

Oklahoma Justice and Recovery Conference

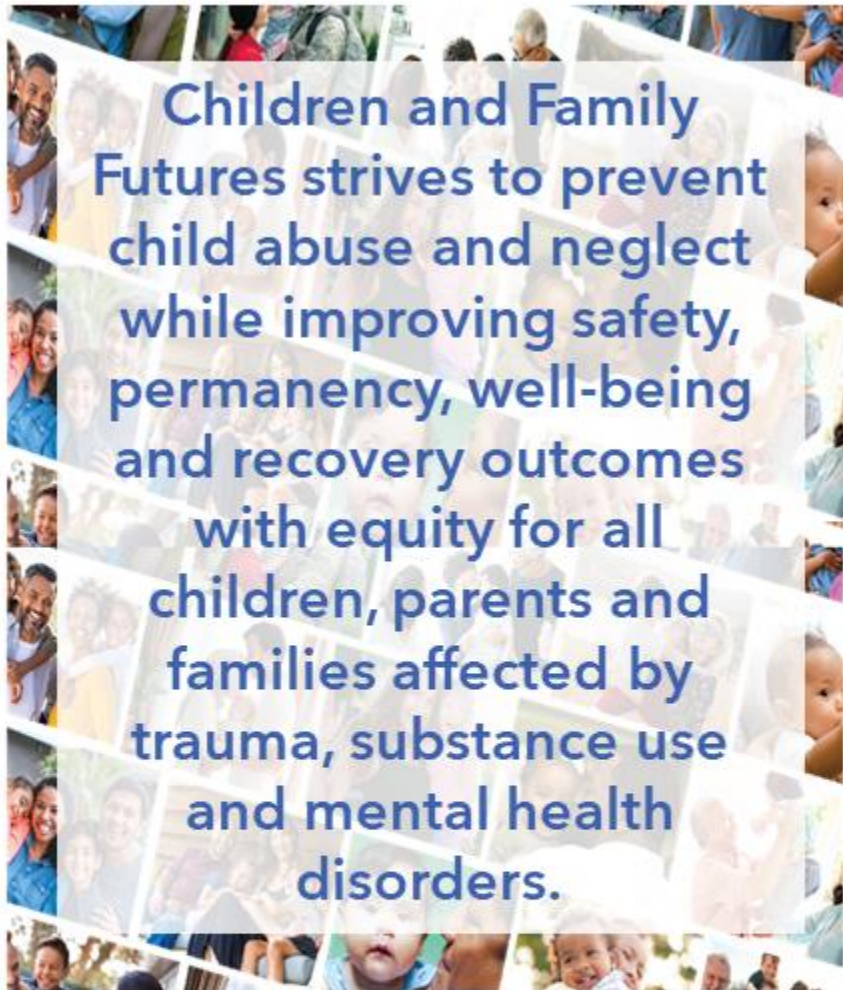
Considerations for Developing a Drug Testing Policy and Protocol for Parents in the Child Welfare System

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September 27-28, 2022



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



NATIONAL CENTER ON SUBSTANCE ABUSE & CHILD WELFARE (NCSACW)

- Collaborative Training and Technical Assistance
- In-Depth Technical Assistance
- Regional Partnership Grants Technical Assistance

Funded by the Children's Bureau (CB), Administration for Children and Families (ACF), co-funded by the Substance Abuse and Mental Health Services Administration (SAMHSA)



NATIONAL FAMILY DRUG COURT TRAINING & TECHNICAL ASSISTANCE PROGRAM (FDC-TTA)

- Office of Juvenile Justice and Delinquency Prevention FDC Grantee TTA
- FDC TTA (Non-grantee)

Funded by Office of Juvenile Justice and Delinquency Prevention (OJJDP)



NATIONAL SOBRIETY TREATMENT & RECOVERY TEAMS TRAINING AND TECHNICAL ASSISTANCE PROGRAM (START)

Funded by Individual States and/or Local Jurisdictions



CENTER FOR CHILDREN & FAMILY FUTURES TECHNICAL ASSISTANCE & EVALUATION PROJECTS (CFF)

- Casey Family Programs
- Duval County, FL Fourth Judicial Circuit FTC TA
- National Quality Improvement Center on Family-Centered Reunification
- Recovery Opportunities Open for Men (ROOM) for Dads
- Sacramento County Dependency Family Treatment Court
- Sacramento County Early Intervention Family Treatment Court
- Strong Families, Strong Children
 - Behavioral Health Services of Veteran Families
 - Continuum of Care for Veteran Families
 - Orange County Veterans Initiative

Acknowledgment

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Objectives

- Explore key action steps to develop effective drug testing policies and protocols for families involved in the child welfare system
- Describe strategies to mitigate challenges child welfare agencies and their partners encounter when developing drug testing policies and protocols
- Learn important practice points and key considerations in the use of drug testing while working with families affected by SUDs



Why is it Important to Understand Drug Testing in the Context of Child Welfare Involved Families?

Drug testing is costly and limited in terms of determining child risk and safety

Systems risk relying too much on drug test results to inform decisions on child removal, parent-child family time, reunification, and termination of parental rights

When administered inappropriately or inconsistently (e.g., punitively), drug tests can perpetuate stigma or create bias based on race, ethnicity, or socioeconomic status



Drug Testing Families Involved in Child Welfare

Brief 1: Considerations for Developing a Child Welfare Drug Testing Policy and Protocol

Brief 2: Drug Testing for Parents Involved in Child Welfare: Three Key Practice Points



Available @ <https://ncsacw.samhsa.gov/topics/drug-testing-child-welfare.aspx>



Getting Started: A Collaborative Approach to Drug Testing

- It is key to have a clear understanding of drug testing policies and procedures across systems
- Problem-solving court partners are from the diverse systems that serve families affected by parental SUDs
- The collaborative team can work together to align efforts, determine how drug testing results will be shared across systems, and implement policies and practices that promote parents' recovery and family wellbeing

Brief 1: Considerations for Developing a Child Welfare Drug Testing Policy and Protocol



National Center on
Substance Abuse
and Child Welfare



BRIEF 1

CONSIDERATIONS FOR DEVELOPING
A CHILD WELFARE DRUG TESTING
POLICY AND PROTOCOL



01
step

Determine the Purpose of Drug Testing

02
step

Determine Whom to Test and When

03
step

Determine Method of Testing

04
step

Determine Budget

STEP

1

Determine the Purpose of Drug Testing

- The court, child welfare, and SUD treatment systems have their own purpose for using drug testing
- Avoid duplicated or inappropriate testing by sharing information between systems
- Identify tools and indicators to support decision making regarding risk and safety



Key Takeaway: Drug testing is one part of a comprehensive approach that includes screening, assessment, and referral to treatment in a manner that facilitates recovery.

Examples of What Drug Testing Can Provide to Different Systems

Child Welfare	Courts	SUD Treatment
<ul style="list-style-type: none">• Information about whether a parent or caregiver is using a substance and what type(s) of substances they are using at a point in time• Monitor substance use or abstinence during an ongoing child welfare case• Motivation and positive reinforcement for parents/caregivers in the early stages of recovery• Information for case planning	<ul style="list-style-type: none">• Legal documentation of a parent's or caregiver's substance use or lack thereof to guide decisions about reunification or termination of parental rights along with information from other assessments• Motivation and positive reinforcement for parents/caregivers in the early stages of recovery	<ul style="list-style-type: none">• Objective data to assess substance use and monitor progress during treatment• An opportunity to engage a parent or caregiver about their substance use and increase motivation to change• Accountability for clients and agencies to support therapeutic progress and identify at the earliest point when additional or different treatment, services, and supports are needed

STEP

2

Determine Whom to Test and When

- Policy and protocols should indicate when a drug test is administered throughout the life of a case
- Considerations
 - Frequency
 - The parent or caregiver's engagement in SUD treatment
 - Ensuring the drug testing is administered objectively and consistently



Key Takeaway: Agencies need to determine if policies and protocols are equitable across subpopulations of parents, applied consistently, and provide thorough guidance if variations exist.

Consider Trauma-Responsive Practices

Best Practices

Teams should integrate trauma awareness, knowledge, and skills into their organizational policies and practices while working to prevent re-traumatization of children, parents, families, and staff members

Drug testing is conducted in a trauma-informed and respectful manner in clean facilities where the collection and testing will not be interrupted

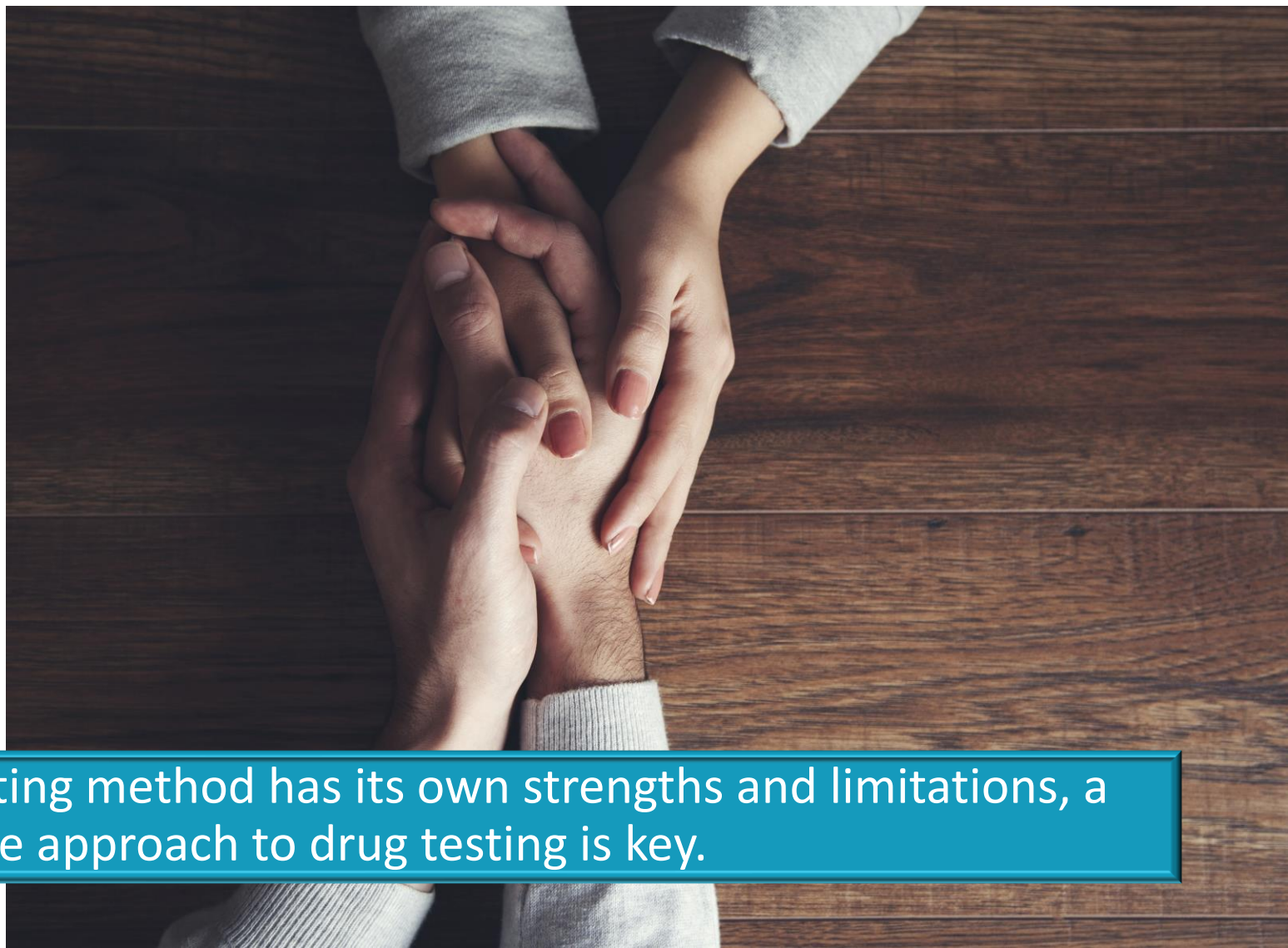
Alternative specimens may be a reasonable accommodation for participants whose trauma histories make observed, urine drug testing contraindicated

STEP

3

Determine Method of Testing

- Many different types of tests exist
 - Establish and understand the collection method, protocols, and chain of custody regardless of the test type
- For more information on types of testing, test panels, adulterants, and collection information, please refer to SAMHSA's *Clinical Drug Testing in Primary Care – Technical Assistance Publication 32*



Key Takeaway: As each drug testing method has its own strengths and limitations, a comprehensive and collaborative approach to drug testing is key.

Additional Considerations

Drug testing is one of many tools collaborative teams use to assess participant engagement and progress in treatment

Drug tests alone cannot substantiate allegations of child abuse or neglect. Clinical and other professional expertise is needed to answer these questions

How can teams streamline drug testing and minimize duplication of efforts between agencies working with parents?

STEP

4

Determine Budget

- Drug testing can be expensive
- The agreed upon purpose of drug testing should drive budget decisions
- It is inappropriate and unnecessary to have child welfare or the court test a parent participating in SUD treatment that includes frequent, random drug testing



Key Takeaway: Collaborative teams should determine how they can work together to share results and collaboratively determine next steps to continue family engagement.

Real Life Practice Examples: Decreasing Your Drug Testing Budget and Improving Results

Real Life Example 1:

- Compare the rate of positive tests to the number administered
 - Emergency Response
 - Monthly testing
- How does this align with the number of cases that have one or more parents with a SUD?
- Outcome = reallocated funding for drug testing toward comprehensive screening and assessment protocols with peer engagement

Real Life Example 2:

- Co-locate treatment specialists in the child welfare office to help assess for behaviors, instead of only relying on the outcome of a drug test
- Outcome = decreased reliance on drug testing

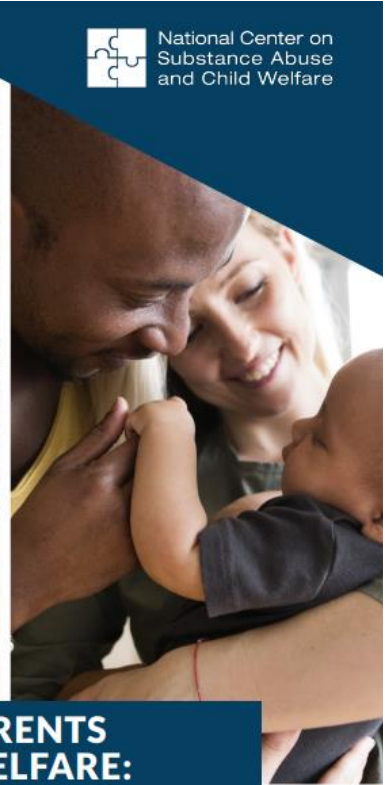
Brief 2: Drug Testing for Parents Involved in Child Welfare: Three Key Practice Points



Practice Point 1: Drug testing is just one tool used to guide case planning and permanency decisions with families affected by SUDs

Practice Point 2: Drug testing can provide a chance to discuss a parent's substance use and motivate them to follow their case plans and engage in treatment

Practice Point 3: A strength-based motivational approach to engaging families supports the well-being of children and families



**BRIEF 2
DRUG TESTING FOR PARENTS
INVOLVED IN CHILD WELFARE:
THREE KEY PRACTICE POINTS**



PRACTICE POINT

1

Drug testing is just one tool used to guide case planning and permanency decisions with families affected by SUDs

- Drug tests alone cannot provide information on the severity of an individual's substance use, progress in recovery, or the effects on parenting capacity
- Problem-solving court teams must rely on other indicators
- After potential substance misuse is identified, it is key to partner with SUD treatment providers to help engage the parent in an assessment and appropriate services



Toolbox: Identifying and Assessing Parental Substance Use in Child Welfare

Tool	Description	Purpose
Screening Tool	Brief set of standardized questions	Determine if substance use is a concern and identify the need for a clinical SUD assessment by a SUD treatment provider
Signs and Symptoms	Observations of physical, behavioral, and environmental indicators of substance use or misuse	Assist in gathering information to determine whether substance use is a concern
Drug Testing	Biological sample	Determine whether an individual has used a particular substance within a specific timeframe
Child Risk and Safety Assessment	Systematic collection of information	Determine immediate threats of danger to the children and identify factors that may contribute to future child maltreatment

PRACTICE POINT

2

Drug testing can provide a chance to discuss a parent's substance use and motivate them to follow their case plans and engage in treatment.

- Sharing results provides an opportunity to have a conversation with parents that reduces overall shame and stigma. Consider the following approach:
 - Discuss the results in a timely manner
 - Be strengths-based
 - Identify protective factors within the family
 - Help the parent determine next steps



Medication-Assisted Treatment (MAT)

Drug Testing Considerations

- Understand civil right protections for parents with OUDs and on MAT
- Understand how legal and prescribed medications show up on results
- The drug testing policy should specify the use/misuse of prescription medication, MAT for parents with OUDs, and the presence of marijuana as a prescribed substance
- Questions to consider
 - What panel tests are local SUD treatment providers using?
 - What substances are they testing for?
 - How will the child welfare agency address legal or prescribes substances?
 - Has the agency consulted with a medical review officer to establish appropriate procedures for prescription drugs?

Exploring Civil Rights Protections for Individuals in Recovery from an Opioid Use Disorder

NEW RESOURCE!

Five-Part Video and Webinar Series

Medication-Assisted Treatment and Common Misconceptions

Civil Rights Protections for Individuals with a Disability: The Basics

Civil Rights Protections for Individuals with an Opioid Use Disorder

Child Welfare Case Staffing: Social Worker and Supervisor

Child Welfare Case Staffing: Child Welfare Court Case



Available @ <https://ncsacw.acf.hhs.gov/topics/medication-assisted-treatment.aspx>

PRACTICE POINT

3

A strength-based motivational approach to engaging families supports the well-being of children and families.

- Substance misuse often stems from trauma and acts as a coping mechanism; when the coping mechanism is removed, parents can experience fear, anxiety, guilt, and a return to use
- Motivational Interviewing can enhance engagement and retention in SUD treatment
- Problem-solving court teams should use a strength-based approach with parents if there is a discrepancy between a test result and a parent's self-report



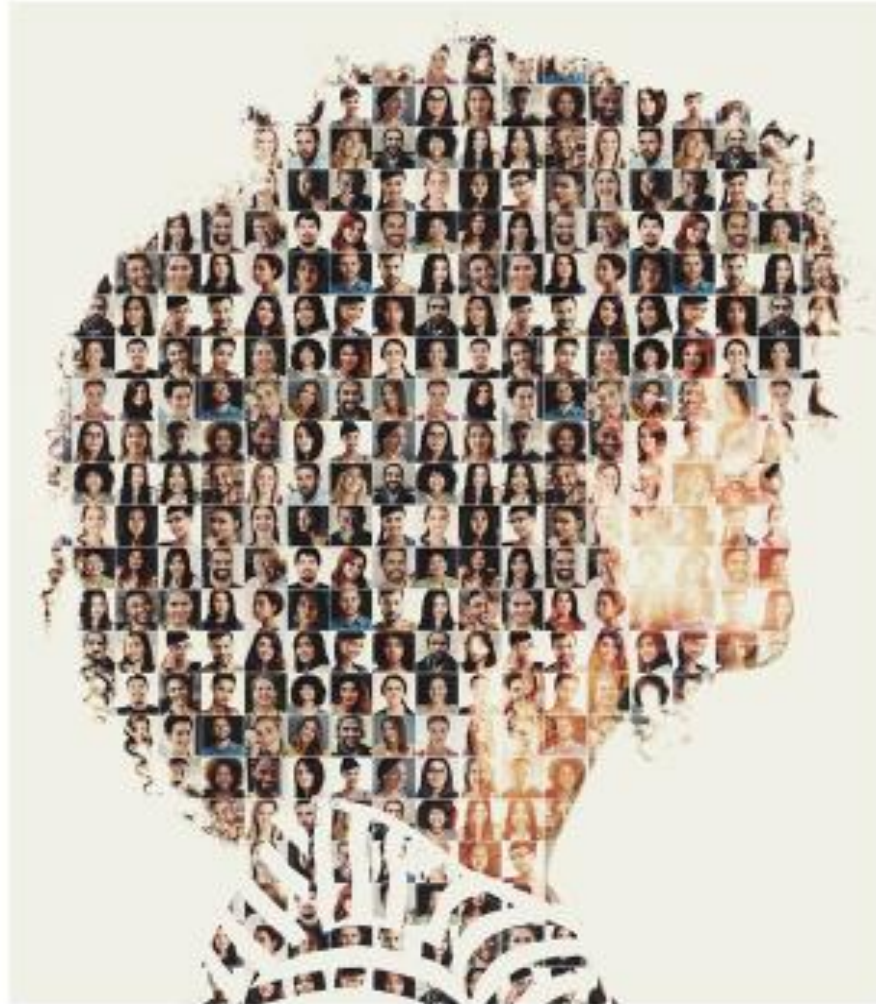


National Center on
Substance Abuse
and Child Welfare

New TA Brief

Disrupting Stigma

How Understanding, Empathy and
Connection Can Improve Outcomes
for Families Affected by Substance
Use and Mental Disorders

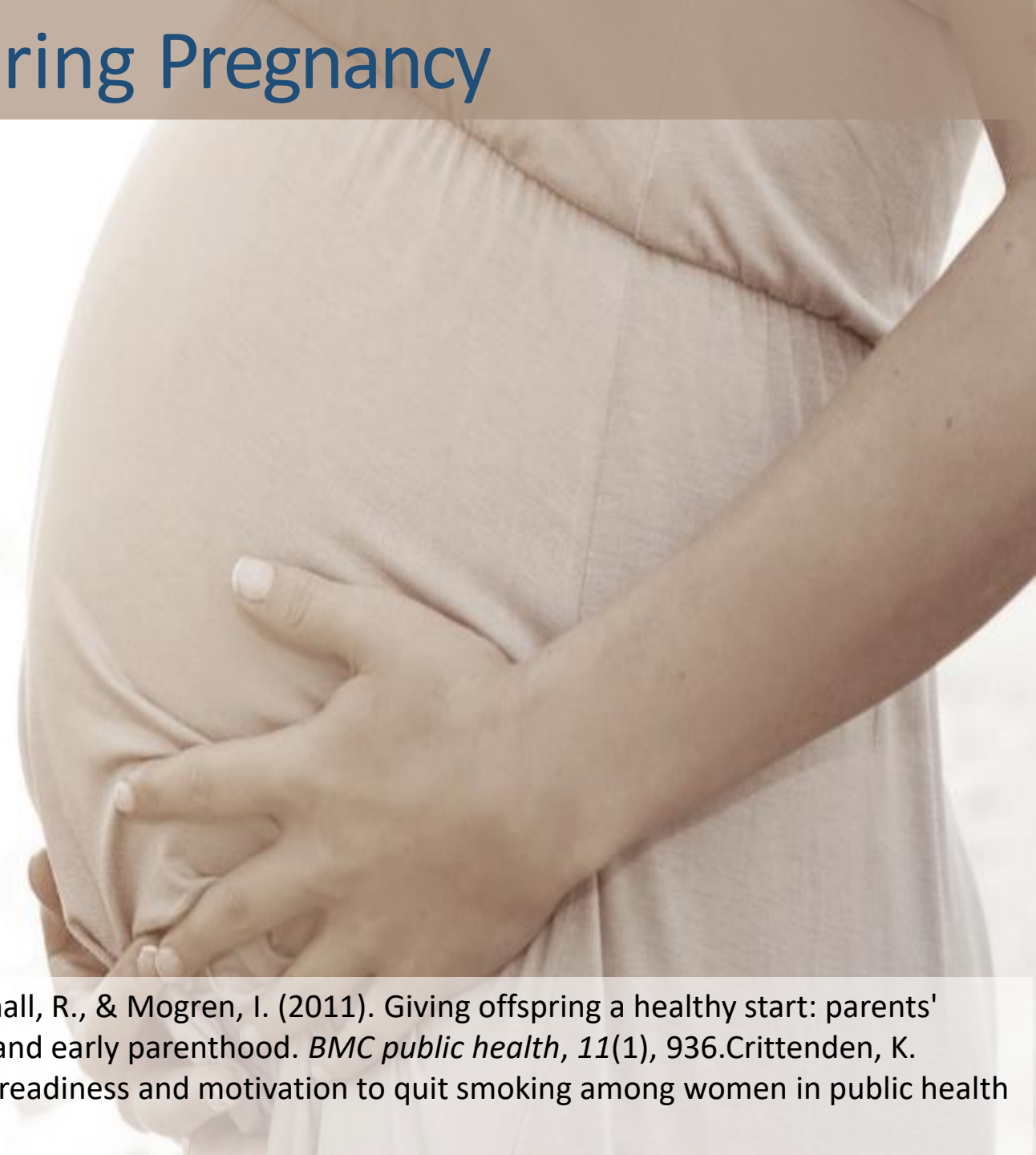


Available @ <https://ncsacw.samhsa.gov/files/disrupting-stigma-brief.pdf>

Treatment During Pregnancy

Windows of Opportunity

- Motivation to make health related changes is enhanced during pregnancy
- Prenatal care is a touch point with the system



Edvardsson, K., Ivarsson, A., Eurenus, E., Garvare, R., Nyström, M. E., Small, R., & Mogren, I. (2011). Giving offspring a healthy start: parents' experiences of health promotion and lifestyle change during pregnancy and early parenthood. *BMC public health*, *11*(1), 936.

Crittenden, K. S., Manfredi, C., Lacey, L., Warnecke, R., & Parsons, J. (1994). Measuring readiness and motivation to quit smoking among women in public health clinics. *Addictive behaviors*, *19*(5), 497-507.

Overview

**Comprehensive Addiction and Recovery Act (CARA) amendments
to the Child Abuse Prevention and Treatment Act (CAPTA)**

Comprehensive Addiction and Recovery Act (CARA) Primary Changes to CAPTA in 2016

1. Further clarified population to infants “born with and identified as being affected by substance abuse or withdrawal symptoms resulting from prenatal drug exposure, or a Fetal Alcohol Spectrum Disorder,” **specifically removing “illegal”**
2. Specified **data to be reported** by States to the maximum extent practicable
3. Required **Plan of Safe Care** to address “the health and substance use disorder treatment needs of the infant and affected family or caregiver”
4. Required “the development and implementation by the State of monitoring systems regarding the implementation of such plans to determine whether and in what manner local entities are providing, in accordance with State requirements, referrals to and delivery of appropriate services for the infant and affected family or caregiver”



- **POTENTIAL IMMEDIATE EFFECTS:**

- Birth Anomalies
- Fetal Growth Restriction and Nutrition
- Neurobehavioral Adaptations
- Withdrawal – NAS

- **POTENTIAL LONG-TERM EFFECTS:**

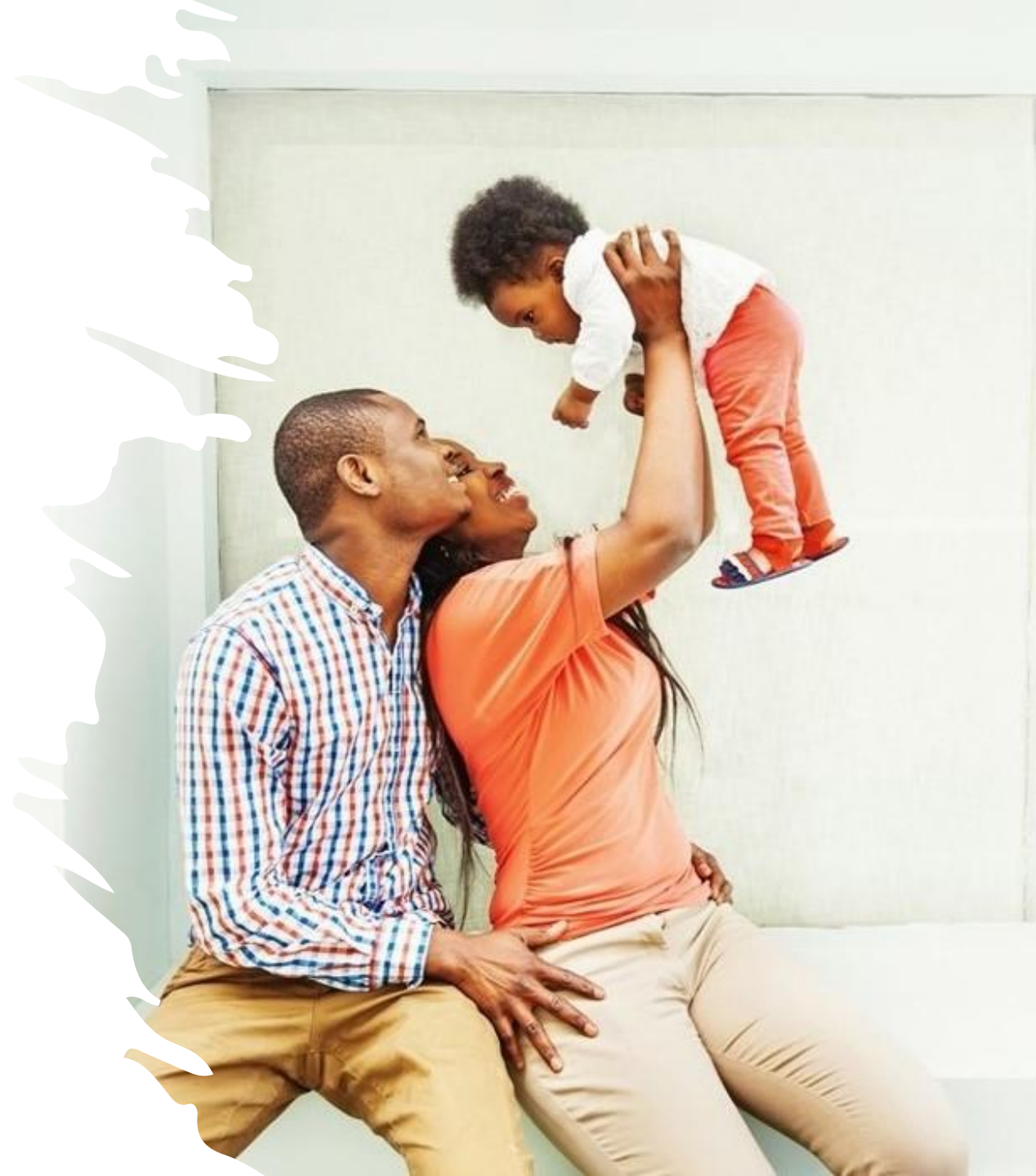
- Achievement
- Cognition
- Language
- Self-Regulation
- Behavior –
Internalizing/Externalizing

A young child with light brown hair, wearing a blue and white striped t-shirt and pink shorts, is sitting on a wooden staircase. The child is looking down at a tablet device held in their hands. The staircase has wooden treads and blue-painted risers. The background shows a white wall and a yellow wall.

Why Children Need a Plan of Safe Care

Why Families Need a Plan of Safe Care

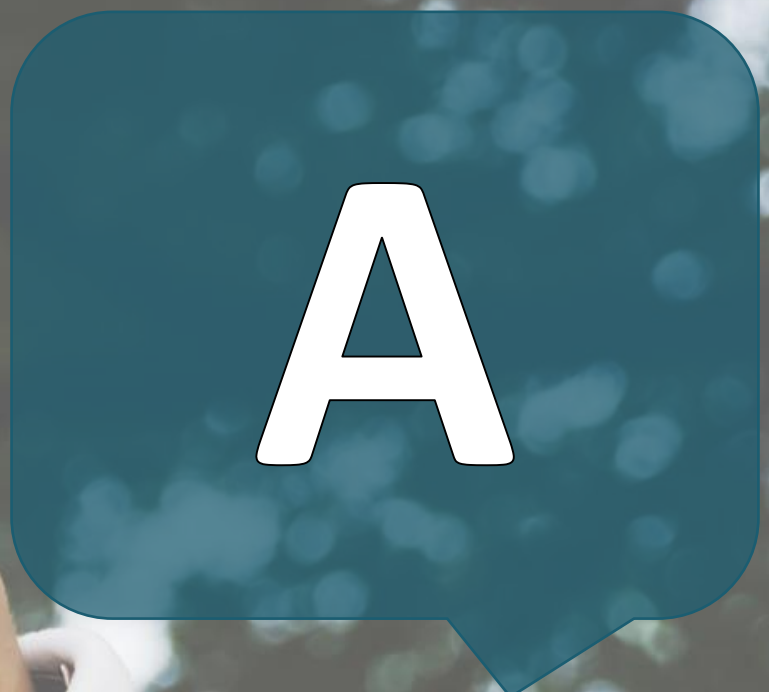
- Provide treatment for parent(s) SUD
- Reduce maternal mortality
- Keep families intact
- Provide comprehensive services to support each family member



A stack of five hands is shown against a background of blurred green foliage. A teal speech bubble with a white outline is positioned over the hands, containing a white letter 'Q'.

Q

&

A teal speech bubble with a white outline is positioned over the hands, containing a white letter 'A'.

A

RESOURCES



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

Drug Testing in Child Welfare

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Available @ <https://ncsacw.samhsa.gov/topics/drug-testing-child-welfare.aspx>

New Resource: Judicial Benchcard – Serving Parents and Children Affected by Opioid Use Disorders



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and Child Welfare



**MEDICATION-ASSISTED
TREATMENT IN THE COURTROOM**
**A BENCHCARD FOR JUDICIAL
PROFESSIONALS SERVING PARENTS AND
CHILDREN AFFECTED BY OPIOID USE
DISORDERS**

<https://ncsacw.samhsa.gov/files/mat-benchmark-508.pdf>



*Family Treatment Court
Best Practice Standards*



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NADCP
National Association of
Drug Court Professionals

Family Treatment Court Best Practice Standards

8 *Standards* and Key Provisions

<https://www.cffutures.org/home-page/ftc-best-practice-standards-2019/>

FAMILY TREATMENT COURT

Peer Learning Court Program



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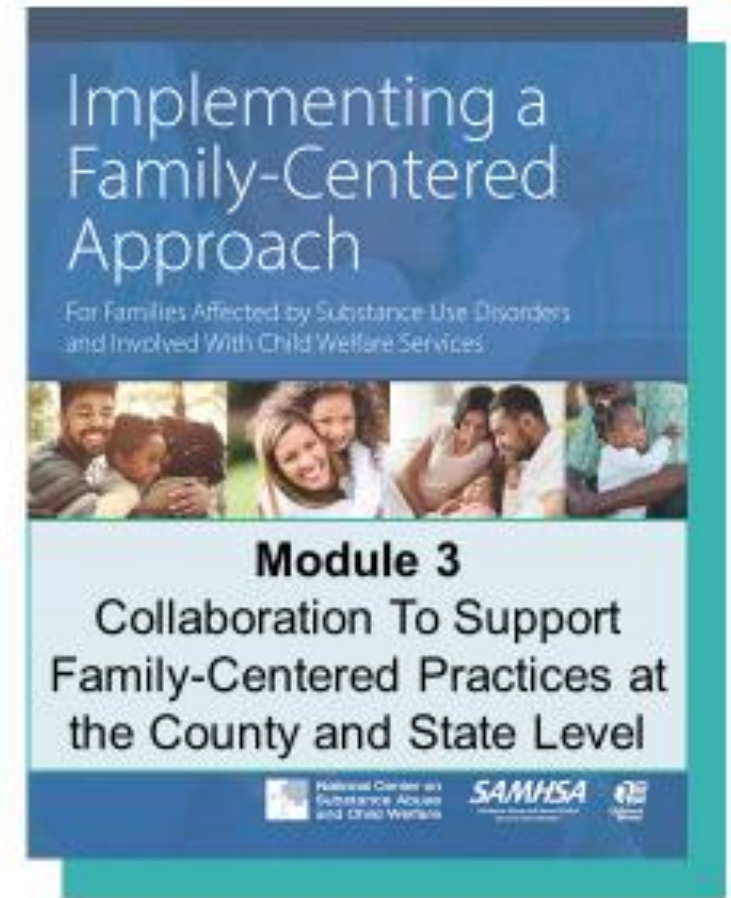
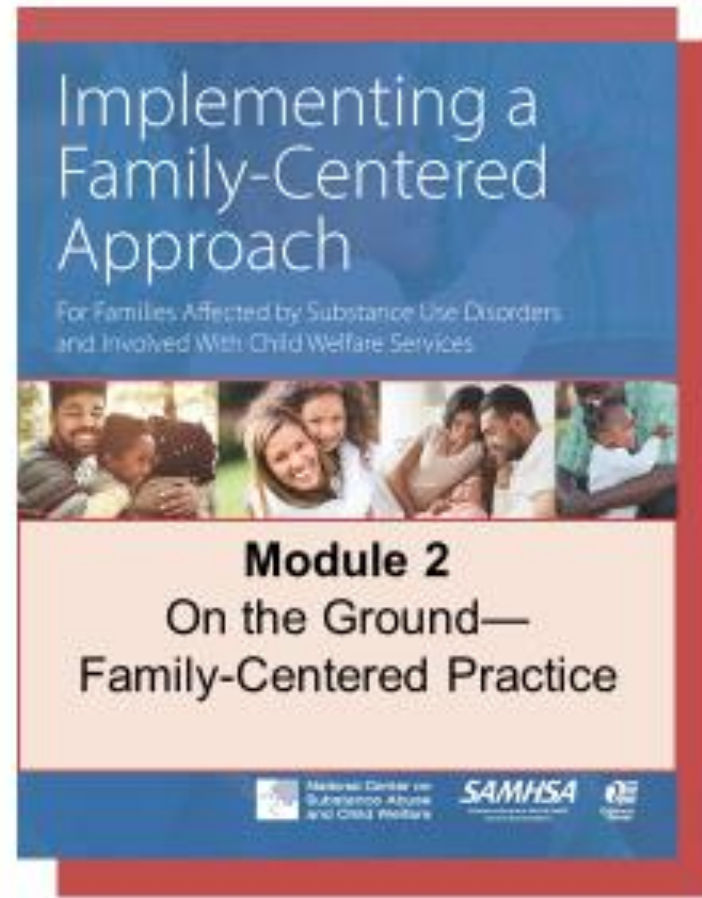
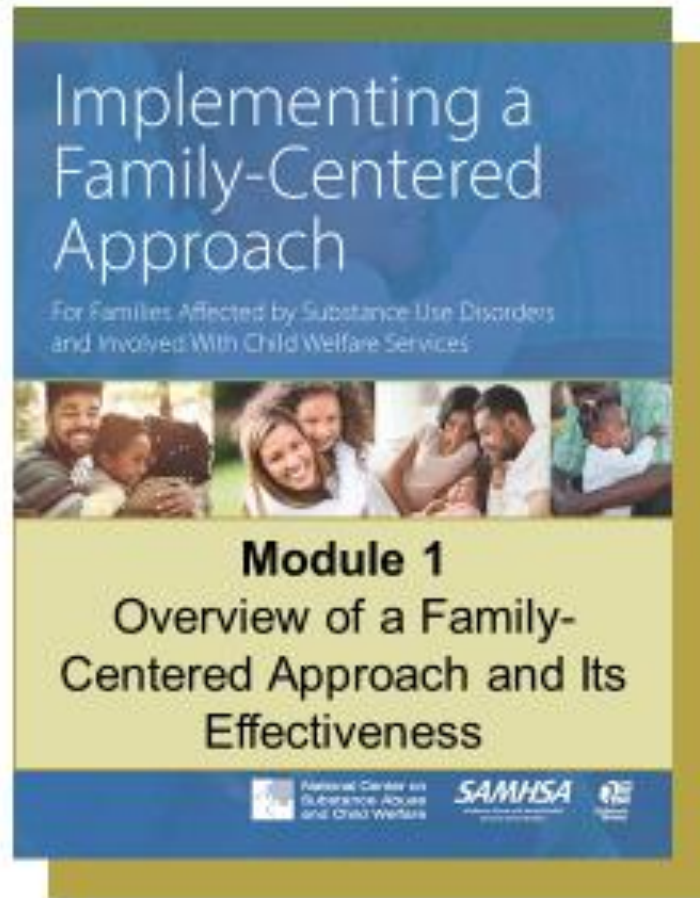


PEER-TO-PEER SUPPORT INCLUDES:

- Virtual learning opportunities (e.g., video conference calls, topic-specific consultation).
- Access to FTC policies, handbooks, practices, and lessons.
- A virtual and/or in-person team site visit, providing an opportunity to observe their FTC court proceedings and staffing sessions.

To learn more about the FTC Peer Learning Court Program or to participate in a peer-to-peer connection, contact us peerlearningcourts@cffutures.org

Family-Centered Approach Modules



<https://ncsacw.samhsa.gov/topics/family-centered-approach/fca-modules.aspx>

FTC Briefs



What are family treatment courts and how do they **improve outcomes for children and families?**

This brief is part of a series on family treatment courts developed in partnership with [Children and Family Futures](#). Forthcoming briefs on this topic discuss practice-level strategies to improve outcomes for families affected by a parent's substance use disorder and the role of FTCs as a catalyst for systems change. For more information about Family Treatment Courts, please consult the [Family Treatment Court Best Practice Standards](#) or contact Children and Family Futures at EDC@cfutures.org.

Child welfare agencies and their community partners often struggle to meet the needs of families affected by substance use disorder, due to the limited availability of family-friendly treatment options, caseworker and court personnel's misconceptions about substance use and treatment, and the competing timelines of the parent's recovery and child's permanency (as mandated by state and federal law). For a growing number of communities, family treatment courts offer an effective solution.

A family treatment court (FTC), considered a problem-solving court by leading judicial and legal organizations,¹ is a family court docket for cases of child



Updated April 2021

casey.org | 1



What can we learn from **family treatment courts to support systems change?**

This brief is part of a series on family treatment courts (FTCs) developed in partnership with [Children and Family Futures](#). Additional briefs on this topic provide an [overview of family treatment courts](#) and [practice-level strategies](#) that FTCs employ to improve outcomes. For more information about family treatment courts, please consult the [Family Treatment Court Best Practice Standards](#) or contact Children and Family Futures at EDC@cfutures.org.

[System transformation](#) requires successfully developing strategies that realign child welfare agencies and the justice system to work in increasingly effective and collaborative ways with other public-serving organizations and community networks to support and nurture family development, promote overall child and parent well-being, and to help families thrive. The process of developing and operating family treatment courts (FTCs) naturally enhances collaboration and communication among family-serving systems and community agencies, including substance use disorder treatment and health. The relationships and



Updated August 2021

casey.org | 1



What can we learn from family treatment courts about **improving practice for families affected by substance use disorder?**

This brief is part of a series on family treatment courts (FTCs) developed in partnership with [Children and Family Futures](#). Additional briefs on this topic provide an [overview of family treatment courts](#) and their role as a [catalyst for systems change](#). For more information about FTCs, please consult the [Family Treatment Court Best Practice Standards](#), or contact Children and Family Futures at EDC@cfutures.org.

Family treatment courts (FTCs) have proven to support positive outcomes for families affected by parental substance use disorder, including improved recovery for adults, safety for children, and timely permanency for families.¹ However, not all jurisdictions have secured the funding for implementation of this model, including the hiring of an FTC coordinator, one of the primary program expenses.



Updated July 2021

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<https://www.casey.org/family-treatment-courts/>

<https://www.casey.org/ftc-brief-two/>

<https://www.casey.org/ftc-brief-three/>



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<http://eepurl.com/dD8tvT>

Visit our Website

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Tuesday, September 27,
2022, 1:30 – 2:45 p.m.

<https://forms.office.com/g/rv8TaLcPxS>



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