

SJI Newsletter

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National Collaboration Addresses Impact of Opioids on Children in State Courts

In addition to the impact of opioid abuse on criminal courts, the nation's family and juvenile courts, and child welfare system, is also being deeply impacted. A recent report by DHS/Administration for Children and Families shows that, after years of decline, the number of children in foster care is rising. Nearly three-quarters of all states reported an increase in the number of children entering foster care from FY 2014 to 2015. From FY 2012 to 2015, the percentage of removals nationally due to parental substance abuse increased 13 percent to 32.2 percent.^[1]

- Nationally, foster care costs increased from \$7.6 billion in 2012, to \$ 9.2 billion in 2015. This represents a 21.6 percent increase in cost.^[2]
 - *Ohio*: The number of children served in foster care increased by 6.1 percent

between FY 2012 and 2015. Costs of foster care increased by \$29.3 million (8.3 percent). Foster care cases where drug use of the parent was indicated as a factor in removal increased from 18.2 percent to 21.8 percent.

- *Kentucky*: The number of children served in foster care increased by 5.7 percent between FY 2012 and 2015. Costs of foster care increased by \$11.9 million (18.8 percent). Foster care cases where drug use of the parent was indicated a factor remained steady at approximately 25.9 percent between FY 2012 and 2015.

- Adverse childhood experiences (ACES) significantly impact the likelihood of future substance abuse, violence, and justice system involvement.^[3] Prevention and intervention strategies, such as early identification of trauma and trauma-informed treatment can significantly reduce the impacts of ACES.

With SJI support, the NCSC, the Institute for Intergovernmental Research (IIR), the National Council of Juvenile and Family Court Judges (NCJFCJ), and The National Judicial College (NJC) have developed a collaboration to assist state courts in addressing the impact of opioids on children.

This assistance provided by this collaboration is broken out into two focus areas: **1) Technical Assistance**; and **2) Education and Training**.

Focus Area 1: Technical Assistance

The NCSC continues to work on addressing the impact of the opioid epidemic on children and families, particularly the impact on the foster care system. That work has included working to identify promising and best practices to pilot in state and local courts that will improve outcomes for children impacted by the opioid epidemic:

1. Infusing Family Treatment Court Core Principles to All Dependency Cases.
Implementing state court-based pilot programs that work to infuse the treatment court principles that have proven success in family dependency treatment courts (e.g. non-adversarial collaborative team approach, timely access to treatment and services, increased judicial oversight, improved family-centered services and parent-child relationships, etc.) and apply them to all dependency cases.
 - Identifying the core principles and develop a plan in each pilot jurisdiction of how to infuse those principles into all dependency cases with substance use disorder.
 - Piloting the approach in three local trial courts that don't have an existing family treatment court (3 pilots).
 - Disseminating pilot findings, successful strategies, and promising practices.

2. Expanding the *Blueprint Framework*. Continuing to pilot and expand the work around adapting the Sequential Intercept Model (SIM) to parents with substance use disorder who are at risk of entering the child protection system. This initiative is now called, *Strengthening Children and Families: A Blueprint for Community-Based Solutions*. The NCSC is expanding the pilot to additional local jurisdictions (three sites), but also working with the state-level judicial leaders in those states on the role of the courts.

3. Courts partnering with the medical community to address the needs of pregnant women with opioid use disorder and infants born substance-exposed. Implementing pilot programs focusing on the court's role in addressing the needs of pregnant women with opioid use disorder and infants born substance-exposed. This work is expanding the lessons learned in the HHS/Children's Bureau-funded Quality Improvement Center on Collaborative Court Teams, which worked to expand family treatment and infant-toddler dependency courts to include the medical community (ob-gyns, pediatricians, public health). NCSC has been a partner in these efforts, and has led the demonstration sites in two courts in Alabama, one in Georgia, and one in Alaska. Much of this work is prevention-focused, and includes methods courts can use both pre and post-petition in cases involving this target population. This also leverages the opportunities provided by the *Family First Prevention Services Act*.

In FY 2019, SJI partnered with The U.S. Department of Justice/Bureau of Justice Assistance (BJA), the U.S. Department of Agriculture (USDA), and the Center for Disease Control (CDC) to provide funding to 8 rural demonstration sites to address the opioid crisis. SJI funding is encouraging the sites to include the state courts in their work, and enable courts to have the resources they need to contribute to the overall objectives of each demonstration sites. The Institute for Intergovernmental Research (IIR) – a non-profit that has a long history serving as a technical assistance provider for BJA grants – is providing the technical assistance for this initiative.

To address the impact of opioids on children in state courts, BJA and IIR are partnering with SJI to support intensive training and technical assistance effort designed to assist local courts and their stakeholders in strongly aligning existing opioid initiatives in their communities, and developing comprehensive and multidisciplinary approaches to more effectively respond to Opioid Use Disorders (OUD) and other emerging drug threats.

The focus in FY 2019 includes a local court that has taken innovative and multi-disciplinary approaches to address the impact of the opioid epidemic on court-involved children and families. Once the model site is selected, a solicitation will be released similar to the [Intensive Training and Technical Assistance for Local Teams to Develop a Comprehensive and Multidisciplinary Approach to Opioid Use Disorder and Emerging Drug Treats](#).

Communities will be required to participate as a multidisciplinary team that includes a minimum of 4 members and a maximum of 6 members. Team members will likely include judges, child welfare, community supervision (juvenile and/or adult), treatment providers, schools, law enforcement, local government leaders, and other key stakeholders. Team members will receive travel scholarships to attend a 3-day site visit to observe and learn at the selected model site. They benefit from networking across sites with their peers, and from receiving additional support from subject matter experts as well as tailored technical assistance. A total of six (6) teams will be selected to participate.

The deliverable from this project will be a work plan from each site that describes: 1) progress to align existing and new initiatives and develop comprehensive and multidisciplinary approaches to more effectively respond to OUD and other emerging drug threats; and 2) what components of the site visit, and follow-up engagements, played a role in realizing the aforementioned progress.

BJA and IIR are also partnering with SJI to convene experts and stakeholders from across the United States in the fields of courts, child welfare, schools and law enforcement to discuss the impact of the opioid epidemic on children and families, and to discuss best practices and opportunities for collaboration across disciplines. The convening will include two primary components: 1) an in-depth review of the best practices of each field in combatting the opioid epidemic, with an emphasis on children and families; and 2) an assessment of where the fields intersect that provide opportunities for collaboration. It is anticipated that additional partners, such as CCJ, COSCA, the NCSC, NCJFCJ, and NJC along with BJA will provide support for this project in relation to their respective constituencies.

Focus Area 2: Education and Training

In FY 2020, the NCJFCJ is hosting two regional summits for interested court jurisdictions who are currently impacted by the opioid epidemic. During each of the two-day summits, participants will learn from experts, discuss best practices in handling opioid related cases and develop action plans to implement when returning to their local jurisdiction that address the unique needs of children and families impacted by opioid misuse.

Two regional summits comprising of five judicial teams will consist of a judicial officer, attorney, health care provider, and representative from child welfare. NCJFCJ staff will coordinate logistics for the summits and provide off-site ongoing technical assistance and resources as judicial teams work on implementing their action plans following the summit. The NCJFCJ is also presenting three workshops at a national, state or regional training highlighting judicial leadership, collaboration, action planning efforts, and outcomes by the participating jurisdictions at the regional summits and to share “Lessons Learned.”

NCJFCJ will host two national webinars that will examine “Innovative Practices in Handling Opioid Related Cases” and “Lessons Learned from Regional Opioid Summit Courts.”

These interactive virtual learning opportunities will be open to courts across the nation and

participants will be given the opportunity to ask questions of expert presenters and learn from other participants. The NCJFCJ will promote the webinars on its NCJFCJ membership list serve, the child abuse and neglect court list serve and other contact sites. Webinars will run approximately 75 minutes and will be recorded and available for viewing on the NCJFCJ website following the live session.

The NCJFCJ will collaborate on specific deliverables with the NJC: 1) Webinars as a Series on Opioid Use Disorder and the Courts: Protecting Children and Supporting Families; and 2) Four course inserts built into NJC's General Jurisdiction Course. NJC will convene a curriculum advisory group to select the topics, faculty and additional resources, and may include representatives on the curriculum advisory group from the National Association of State Judicial Educators and the National Juvenile and Family Court Judges. The five webinar topics would be selected by the advisory group and may include topics such as:

- Scope of the Problem / Need for a Comprehensive Approach
- Early childhood development and trauma

- Success Stories, Promising Practices and Judicial Leadership
- Juvenile and Family Drug Courts
- Effective Treatment

Each webinar would run about 75 minutes and be offered "live," at a specific date and time using a toll-free number at no cost to the participants. This format will enhance interactivity and engagement with the faculty. The NJC will take the lead on the webinar series and will work with the NCJFCJ to provide webinars in areas that the Council has an expertise, such as Juvenile and Family Drug Courts, and Shawn Marsh, an expert in child development and trauma, to make this a Judicial Epicenter Project. The NJC and NCJFCJ will work together on marketing, dissemination announcements of the webinars, and host the recorded webinars of each of their respective websites.

This initiative will continue to assist state courts in addressing children who have experienced trauma due to parental opioid abuse and exposure to opioids. In addition to trauma related to removal from homes, children placed under court supervision suffer from malnutrition, failure to thrive, mobility/walking, and speech issues. Specifically:

- Implementing state court-based pilot programs that focus on reducing trauma and promoting safe and timely placement of children, including the use of trauma assessment instruments for young children (particularly below the age of 5), and trauma services to help provide support to children as they navigate the court and foster care systems.

- Partnering with key stakeholders overseeing the Interstate Compact on Placement of Children to explore mechanisms for the more rapid placement of children with relatives (or other safe alternatives) across state lines to reduce child trauma and

foster care costs.

- Educating judges, court staff, foster parents, and others on identification and early intervention strategies in cases that involve very young children of parents with opioid abuse disorder.
- Promoting evidence-based prevention, identification, and treatment for children and their parents related to Neonatal Abstinence Syndrome and Substance-Exposed Infants.
- Identifying best practices, pilot, and evaluate outcomes for early intervention court strategies to assist parents with substance abuse issues who are at risk of losing their children. Examine existing and possible future court programs to enhance the recovery efforts of parents, while enabling their children to be safely maintained with them in the home.
- Partnering with the state Prescription Drug Monitoring Programs (PDMPs) and child welfare agencies to identify the ways that PDMP data could be used to improve services to families and children, and pilot data sharing projects to further this effort.

[1] U.S. Department of Health and Human Services, Administration for Children and Families (2015).

[Http://www.acf.hhs.gov/cb/resource/child-maltreatment-2014-data-tables](http://www.acf.hhs.gov/cb/resource/child-maltreatment-2014-data-tables).

[2] U.S. Department of Health and Human Services. Administration for Children and Families, Children's Bureau, Adoption and Foster Care Analysis and Reporting System (AFCARS) (2017).

[3] Levenson, Jill, and Grady, Melissa (2016). *Childhood Adversity, Substance Abuse, and Violence: Implications for Trauma-Informed Social Work Practice*. Journal of Social Work Practice in the Addictions. Vol. 16, Issue 1-2.



SJI Awards FY 2019 Fourth Quarter Grants

The SJI Board of Directors met on September 9, 2019 to make decisions on quarterly [grant applications](#) and approved a total of 12 new grants.

Ten (10) [Technical Assistance Grants](#) were awarded: the Connecticut Judicial Branch for a domestic relations triage project; the 5th Circuit Court of Appeal of Louisiana for a governance and organizational assessment; the Massachusetts Judiciary for a triage/pathways initiative for family cases; the Georgia Administrative Office of the Courts for a statewide expungement clinic initiative in rural areas; the 32nd Circuit Court of Michigan for a strategic planning initiative; the South Dakota Unified Judicial System for a court security project; the Texas Municipal Courts Education Center for a survey kiosks pilots and assessment; the West Virginia Supreme Court of Appeals for a jury orientation online video; the 1st Judicial District of Pennsylvania for a technology leadership assistance project; and the Illinois Judiciary for strategic plan implementation.

Two (2) [Curriculum Adaptation and Training \(CAT\) Grants](#) were awarded: The Georgia Judiciary for a podcast training project; and the Oregon Judicial Department for training on bias in the courtroom.



NCSC Limited Jurisdiction Court Resource Guide Now Available

Another name for limited jurisdiction courts is:

1. municipal courts;
2. district courts;
3. mayor's courts;
4. justice courts;
5. all of the above.

If you guessed E, you're correct, but all of the above is an incomplete answer. In all, there are 20 different names for limited jurisdiction courts nationwide.

That fact is just one of many found in a new NCSC [resource guide](#) intended to educate city, county and state officials – and the public – about these courts, which hear cases such as traffic violations, misdemeanor criminal charges and small-claims cases. In many ways, the new resource guide is a long time coming, given that about seven out of 10

cases originate in the 15,000 or so limited jurisdiction courts nationwide.

The idea for the guide began in the wake of unrest in Ferguson, Mo., where it was revealed that poor people were jailed in large numbers for failing to pay court-related fines and fees. That led to efforts to improve court practices and to the realization that local and state officials nationwide would benefit from more information about how these courts operate.

“We saw this (guide) as an opportunity to better acquaint funders with the roles and purposes of these courts,” said Patti Tobias, a principal court management consultant.

The resource guide, funded by the [State Justice Institute](#), includes an interactive video tour, the primary purpose of which is for court leaders to watch it with local officials and discuss it with them, Tobias said. The tour also is intended to educate new court employees as well as the public.

The guide also includes data visualizations that allow users to zero in on specific states as well as a section that highlights what states are doing to improve their limited jurisdiction courts. Missouri, for example, embarked on a [municipal court reform effort](#) and came up with 35 recommendations intended to reduce confusion about how its limited jurisdiction courts operate. The Supreme Court of Missouri implemented many of the recommendations.

An advisory committee of judges and court administrators from Missouri, Texas, Louisiana, Utah and Washington contributed to the creation of the resource guide. The committee was led by Douglas Beach, former presiding judge in St. Louis County, where Ferguson is located.



Washington State Launches Alternative to Under/Unrepresented Caseloads

As recently as 2017, 86 percent of litigants in civil cases received inadequate or no legal help, according to one study. That fact didn't come as a surprise to those who are trying to close the nation's justice gap.

In one attempt to close it, Washington became the first state to allow specially trained paralegals to help people without lawyers fill out paperwork and answer questions about legal procedures. The state's Limited License Legal Technician (LLLT) Program is now five years old, and this fall NCSC will start evaluating it. Other states, including Utah, Minnesota, New Mexico, Arizona and New York, are starting or have started similar programs, and many more states are eager to learn if these programs can effectively help large numbers of people who can't afford lawyers.

Washington's program and others like it "would be a radical expansion of what it means as far as who can provide legal services," said Paula Hannaford-Agor, a principal court research consultant who is leading the study.

NCSC's evaluation, funded by SJI, will include a focus group of some of Washington's 40 or so current LLLTs, a survey of lawyers, judges, LLLTs and clients, and a comparison of the outcome of cases with and without LLLT participation. The goal of the 18-month review, which will start in October, will be to determine if LLLTs are adequately trained, if they're meeting the needs of their clients, and if they earn enough money to do these jobs full time.

This isn't the first time NCSC has reviewed the program, which was created by Washington's state courts and its bar association. NCSC and the American Bar Foundation conducted a preliminary evaluation in 2016 and [produced a report](#) in 2017.

While many states are eager to learn from Washington's program, a few are already moving forward. Last year, Utah approved a new class of legal professionals called licensed paralegal practitioners. LLPs, as they're called, will be permitted to help litigants in a wide array of cases, including separation, divorce, domestic abuse, stalking, name changing, custody and support, forcible entry, and debt-collection matters that don't exceed \$11,000 – Utah's statutory limit for small claims cases.



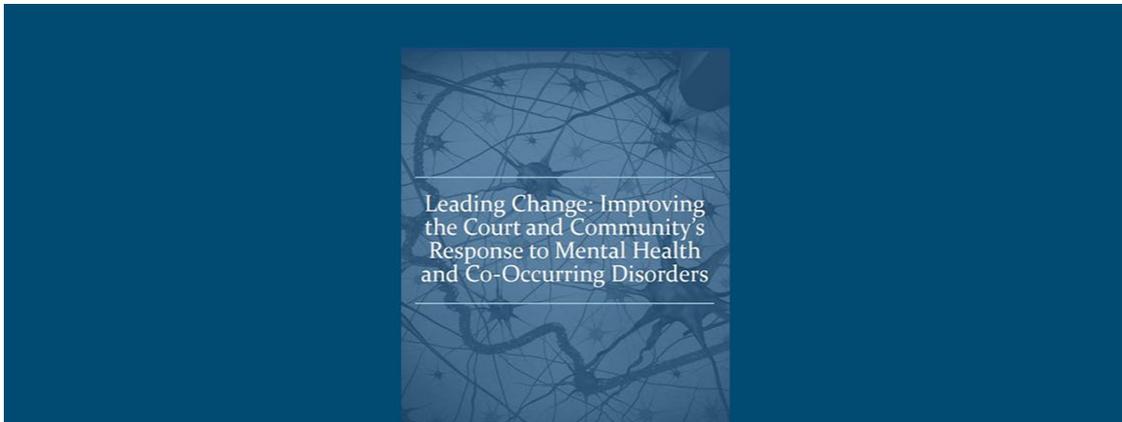
SJI Partners Engage the Court Community

This month, SJI Board Chair and Chief Justice John Minton provided opening remarks at the 2nd National Summit on Courts and Military Families. This SJI-funded Summit,

sponsored by the [National Council of Juvenile and Family Court Judges \(NCJFCJ\)](#), is providing an opportunity for courts and the U.S. Department of Defense to advance best practices in support of [military-connected families](#).

Chief Justice Loretta Rush, Co-Chair of the CCJ/COSCA [National Judicial Opioid Task Force \(NJOTF\)](#), and Illinois State Court Administrator Marcia Meis, NJOTF Member, presented at the 2019 annual meeting of the [American Judges Association \(AJA\)](#) in Chicago, Illinois.

For the latest updates on presentations, events, resources, and grant deadlines, visit SJI on [Facebook](#) or [Twitter](#).



NCSC Releases Guide to Help People with Mental Illness Access Justice

Delivering on the promise of justice for all is easier said than done, but it can be that much more difficult helping litigants who suffer from mental illness.

Helping them can be incredibly difficult, so the [National Center for State Courts \(NCSC\)](#) has embarked on a three-year initiative to improve the justice system response to those with mental health issues. The initiative includes an interactive [web page](#), regional summits, and workshops as well as a recently released guide, titled, [*Leading Change: Improving the Court and Community's Response to Mental Health and Co-Occurring Disorders*](#).

The guide equips judges and other court leaders with the information they need to gather together teams that can systematically improve the response to mental illness, behavioral issues and substance abuse. Funded by SJI, the guide started as a project to help presiding judges in Arizona, before it quickly became clear that judges nationwide would benefit from this information.

“It is well past time to decriminalize mental illness, and it will take each one of us – state by state and community by community – to lead this change,” said Patti Tobias, NCSC principal court management consultant and one of the guide’s authors.

The guide – also written by NCSC Research Director Nicole Waters and Elizabeth Royer, a court research associate – highlights the roles that law enforcement, mental health workers, prosecutors, public defenders and others can take to help reduce the number of people with mental illness and behavioral health issues who find themselves in the justice system.

The guide and the three-year initiative fulfill [a resolution](#) from the [Conference of Chief Justices \(CCJ\)](#) and the [Conference of State Court Administrators \(COSCA\)](#) that urges court leaders to examine community-wide strategies to help those with mental illness.

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The State Justice Institute is a federally-funded, non-profit corporation established by federal law in 1984 to improve the quality of justice in the state courts.

Products and Resources

Since 2011, SJI has designated the library at the National Center for State Courts as the official repository of published work related to SJI-supported grant projects. You can search the ecollection online by using the term, State Justice Institute.

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