from participant surveys, review of participant data and findings from evaluations should be used to make modifications to program operations, procedures and practices.
- 8.7. Data needed for program monitoring and management should be easily obtainable and maintained in useful formats for regular review by program management.
- 8.8. FTCs shall use a case management system approved by the Council of Accountability Court Judges in the interest of formal and systematic data collection. Data shall be provided at least quarterly and in a format prescribed by the Council of Accountability Court Judges.
- 8.9. At a minimum, FTCs shall collect a mandatory set of performance measures determined by the Council of Accountability Court Judges. The minimum performance measures to be collected shall include: recidivism (re-arrests and reconvictions, and/or re-entry into foster care), number of moderate- and high-risk participants, drug testing results, drug testing failures (including substances), number of days of continuous sobriety, units of service (e.g. number of court sessions, number treatment sessions attended), employment, successful participant completion of the program (graduations), and unsuccessful participant completion of the program (e.g. terminations administrative discharges).

9. Continuing interdisciplinary education promotes effective planning, implementation, and operations.

- 9.1. FTC programs shall have a formal policy on staff training requirements and continuing education including formal orientation and training for new team members.
- 9.2. All members of a team shall receive training through the State of Georgia, national drug or treatment court organizations and/or other approved training.
- 9.3. Existing programs, with all core team members present, shall attend tune-up or refresher training every three to five years.
- 9.4. All core team members shall attend the Council of Accountability Court Judges annual training conference every other year. The National Association of Drug Court Professionals annual training conference can substitute the CACJ conference. However, the team must attend the CACJ annual training conference the following year.
- 9.5. New accountability court judges and coordinators shall attend formal orientation and training administered by the Council of Accountability Court Judges offered annually.
- 9.6. FTC staff should participate in ongoing cultural competency training.

10. Forging partnerships among FTC's, public agencies, and community-based organizations generates local support and enhances program effectiveness.

- 10.1. FTCs shall provide for a planned program of sustainability including establishment and cultivation of community partnerships, cooperation with other public agencies, and collaboration with other family treatment courts.
- 10.2. A local steering committee consisting of representatives from the court, community organizations, law enforcement, treatment providers, health providers, social service agencies, and the faith community should meet on a quarterly basis to provide policy guidance, fundraising assistance and feedback to the program.
- 10.3. FTCs should consider forming an independent 501(c)3 organization for fundraising and administration of the steering committee.
- 10.4. FTCs should actively engage in forming partnerships and building relationships between the court and various community partners. This may be achieved through facilitation of forums, informational sessions, public outreach and other ways of marketing.

Section XII

Family Drug Court Treatment Standards

1. Screening

- 1.1. Legal: Family treatment court (FTC) programs should work with interdisciplinary team to ensure systematic, early identification and engagement of target population.
- 1.2. Clinical: FTC's will enroll participants who meet diagnostic criteria for Substance-Related Disorders and whose needs can be met by the program. A brief screen for behavioral health problems should occur.

2. Assessment

- 2.1. FTC's will employ a variety of assessment tools that capture child safety, parental capacity, substance abuse severity, behavioral health needs and risk of recidivism/criminogenic needs. A risk of recidivism/criminogenic needs assessment must both be completed prior to program entry and serve as a guide for acceptance.
- 2.2. Assessment tools will be validated to the target population and should also be suitable for use as a repeat measure. Programs should utilize appropriate repeated measures to determine program effectiveness and parental progress. Prior to successful program completion, participants should be reassessed using the same risk/needs tool that was employed prior to program entry to ascertain decreases in risk and/or need for additional services.

3. Level of Treatment

- 3.1. FTC's will offer an appropriate level of treatment for the target population using recommended tools.
- 3.2. FTC's will match participant needs with an appropriate level of treatment and supervision. The ideal length of program is 18 to 24 months. Cases should be reviewed to ensure a timely trajectory and program completion.

4. Addiction/Criminogenic Needs Treatment Intervention

- 4.1. FTC's will employ Evidence Based Practices (EBP's) and manualized, structured curricula (e.g. Cognitive Behavior Therapy [CBT]) to treat Substance Abuse Disorder (SUD), risk of recidivism and criminogenic needs.
- 4.2. FTC's shall ensure and certify that treatment providers have appropriate levels of education.
- 4.3. FTC's shall ensure model fidelity for appropriate EBP's through facilitator coaching and independent auditing procedures.
- 4.4. Aftercare services are an important part of relapse prevention. Aftercare is lower in intensity and follows higher-intensity programming. Aftercare is defined as an active phase.

5. Treatment/Case Management Planning

- 5.1. FTC's will use treatment/case management planning that follows from the assessment process and systematically addresses core risk factors associated with relapse and recidivism.
- 5.2. Treatment and case management planning should be an ongoing process and work in concert with one another.

6. Case Management Systems

- 6.1. FTC's will employ a case management system that captures critical court and treatment data as well as decisions that affect participants. The data management approach will promote the integration of court and treatment strategies, enhance treatment and case management planning and compliance tracking, and produce meaningful program management and outcome data. Measures of treatment services delivered and attended by participants should also be captured.

7. Oversight and Evaluation

- 7.1. FTC's are responsible for oversight of all program components. Regular monitoring of judicial status hearings, treatment and case management services should occur.
- 7.2. Meetings with participants and surveys of participants for the purpose of assessing program strengths and areas for improvement both increase the legitimacy of the process and lead to improved outcomes.