

Introduction to the Family Drug and Alcohol Court (FDAC)

The Family Drug and Alcohol Court helps families where children are put at risk by parental substance misuse. FDAC is a problem solving court where the same judge reviews the case every fortnight and is supported by an independent multi-disciplinary Intervention Team.

FDAC works with the whole family while keeping the child central. Parents are given 'a trial for change' that provides them with the best possible chance to overcome their problems. At the same time FDAC tests whether the family can make enough change in a timescale compatible with the children's needs.

Evidence Base

FDAC achieved significantly better outcomes than normal proceedings in an independent evaluation led by Lancaster University:

- More parents overcame their problems by the end of proceedings.
- 40% of FDAC mothers were no longer misusing substances, compared to 25% of the comparison mothers.
- 25% of FDAC fathers were no longer misusing substances, compared to 5% of the comparison fathers
- More children remained with or returned to their parents at the end of proceedings. 35% of FDAC mothers stopped misusing and were reunited with their children, compared to 19% of the comparison mothers
- When families were followed up a year or more after proceedings ended further neglect or abuse of children occurred in 25% of FDAC families compared with 56% of comparison families

The researchers said "Parents were overwhelmingly positive about the FDAC team for motivating and engaging them, listening to them and not 'judging' them, being honest with them, being both 'strict' and 'kind', providing practical and emotional support, and coordinating their individual plans."

You can read more about the research if you click on this links: (Harwin et al 2014)
<http://wp.lancs.ac.uk/cfj-fdac/publications/>

In a recent judgement the President of the Family Division of the High Court said of FDAC '*The FDAC approach is crucially important. The simple reality is that FDAC works ... FDAC is, it must be, a vital component in the new Family Court.*'

Re S (A Child) [2014] EWCC B44 (Fam), [2014] 2 FLR, at paras [35]-[38]

Selection - the cases that go through the Court

Suitable cases are identified by Local Authorities and referred to FDAC. The usual threshold for proceedings applies. If a family is selected for the FDAC they will be given written information before

the first hearing, and meet the FDAC team at the first hearing. The FDAC is voluntary and if parents do not wish to proceed, their case will be heard in the usual family proceedings court.

Similarly, if a referral is not accepted, families will enter the family proceedings court instead.

FDAC is most likely to help families who are already demonstrating some willingness to change. There must be a history of parental drug or alcohol misuse that is impacting on, or likely to impact on, the children's health and development. However, most families have additional problems such as domestic abuse and parental mental health difficulties. FDAC can work with some families in pre-proceedings especially during pregnancy.

There are only a limited number of places available in FDAC for each Borough.

Choice for the families

A family may choose to go through the normal care proceedings route. They might do this for any number of reasons, but they should be advised that families with a willingness to change are likely to achieve better outcomes via FDAC.

Like any care proceedings, there is still a potential for the family to lose their children, but the FDAC process has been set up to encourage success and to be as supportive as possible. Whilst they must take the process seriously, as they would do for normal care proceedings, families need not be fearful that the FDAC is there to trap or trick them in any way.

Once a family is chosen they do not have to make a decision immediately. They will be asked at the first hearing (Case Management Hearing CMH) if they want to undertake the initial FDAC assessment; it begins immediately if they do. The family will be encouraged to talk to their solicitor and the FDAC team if they have any doubts or questions over the process.

Between the first and second hearing they will take part in an assessment day and an Intervention Planning Meeting where the FDAC Intervention Team will help the parties agree a plan which is given the court's authority at the second Court hearing (Further Case Management Hearing FCMH) usually at the 2nd or 3rd week in proceedings).

After the second hearing, the 'trial for change' officially begins and the subsequent fortnightly hearings will be used to provide encouragement, review progress, review the Intervention Plan, problem solve any difficulties that arise and make decisions in order to reach permanency as quickly as possible.

Make up of the FDAC team

The same judge, or one of a small team of FDAC judges, will oversee the whole process and offer support and encouragement.

The family will also receive support from the FDAC Intervention team who will coordinate the intervention plan. This is a multi-disciplinary team, which includes:

- social workers
- parental substance misuse worker
- mental health worker

There is also a child and adolescent psychological consultation and parental psychiatric screening (as identified as necessary).

FDAC will collaborate with other local services such as housing and therapeutic agencies.

Parent mentors can be provided. Parent mentors are volunteers with a history of recovering from addiction and in many cases, they have experience of care proceedings. Increasingly parent mentors will be graduates of FDAC.

A parent mentor may be present during the court, assessment and intervention periods to provide support, encouragement and reassurance.

The Court

The court process is slightly different from normal proceedings.

As well as the initial hearing there is a case management hearing (CMH). This allows families the opportunity to be introduced to the FDAC process at the initial hearing and have an assessment before being asked to commit themselves at the second hearing (CMH).

As a part of that commitment the judge will ask the parents to sign an undertaking to be open and honest.

The family will work with the same judge from the CMH onwards. If for some reason the family's judge is away, the family will see a substitute FDAC judge.

The parties will be fully represented by their lawyers at the initial hearing, CMH and subsequent issues resolution hearing (IRH).

However, between the CMH (normally the fourth week of proceedings) and the IRH (normally the twentieth week of proceedings), the family will attend court for a non-lawyer review once a fortnight.

The FDAC Intervention team will brief the judge about the case prior to the non-lawyer review and produce a short review report, which is shared with all the parties.

In court the parents will normally talk directly with the Judge for up to half an hour. A short note of what is said is prepared by the FDAC Intervention Team and distributed to the parties.

If the case is proceeding according to plan the next court attendance will normally be another non-lawyer review. However, if there is a problem, the judge or any of the parties can ask for the matter to return with lawyers at the next hearing.

The FDAC judges are specially trained in helping families stay motivated and get better at taking charge of their own lives and solving problems. In practice parents find the non-lawyer reviews a little daunting at first. However, when things go well, they are enormously important to the parents' sense of self-respect and agency.

Assessments

The FDAC Intervention team will carry out a series of comprehensive assessments of the family's strengths and any concerns.

1. The initial assessment is completed within the first three weeks of proceedings and will identify the timescales for the children, the parents' goals and the treatment and support

that will be provided in the next four to eight weeks.

2. This plan will be reviewed in court every two weeks and modified and added to at review intervention planning meetings, which occur every four to eight weeks.
3. Every two weeks FDAC will provide a short review report on what is going well and not going well about the intervention plan including attendance for treatment and the results of drug and alcohol testing.
4. Sometime in the first eight weeks of the proceedings the FDAC children's needs meeting will be held. The child and adolescent psychologist consultation will inform this meeting. The children's needs meeting will identify the children's needs and will include:
 - the parents
 - foster carers
 - teacherschild's social worker
 - guardian
 - potentially others

The minutes will be submitted. Where necessary, a full child psychiatric assessment may be applied for in court.

5. Where the initial FDAC assessment identifies concerns about mental health, parents will have a psychiatric screen. The report will be submitted.
6. An assessment of the parents' relationship with their children and capacity to meet their children's needs will be undertaken once parents have been abstinent for some months and made some progress with their own problems.
7. By the third intervention planning meeting (normally the eighteenth week in proceedings) the FDAC Intervention team will advise whether parents have made enough progress for their child to be permanently placed in their care.

The Intervention team will report on this assessment no later than the nineteenth week of proceedings. The court will then hold an issues resolution hearing (normally by the twenty fourth week of proceedings) to decide when to bring the proceedings to an end.

This may require a contested final hearing some time before the twenty sixth week of proceedings.

Alternatively, the decision may be to continue the proceedings beyond the 26-week mark, for example, to allow time to check on children who are returned home.

8. For cases that continue beyond the 26-week mark there will be more hearings and review reports and a final report for the final hearing.

Interventions

The FDAC Intervention Team will put in place a range of interventions drawn from the resources in the family's local authority of residence supplemented by intervention provided by the team. The interventions will be matched to the needs of the individual family but are likely to involve the following:

1. **Abstinence:** parents will be given support and advice on being abstinent from street drugs and alcohol and abstaining from domestic abuse and criminal activity (for example, community drug and alcohol programmes providing individual and group education and advice on triggers and relapse prevention).
2. **Understanding and repair:** parents will be given support, advice and treatment on understanding the problems underlying any substance misuse, domestic abuse and mental health problems. Nearly all parents need help finding safer ways of dealing with the effects of trauma.

Many children need help to make sense of the disruptions created by their parent's difficulties and the intervention of the court. Some parents and children need treatment for mental health problems including anxiety, depression or post-traumatic stress disorder. (For example, parents may be encouraged to attend community based intensive treatment programmes or an anxiety group).

3. **Strengthening relationships:** parents will be helped to be more sensitive and responsive with their children and strengthen parents' relationships with each other and the wider family.
4. **Child centred lifestyle:** families will be helped to develop a lifestyle that prioritises children's needs. This could include education and training that will allow parents to work.

Timetable

The FDAC process is geared to two different timescales: the timescales for the child and the timescales for the court.

Where parents are not meeting their children's needs the question becomes how long can those children afford to wait for the situation to improve? The answer is that it depends on the children's age and developmental stage.

We call these periods of acceptable delay the 'children's timescales'. For example, with new-born babies we aim to have the child permanently placed by the time they are 12 months old. This is because of the importance of attachment. The sensitive period when children most naturally form an attachment is between 6 and 18 months.

Therefore, we want children to have settled with their long-term carer inside that sensitive window. This means deciding whether children can return home before they are nine months old. That leaves a further three months to either see how they get on at home or find an alternative permanent placement with extended family or adopters.

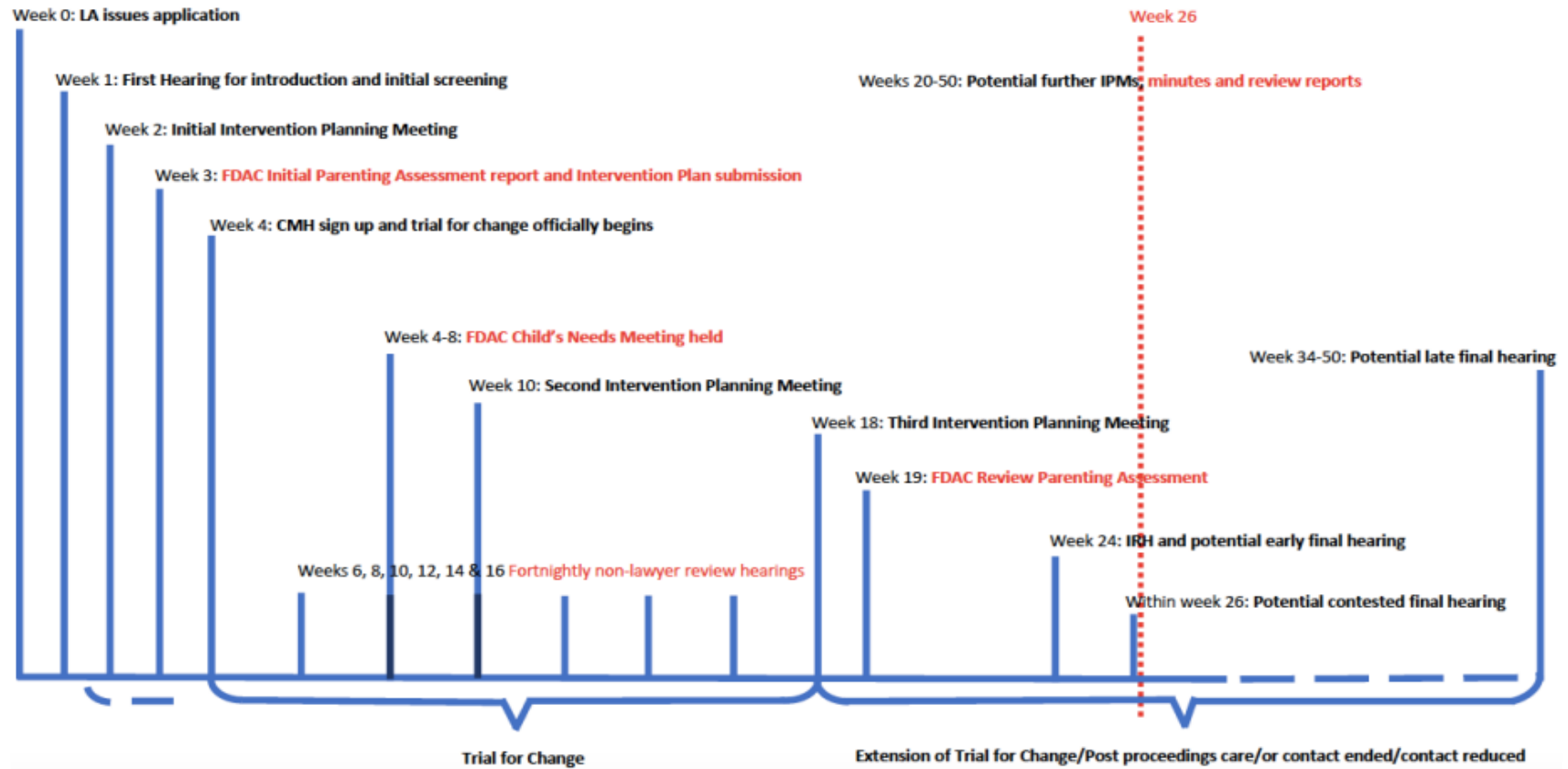
With older children timescales are less critical. We are mindful that (if permanency in their family's care is not possible) adoption is less likely to be successful with children beyond the age of five to six. Similarly, children find it difficult to put down roots in a foster family much beyond the age of nine to ten.

The court also has timescales. Just as in normal proceedings, the expectation in FDAC is that proceedings will end within 26 weeks when children are not returning home to their parents.

However, the president of the Family Division has cited families making progress in FDAC as one of the reasons the court might allow proceedings to go beyond the 26-week mark. The following table sets out the timetable for the court and how this fits with the assessments and intervention.

FDAC timeline

FDAC Timeline



Expectations of the families

We believe that no parent wants to cause their child to suffer and that every family in difficulty wants things to get better. However, parents often don't know how to sort things out and fear that if they ask for help, they will be judged and punished.

We find things work best when families are able to be open and honest and do their best to work with the trial for change. We hope they will find they are treated with respect and compassion.

Role of the child's social worker

The child's social worker's task to protect the child is unchanged. We ask children's social workers to support the family's trial for change.

It's important that the local authority feels satisfied that the expectations on the family are sufficiently demanding to test whether parents have made enough change to be able to meet their children's needs for the foreseeable future.

At a more practical level children's social workers will be expected to attend:

- lawyer and non-lawyer hearings
- intervention planning meetings
- child's needs meeting

We would expect the team manager to attend intervention planning meetings, lawyer hearings and they are welcome to attend the non-lawyer reviews.

Role of other professionals

Drug and alcohol recovery workers, domestic abuse and mental health services, housing and others play a vital part in working together to give families the best possible chance to overcome their problems.

We will have written permission from the families to be able to communicate with you. The FDAC Intervention team will want to stay in close contact and gather regular updates from professionals for the fortnightly non-lawyer reviews.

On occasions such professionals may be invited to attend the non-lawyer reviews.

Role of lawyers in FDAC

The role of the lawyers to advise and represent the parties is unchanged.

For further information contact Dominic Wilson, FDAC North East: Gateshead, Newcastle, North Tyneside, on 07394 402 522 or email, dominicwilson@gateshead.gov.uk