

Challenges in Responding to Participant Behavior

(and how to solve them)

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Learning Objectives

1. Describe the key guiding principles of responding to participant behavior in FDCs.
2. Discuss effective approaches to responding to participant behavior that are family-centered, problem-solving, trauma-informed, and therapeutic.
3. Apply strategies and solutions implemented by various FDCs that are effectively and thoughtfully responding to participant behavior.



Raising the Bar!

Family Drug Court Best Practice Standards



Standards & Provisions
Just Released!

NADCP 2019 | All Rise | Better Together

National FDC Best Practice Standards

1. Organization and Structure
2. The Role of Judge
3. Ensuring Equity and Inclusion
4. Early Identification and Assessment
5. Timely, Quality, and Appropriate Substance Use Disorder Treatment
6. Comprehensive Case Management, Services, and Supports for Families
- 7. Therapeutic Responses to Behavior**
8. Monitoring and Evaluation



Rethinking Responses



FTC BPS #7 - Therapeutic Responses to Behavior

The family drug court (FDC) uses evidence-based behavior modification principles in response to participant behaviors to support parents and children and to improve individual and family functioning. The FDC recognizes the biopsychosocial and behavioral complexities of supporting participants through behavior change to achieve stable, long-term recovery and reunification. When responding to participant behavior, the FDC team considers the underlying cause of the behavior, the effect of the response on the participant's children, and the participant's engagement in treatment and supportive services.

Essential Elements of Responding to Behavior

Addiction is a
brain disorder

The longer time in
treatment, the
greater probability
of a successful
outcome

Purpose of
sanctions and
incentives is to
keep participants
engaged in
treatment

Incentives and Sanctions to Promote Engagement

The FDC develops a range of responses (incentives and sanctions) of varying magnitudes that it employs throughout each participant's time in the FDC. **The team uses these responses to enhance participant engagement and encourage behaviors that support sustained recovery, healthy family relationships, and long-term reunification.**



The Adoption and Safe Families Act

ASFA Time Clock

(PL 105-89)

Responses aim to enhance likelihood that family can be reunited before ASFA clock requires an alternative permanent plan for the child.

FDC Phases

FDC phases support behavior change and completion of child welfare and treatment case plans. **Advancement through these phases is based on achievement of realistic, clearly defined behavioral objectives or “benchmarks” associated with recovery and permanency.** The policy and procedures manual and participant handbook (described in Standard 1) clearly indicate the criteria for advancement through the phases that each participant must complete for successful discharge from the FDC. The FDC does not demote participants to earlier phases.

Approaches for Responding to Behavior

Where is this parent in their recovery process?

How long has the parent been engaged in treatment?

How does the response engage the family in treatment?

Phases as an Engagement Strategy

- Leverage the phase structure to create a behavior-based, family-centered program
- Allow parents to see how their progress through the phases moves them to THEIR goal
- Creates shared goals and coordinated case plans for all partners including the family
- Focus on vital services
- Lay out steps towards reunification

Treatment Adjustments

Adjustments in the type of treatment, level of care, and dosage are based on the clinical needs of the participant's substance use and mental, physical, social, or emotional health. **When a participant does not meet treatment expectations, child welfare case plan goals, or FDC phase requirements, the clinical treatment professionals, in consultation with members of the FDC team, implement a treatment adjustment.** Adjustments to treatment are not used as a sanction or an incentive.

Complementary Service Modifications

The FDC identifies and seeks to overcome structural (e.g., transportation, housing, and income) and individual (e.g., learning or health disabilities) barriers when deciding how to most effectively respond to participant behaviors. **When determining what type of response is warranted, the FDC also considers whether changes to a participant's case plan, that are related to their structural or individual barriers, are needed to further support engagement and success.**

The goal of incentives and sanctions is always to increase participant engagement.

IT IS NOT TO PUNISH

Why?

When behavior does not support long-term recovery and successful closure of the child welfare case... Ask WHY

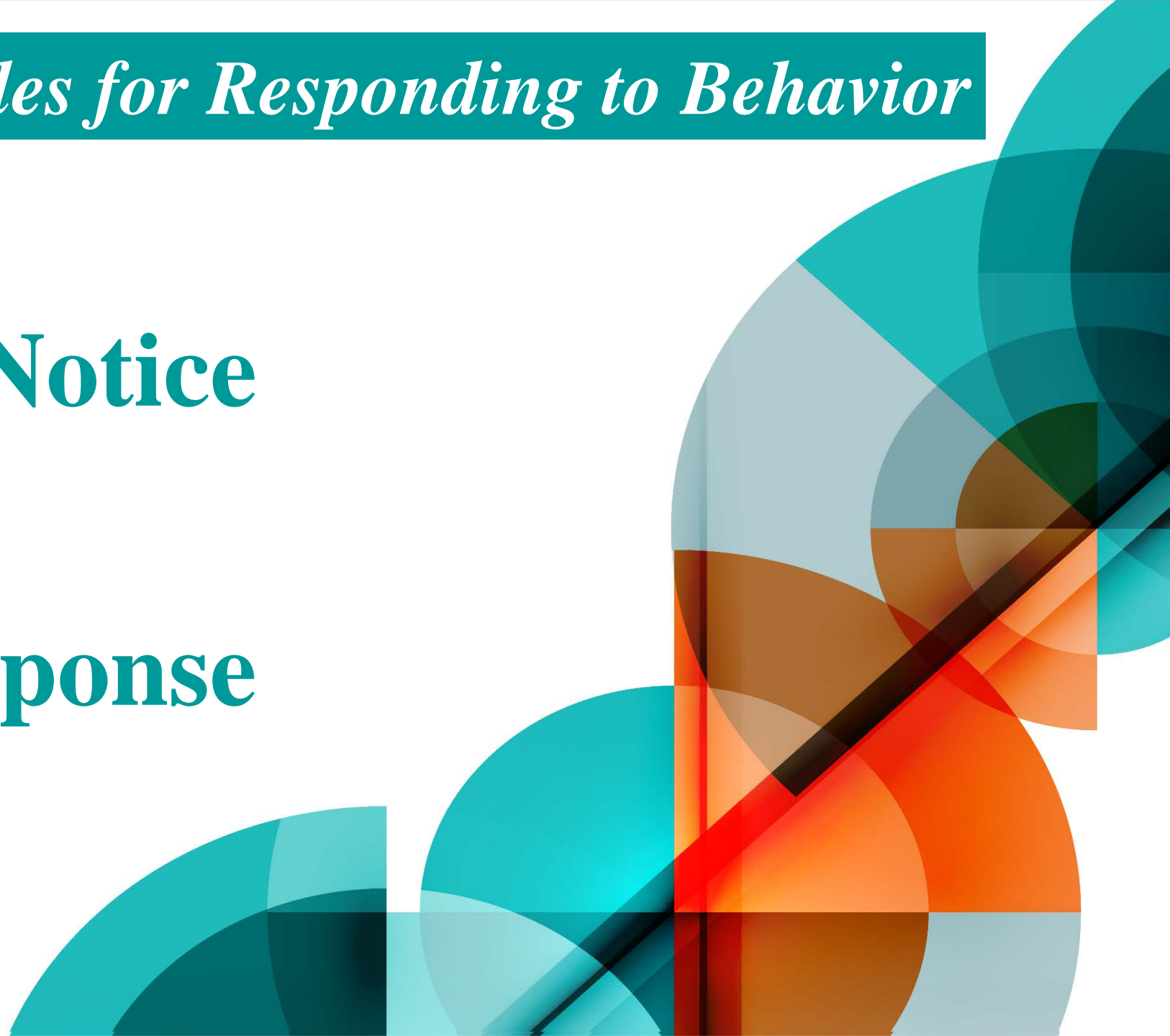
Treatment adjustments and complementary service adjustments are often the two most effective ways the FDC team can respond.

Key Principles for Responding to Behavior

Advanced Notice

Certainty

Timely Response



Principles of Behavior Modification

Notice

- The FDC notifies participants in advance of the behaviors required for successful participation.

Certainty

- The operational team reliably detects and responds consistently to all participant behaviors listed in the FDC Policy Manual.

Timely

- The FDC responds to compliant or noncompliant behaviors as soon after the behavior as possible.

Increased or decreased parenting time is never used as an incentive or sanction.

**Parenting-time is a right,
not a tool to reward or sanction the parent**

Rethinking Readiness

How will we know?

- **Compliance vs. adherence**
- **Safe vs. perfect**
- **Attendance vs. behaviors**
- **Relapse vs. lapse**

Pause



Top 5 Challenges

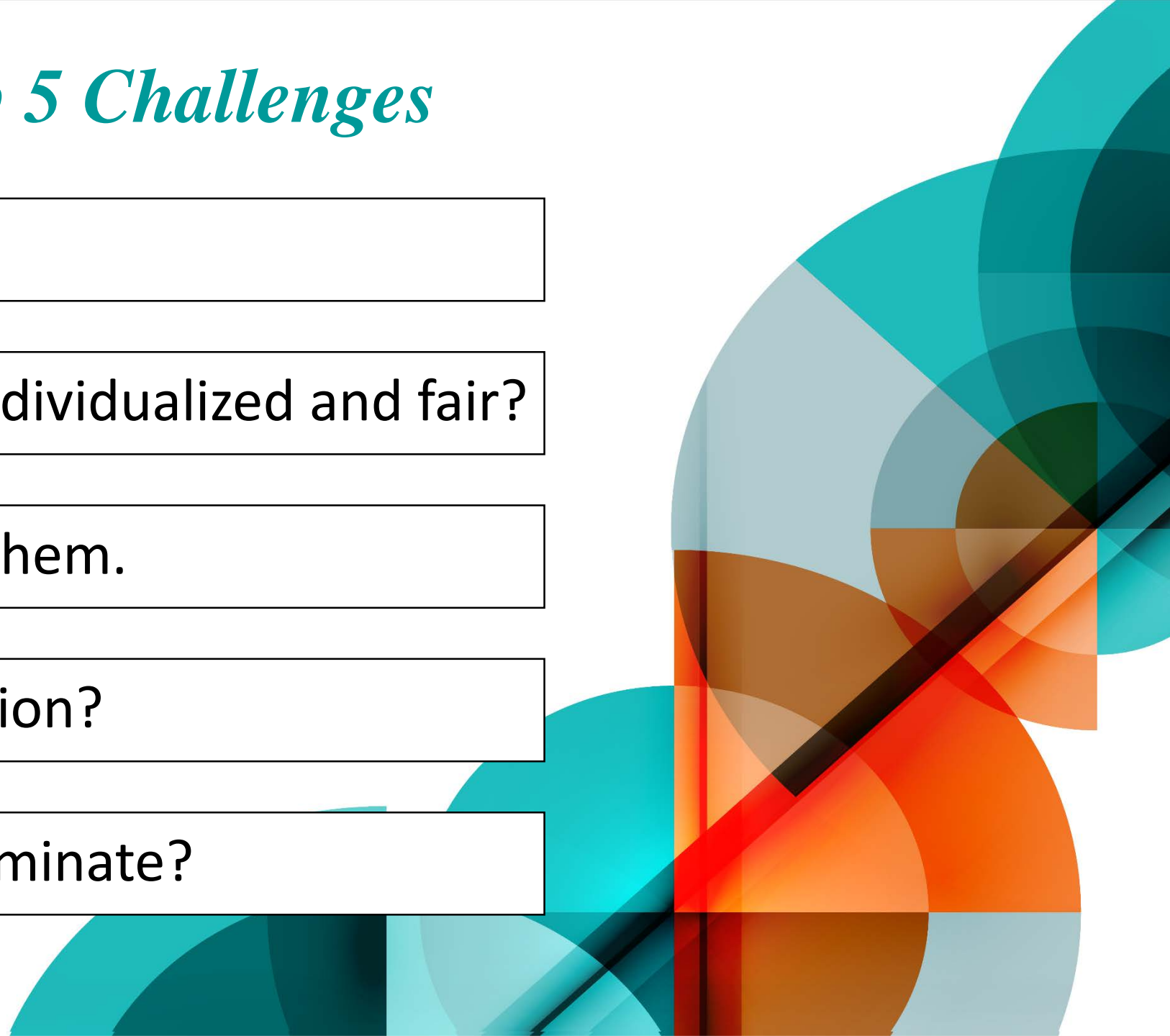
Do we need them?

How can we be individualized and fair?

We can't afford them.

Use jail as a sanction?

When should we terminate?



Top 5 Challenges

Do we need them?

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When should we terminate?

Set a Range of Responses

Consistent for
individuals
similarly situated
(phase, length of
sobriety time)

Avoid singular
responses, which
fail to account
for other
progress

Aim for
“flexible
certainty”

Range of Incentives

Low

- Verbal Praise
- Small Tangible Rewards
- Recognition in Court
- Symbolic Rewards
- Posted Accomplishments
- Written Commendations

Medium

- Reduced Monitoring Requirements
- Moderate Tangible Rewards
- Fishbowl Drawings
- Self-Improvement Services

High

- Large Tangible Rewards
- Point Systems
- Ambassadorships
- Commencement Ceremony

Range of Sanctions

Low

- Verbal Admonishments
- Letters of Apology
- Essay Assignments
- Daily Activity Logs
- Journaling
- Life Skills Assignments

Medium

- Increased Monitoring Requirements
- Increased structured activities
- Monetary Fines and Fees

High

- Move to concurrent plan
- Letter of goodbye to child(ren)
- Flash Jail Sanctions
- Termination from program

Top 5 Challenges

Do we need them?

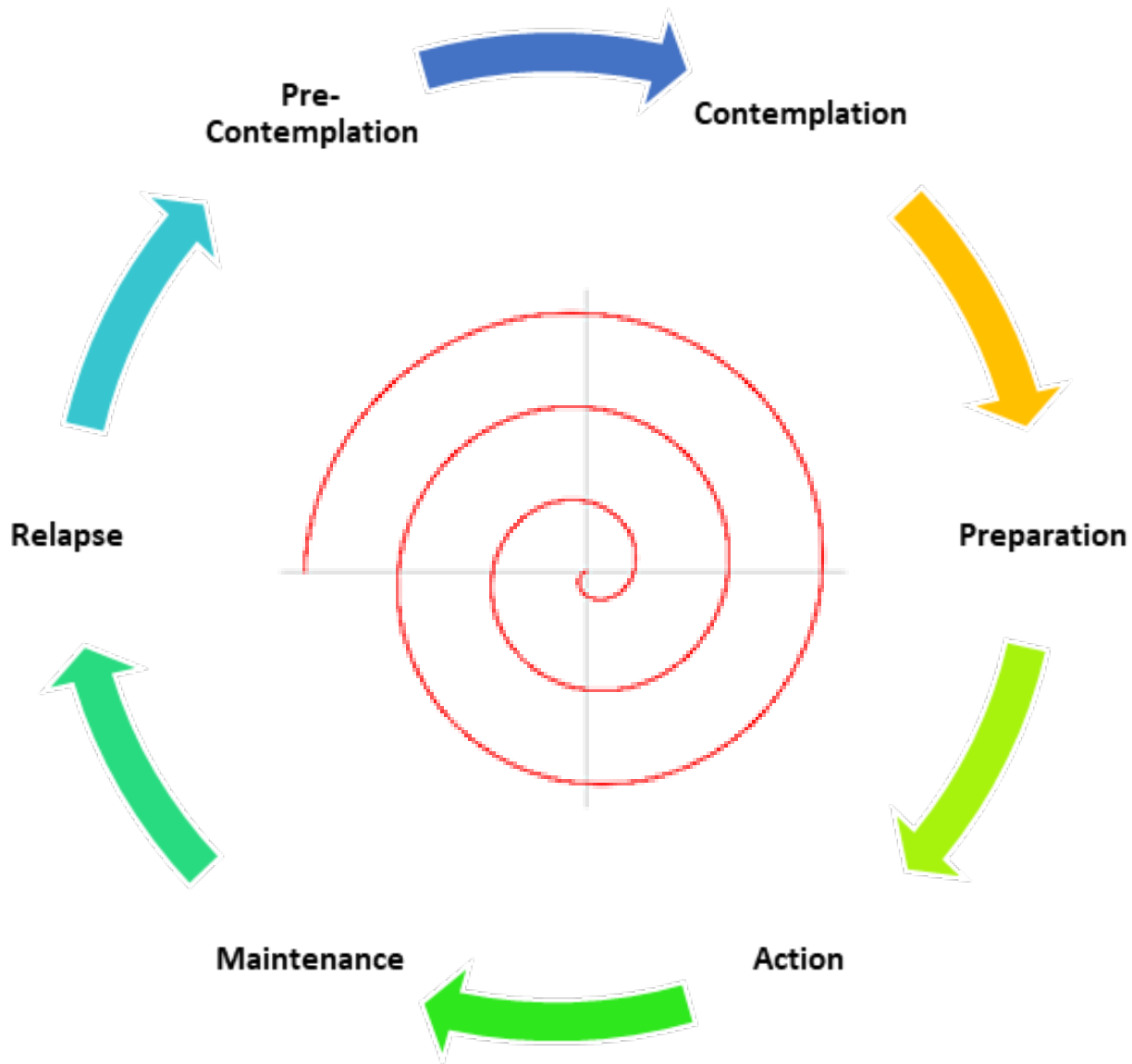
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Stage of Change



**Transtheoretical Model of Change
Prochaska & DiClemente**

- FTC requires participants to engage in major change in almost all life domains
- Some of these changes, the participant will be ready for
- Other changes may require additional coaching

Motivational interviewing and “rolling with resistance” are effective strategies to help progress participants along the Stages of Change

Principles of Fairness

Equivalent

- The consequences for participants are equivalent to those received by other participants who engage in comparable conduct in similar circumstances and with similar expectations.

Heard

- The FTC gives all participants an opportunity to express their perspectives on their behavior, disagreements about facts and other relevant issues.

Professional

- The operational team's interactions with the participant, children, family, and other members of the participant's support system are respectful and professional.

Top 5 Challenges

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Use jail as a sanction?

When should we terminate?



- No cost incentives
- Low-cost incentives
- Consider incentives that support family needs, parenting, and the parent-child relationship.



Zero or Minimal Cost Rewards

- Judicial acknowledgement
- Tokens
- Inspirational stones
- Ceremonies
- Reflection
- Candy with affirmation
- Letter from the team
- Picture with the Judge
- Key chains
- Mugs
- Special privileges
- Journals
- Coupons for services
- Children's books
- Fishbowl

Top 5 Challenges

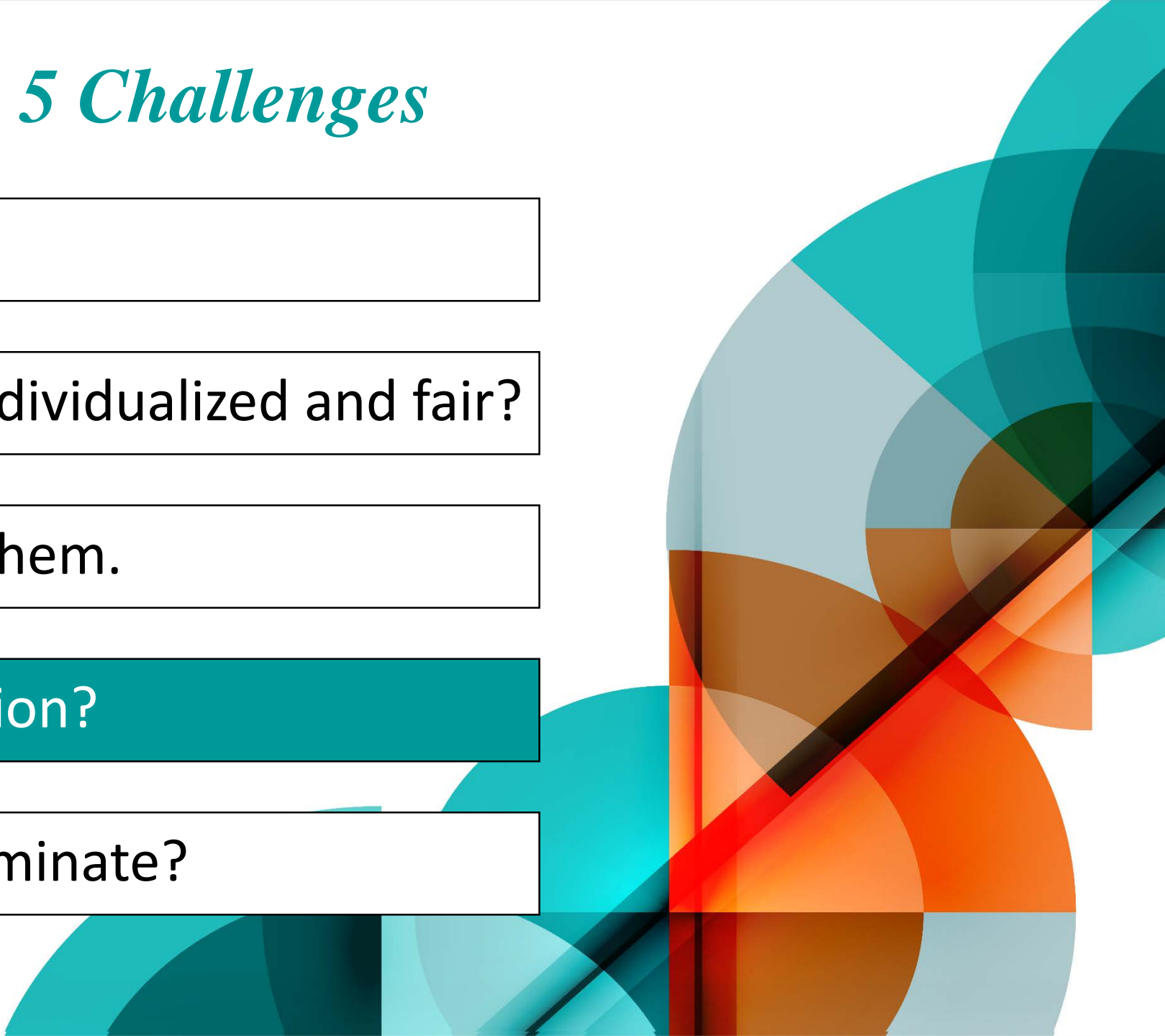
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Jail as a Sanction

- Incarceration would rarely be an alternative to participation in an FDC
- Incarceration may interfere with family time and dependency court requirements
- Pursuing alternative responses that will ensure the safety of clients and resolve the need for jail



- Imposing sanctions as opposed to incentives too often can generate behaviors consistent with learned helplessness and undermine the FDC's ability to support positive behavior change (Hiroto, 1974).
- Incentives help FDC and participants focus on desired behaviors as opposed to undesired ones (Burdon, 2001; Kratcoski, 2017).
- When a drug court team responded to participant behavior with positive comments and treatment adjustments, participants were less likely to use drugs. In contrast, negative comments by the team are associated with increased numbers of positive drug test results (Senjo & Leip, 2001).

Top 5 Challenges

Do we need them?

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FDC Discharge Decisions

The FDC has agreed-on and published criteria in its Participant Handbook and its Policy and Procedure manuals for successful, unsuccessful, and neutral discharges of participants. The discharge criteria provide a framework for the FDC team to determine the type of discharge for each participant.

A participant should be discharged from the FDC only after treatment adjustments, complementary service modifications, and targeted incentives and sanctions have been applied.

What will happen to that parent after unsuccessful termination?

Q&A and Discussion

The background features a complex, abstract composition of overlapping circles and semi-circles. The color palette is diverse, including various shades of teal and blue, warm oranges and reds, and earthy browns. The circles are semi-transparent, creating a layered effect where colors blend and create new hues in the overlapping areas. The overall aesthetic is modern and geometric.

Contact Information

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