

Chapter 3

Exploring the Value-Added of Specialized Problem-Solving Courts for Dependency Cases

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Examining the Value-Added of Specialized Problem-Solving Courts for Dependency Cases

When people think of problem-solving courts within the dependency or child abuse and neglect case context, the “specialized” problem-solving courts that divert a sub-population of their cases to receive special handling come most readily to mind (e.g., dependency drug courts or family treatment courts). Although dependency courts are themselves specialized in the sense that they focus on child abuse and neglect cases, they are nonspecialized problem-solving courts in the sense that they apply an individualized, problem-solving approach to *all* cases that come before them. Dependency courts that follow “best practice” problem-solving guidelines (i.e., nationally recognized recommendations for handling child abuse and neglect hearings developed by experts such as those promulgated by the National Council of Juvenile and Family Court Judges 1995 and 2000) have considerable promise for improving the judicial branch’s ability to respond positively to the needs of its constituents—that by treating all children and families that come under the court’s jurisdiction with a therapeutic, multidisciplinary, collaborative approach, improved child safety, timely permanency, and positive well-being outcomes will result (see Lederman, this book). However, this promise cannot be fully realized until we know more about the functioning and effect of problem-solving court features or standards for case processing in the dependency court context. While there are numerous studies of specific dependency court programs and interventions (e.g., Burford and Hudson 2009; Gatowski et al. 2005; Litchfield et al. 2003; Summers et al. 2008; Thoennes 1997, 2008 to cite just a few), there are far fewer evaluations of “best practice” case processing elements

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(Dobbin et al. 2003; Gatowski et al. 2002a, b). More comprehensive research needs to be undertaken on foundational or ostensibly “best practice” problem-solving features of dependency court processing with findings from that research feedback into reforms and the training of judicial and dependency court stakeholders (Summers et al. 2008). Considerably more research is needed, for example, on the operation of foundational problem-solving court practices that can tie those practices to specific outcomes. As Judge Lederman notes in her chapter in this book, the gap that exists between research and practice in the dependency court arena needs to be bridged.

In this chapter, we provide an orientation to the widely recognized theory of “best practice” framework for dependency case processing as it requires a collaborative problem-solving approach to the resolution of child abuse and neglect cases. We compare and contrast this foundational “best practice” dependency court model with family drug courts (FDCs), which are the most prevalent specialized problem-solving courts in the child abuse and neglect case context. We also present research exploring the different procedures and outcomes associated with the implementation of three problem-solving court models in one state (foundational best practice, FDC, and a therapeutic justice court, TJC). This research provides insight into the operation of problem-solving court features in the dependency court context and sheds light on how best to coordinate between cases handled by a traditional dependency court process and those assigned to specialized models such as FDCs in order to maximize the use of specialized models for those individuals who need them most. The research also suggests ways to enhance the “best practice” model by adapting elements of the drug court model to apply to all dependency cases (rather than growing more and more specialized courts) and suggests areas in need of further research.

The Evolution of the Dependency Court

The first juvenile court was established in 1899 in Chicago, Illinois with the “intention of creating a statewide *special* court with unique jurisdiction over predelinquent and delinquent youth . . . the court was created to extend protection to troubled children in general, including those who are abused, neglected, dependent or in need of supervision” (Roush 1996). Today, “dependency court” refers to a special branch of juvenile or family court dealing with civil child abuse and neglect. Dependency courts grew out of the recognition that courts had failed to respond to the needs of abused and neglected children in a way that ameliorated the underlying problems that brought the family before the court—resulting in reemergence of the problem and repeated court intervention. Instead, a special branch of court was needed that would not just litigate a wrong-doing, but resolve the underlying family problems, ending the “revolving door” that keeps bringing the family back to court. Dependency courts adjudicate whether child abuse or neglect has occurred, and when it has, orders services to prevent its reoccurrence. When services fail, the court will work toward termination of parental rights and a permanent, safe placement alternative for the child. Dependency courts make important decisions regarding the child’s placement

(in the home or out of the home), the necessary services and resources to assist the child(ren) and family, when it is safe enough for the child to return home, and the termination of parental rights and final permanency outcome (Lecklitner et al. 1999).

Efforts to improve dependency courts have been steadily underway since the Adoption Assistance and Child Welfare Act of 1980 (PL 96-272), one of the first major steps in formalizing the juvenile dependency court process. This was followed by a number of key events in the 1990s, which sought to further enhance the system (such as the Omnibus Budget Reconciliation Act of 1993, for example, which included the federal State Court Improvement Program (CIP), and was enacted to systematically reform the juvenile dependency court). In 1995, the National Council of Juvenile and Family Court Judges (hereinafter the National Council), the nation's oldest judicial membership organization,¹ published the *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases* (hereinafter the Guidelines). The Guidelines document provided the foundation for dependency court improvements not only by establishing court hearing “best practices,” but also by making recommendations for enhancement of the juvenile dependency system as a whole. The critical leadership role of the judge (both on- and off-the-bench) is stressed in this “best practice” orientation, as is the role of the court more broadly, and the need for systems-wide collaboration to improve outcomes for abused and neglected children (Portune et al. 2009). “Best practice” in this context refers to an approach to handling child abuse and neglect cases that requires, among other activities, active judicial inquiry and oversight, frequent and direct engagement of parties by the judge, early appointment of counsel, the conduct of substantive hearings, and collaboration by the judge with system partners for court improvement. The Guidelines were developed by an expert committee of judges, child welfare administrators, and attorneys, and drew heavily from the experiences of juvenile courts that had undergone considerable reform. The final Guidelines publication and the recommendations for dependency practices contained therein were subsequently endorsed by the Conference of Chief Judges, the American Bar Association, and the Board of Trustees of the National Council.² The “best practices” referred to in the Guidelines should not be confused with “evidence-based” practices. Evidence-based practices are based on a foundation of empirical research, whereas “best practices” referred to in the Guidelines are recommendations derived from the consensus of experts in the handling of child abuse and neglect cases.

The publication of the Guidelines was quickly followed by the Adoption and Safe Families Act passed by the U.S. Congress in 1997 (ASFA, Public Law 105-89), which codified most of the recommendations of the Guidelines document and established permanency, safety, and well-being of children as the primary outcomes

¹ The national council of juvenile and family court judges was founded in the United States in 1937 (www.ncjfcj.org).

² The original Guidelines document was supplemented by the *Adoption and Permanency Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*, which was published by the National Council in 2000 to more fully cover best practices as they relate to the latter stages of the dependency case process (i.e., termination of parental rights and adoption).

to achieve in child welfare cases (NCJFCJ 2009). The intent in passing ASFA was to prevent children from languishing in foster care and to prevent foster care drift by moving children out of foster care and into safe and permanent placements as quickly as possible. ASFA shortened the timeframes for case processing and called upon the nation's courts and social service agencies to make the health and safety of children the paramount concern in placement and permanency decisions. ASFA placed stringent requirements on the courts and child welfare systems, holding them accountable for both the protection and permanent placement of children and for assistance with families. ASFA placed further pressure on courts to find innovative ways to resolve cases and promote timely permanency. The Guidelines and federal legislation such as ASFA increased the responsibility and accountability of judicial officers, requiring them to ensure both the safety and the best interest of the child and procedural fairness for parents, all the while moving the case along in a timely fashion.

Since its publication in 1995 and dissemination till date, the Guidelines have grown in their power of influence through the widespread acceptance of what have become foundational judicial "best practices" in child abuse and neglect cases that reinforce the appropriateness of the problem-solving approach for this case type. Two significant ways the Guidelines have been implemented and served to influence dependency court practice is through the national Model Courts project and through the federal State CIP. With the development of the Guidelines, the National Council received funding from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention to support implementation of the best practices in specific project sites, through its national Model Courts project. The "Child Victims Act Model Courts Project" began with a small number of courts and a very specific focus on supporting the development of judicial leadership, implementing court-based best practices from the Guidelines, and building collaborative relationships between the court and the child welfare agency (Portune et al. 2009). Today, there are 36 participating Model Courts representing the largest dependency court jurisdictions in the country (i.e., New York City, Los Angeles, and Chicago) as well as suburban, rural, and tribal jurisdictions. Although these courts continue to focus on the best practices of the Guidelines as the foundational component of their reform efforts, the range of system partners involved in collaborative efforts in each site has grown and increasingly complex issues are being addressed. The Guidelines have also informed judicial and system stakeholder trainings conducted in every state through their federal State CIP. The CIP was created as part of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66), which designated a portion of state funds to child welfare agencies and tribes for grants to state court systems to examine their foster care and adoption laws and judicial processes, and to develop and implement plans for system improvement. A common feature of state court improvement plans has been multidisciplinary stakeholder training on the Guidelines' best practices, evaluation of current practice against those recommended in the Guidelines (e.g., National Council of Juvenile and Family Court Judges 2005), and the implementation of "best practice/model" courts that use the Guidelines' recommendations to design reforms.

The Dependency Court as a Problem-Solving Court

In a study of judges who were asked to consider the transferability of specialized problem-solving court principles to conventional courts, juvenile delinquency and dependency courts were widely cited as perhaps the most appropriate venues for problem solving, particularly for practices such as addressing the problems that contribute to recidivism, using a team-based approach, and interacting directly with all parties (Farole et al. 2005). In their study, Farole et al. (2005) convened focus groups with judges in California and New York with extensive experience presiding over problem-solving courts. The judges were to consider which problem-solving court practices are most easily applied in conventional courts and which type of courts are most amenable to those problem-solving practices. All of the 29 judges in the study agreed that juvenile delinquency and dependency courts held the most potential for problem solving to be practiced (Farole et al. 2005).

In fact, the juvenile court is arguably the original problem-solving court as juvenile court judges have always been tasked with attempting to identify services and strategies to rehabilitate children, youth, and family members (Edwards 1992; Berman and Feinblatt 2005). The strong judicial oversight and substantive review of services' associated with problem-solving court models is consistent with dependency court federal (e.g., ASFA) and state law (e.g., California's Standard of Judicial Administration 2005) that require the same of dependency court judges. Although problem-solving courts such as drug courts, mental health courts, and veterans courts require judicial leadership to bring the court system and service providers together and to create a collaborative environment to produce timely resolution of cases, this has long been the traditional role of dependency court judges who are conveners of court systems and communities on behalf of children and families (Edwards 1992; Berman 2000). Dependency court reform efforts (the ASFA, Resource Guidelines, Model Courts, and the federal CIP) further reinforced the need for problem-solving approaches in dependency case processing—engaging parents early on in the case, for example, to encourage timely compliance and responsibility; ensuring the educational and medical needs of the child are met to promote well-being during a difficult time for children and families; and taking an active role in ensuring that family relationships and attachments are not severed by addressing visitation with parents and siblings.

A closer look at the best practice framework for dependency cases articulated in the Guidelines reveals how similar they are to the guiding principles of problem-solving court models (i.e., the guiding principles of both drug courts and other specialized models as well as the principles of therapeutic jurisprudence more generally). The dependency court “best practices” set a framework that supports information sharing and timely decision making, parent involvement in case planning, and an overall problem-solving approach to the handling of child abuse and neglect cases:

- *Judicial leadership*: Judicial leadership is the cornerstone of the Resource Guidelines' principles—both on-the-bench in individual cases and off-the-bench in the broader community. Judges in both dependency best practice courts

and problem-solving court models assume a leadership role in specific cases when requiring timely and comprehensive access to appropriate services. They also assume a leadership role off-the-bench when engaged in the collaboration with system partners and the larger community. In fact, the driving Guidelines' principle, on which all other principles are based, is the need for judicial leadership to provide comprehensive and timely judicial action in child abuse and neglect cases. Without this vitally important cornerstone, best practice principles cannot be fully implemented and achieved. Committed, knowledgeable judicial leaders are crucial to the success of best practice and reform efforts in both dependency courts and in the problem-solving court model.

- *Problem-solving judicial orientation*: Dependency court requires active, judicial involvement in cases—explicit use of judicial authority to motivate, monitor progress, and compliance. The proactive role of the judge in problem-solving courts is also consistent with the best practice recommendations of the Guidelines. Judges are encouraged, in both the best practice framework and in the problem-solving court models, to ask more questions, seek more information about each case, explore a greater range of possible solutions, and motivate parents to engage in services.
- *Therapeutic jurisprudence approach to processing cases*: Problem-solving courts and the Guidelines approach to handling dependency cases use the principles of therapeutic jurisprudence to enhance their response to cases and the individuals involved in those cases. Problem-solving and Guidelines-based dependency courts, for instance, employ key principles of therapeutic jurisprudence such as ongoing judicial intervention, close monitoring, and immediate response (e.g., through frequent and proactive judicial review of cases), multidisciplinary involvement, and collaboration with community-based and government agency organizations (Winnick and Wexler 2003) to enhance the functioning of the court.
- *Early and active engagement of parties*: Early engagement of parents in the dependency court process is stressed in the best practice approach as critically important to handling these cases. Engagement in this “best practice” context is not just something that happens at a single point in time—engagement is not just involving the family—in this context, engagement is also the process of developing and maintaining an interest in a relationship, often initiated through the identification of a common goal or mutual interest. Engagement is facilitated through mutual respect, clear and consistent communication, and information sharing. Ideally, multiple levels of engagement are involved that include individual, social, and system processes. Direct interaction with respondent parents in court hearings is stressed in a “best practices” framework, as it is in problem-solving court models, as a way to encourage compliance with court orders and case plans, enabling judges to motivate individuals to make progress, and to bring to light the needs of the parties.
- *Early, active, and collaborative approach to court intervention*: A collaborative problem-solving approach to resolve child abuse and neglect cases is emphasized in the “best practice” orientation in response to concerns that overly adversarial proceedings can result in delays in case processing which ultimately delays permanency for children. Adapting to the nonadversarial role in best practice dependency

courts and problem-solving courts can be difficult for attorneys and is often cited as a stumbling block implementing a problem-solving court model (e.g., Casey 2004; Ogletree 1993; Quinn 2001; Simon 2003). A central component of the collaborative model in dependency cases is the concept of “front-loading” which sets in place procedures to ensure that all parties to the court proceeding begin actively participating at the *earliest* point possible and are doing all they can to minimize the length of time for which children remain in temporary placement and their families remain court involved. Front-loading is designed to address these concerns by establishing a process that encourages early problem solving and cooperation at the onset of court proceedings. Examples of front-loading of dependency cases include the use of expanded, substantive preliminary protective hearings; early appointment of counsel for parents and children; prehearing or pretrial settlement conferencing; early alternative dispute resolution such as mediation or family group conferencing; and early identification of services to children and families.

- *Judicial continuity (one family/one judge)*: Best practice Guidelines recommend that dependency courts function under a one family/one judge case assignment system in which one judicial officer presides over all of the court hearings in a dependency case. The aim is that when a single judicial officer hears all matters related to a single family, (he or she) will gain knowledge of the family’s circumstances and their past response to court orders, will be able to identify behavior patterns, and can help to ensure there is consistency and continuity in court orders and case plans. A one family/one judge case assignment system also helps to minimize the number of times a person is required to appear in court because it allows for multiple cases for one individual or family to be heard together. In the dependency context, for example, a one family/one judge case assignment system would allow the judge to address matters related to the dependency matter as well as the child’s delinquency and any parental orders of protection in one hearing. Although the dependency best practices approach and the problem-solving court model may require more hearings because frequent review of case progress is considered important, the need to add further hearings for other matters is reduced under a one judge/one family case assignment system.
- *Outcome focus*: In a dependency court best practice framework, judges and system stakeholders are just as concerned with improving outcomes for the children and families that come under the jurisdiction of the court as they are with case processing. Although timeliness of case processing is certainly an important court performance goal, dependency courts should be equally concerned with the safety, permanency, and well-being outcomes associated with the cases under their jurisdiction.
- *Not limited to a narrow dispute*: Traditional courts limit their attention to the narrow dispute in controversy, whereas dependency courts attempt to understand and address the underlying problem that is responsible for the immediate dispute. The goal is to help the individuals before the court to effectively deal with the problem in ways that will prevent recurring court involvement.
- *Creates the need for information*: The nature of the decision-making process in dependency cases creates a demand for more and varied information about family

problems, what is in the best interests of the child(ren), and what resources, interventions, or services are best to resolve those problems. Although this demand has significantly improved the quality and quantity of information brought before the court, as Judge Lederman notes in her chapter, bridges still need to be built between research and the practice needs of dependency courts.

The most prevalent *specialized* problem-solving court model in the dependency context is the family drug or family treatment court (U.S. Bureau of Justice Assistance 2005)—“specialized” because those dependency courts focus on a specific issue or presenting problem, in this case—substance abuse. While most of the parents’ substance abuse is typically reviewed by the FDC team (e.g., domestic violence, parenting skills, mental and physical health, pending criminal charges, housing, child care, and employment or education), FDCs “specialize” by focusing and concentrating their efforts on determining the individual treatment needs of substance-abusing parents whose children are under the jurisdiction of the dependency court. Although a significant percentage of families that come under the jurisdiction of dependency courts are drug or alcohol involved (U.S. Department of Health and Human Services 2005; Young and Otero 2005), FDCs typically only serve a small portion of that population because of capacity and resource limitations. The professional stakeholders in the FDC work with these parents in an effort to rehabilitate them, so that they can become competent caretakers and have their children safely returned to their care (U.S. Bureau of Justice Assistance 2004; U.S. Department of Justice 1998). As in other problem-solving courts (including the traditional dependency court), judicial leadership is key and case reviews are frequent.

Although traditional dependency courts and specialized dependency problem-solving courts such as FDCs share a number of features, they also differ in some significant ways. As previously mentioned, traditional dependency courts were not established to deal with a specific problem such as substance abuse or domestic violence, but with *all* presenting problems of the children and families that come under the court’s jurisdiction. Judges in traditional dependency courts may also not see (or define) themselves as therapeutic agents to the extent that judges in specialized problem-solving courts view themselves. Unlike traditional judges functioning in traditional dependency courts, judges in specialized problem-solving court models consciously view themselves as therapeutic agents (Young et al. 2003). In fact, because the role is unique, judges should participate in additional training before assuming their role on the bench of a specialized problem-solving court—training which includes a focus on the judge’s therapeutic role and specific strategies for enacting that role (Young et al. 2003). As a result, the therapeutic jurisprudence function of specialized dependency court judges is much more visible.

Outstanding Questions About Problem-Solving Dependency Courts

Our experience observing and facilitating the development of dependency courts as problem-solving courts over more than 15 years has left us with some outstanding

questions. For instance, are the widely adopted and recognized best practices truly “best”? What outcomes can be associated with these best practices to move beyond theory to evidence-based practice? What is the value-added of “specialized” problem-solving courts such as FDC when dependency court best practice is followed or is the norm? What do specialized problem-solving courts do to enhance the experience and outcomes for individuals involved with the court that cannot be achieved in a dependency court following a best practice framework? If dependency court incorporates critical elements of “specialized” problem-solving court models into daily practice with *all* cases, can positive outcomes associated with drug court models diffuse to more cases and more families? FDCs serve a relatively small proportion of the overall population of parents that come before the juvenile court with substance abuse problems—Are there FDC strategies that can be adapted, within overall caseload and resource constraints, to the broader population of parents involved in the dependency court system? How do we take what is being learned in courts serving subpopulations of cases and use that information to bolster or improve practice and outcomes in the dependency court as a whole?

An Evaluation of Utah Juvenile Court Problem-Solving Models

The Utah Juvenile Court provided us with a unique context within which to empirically study problem-solving models in dependency courts and their influence on case outcomes. At the time of the study in 2006, three distinct models of problem-solving courts were operating in Utah, each using somewhat different strategies—court reviews of varying frequencies, differing screening procedures and areas of focus for service, different engagement strategies to involve parents in case planning, and different collaborative arrangements with the Division of Child and Family Services and treatment providers (Dobbin et al. 2006).

The Three Problem-Solving Models

The Traditional Utah Juvenile Court Process The traditional dependency court process in the Utah Juvenile Court—from the initial shelter hearing held within 72 h of removal, through the achievement of permanency and case closure—is built on the best practice recommendations of the Resource Guidelines. Past performance measurement data and evaluation findings show that hearings in the traditional juvenile courts are substantially compliant with statutory and federally required timeframes for case processing (Dobbin et al. 2003). These Guidelines-based courts reflect the key principles and processes of the problem-solving model approach, including a focus on judicial leadership, collaboration with system partners to improve outcomes, and frequent case review. Study sites representing the traditional court model in Utah were the Second Judicial District (urban) and Eighth Judicial District (rural) dependency courts.

Family Drug Courts FDCs in Utah were first implemented in 2000 with the goal of creating a problem-solving process to support parental sobriety and timely permanency for children. The Utah FDCs use a combination of frequent court oversight, frequent drug-testing, multidisciplinary treatment team meetings, priority placement for substance abuse treatment services and clinical and judicial rewards and sanctions (including jail time for noncompliance in some instances). The drug court review hearings were attended by all FDC clients so that each parent could observe and learn from the interactions taking place, with the aim of shaping their own behavior and building group support for sobriety. Judges presiding over the FDC also preside over the dependency hearings for the drug court clients (i.e., the same judge hears both the drug court reviews and the underlying dependency matter). Study sites representing the FDC model in Utah were the Fourth Judicial District (urban) and Seventh Judicial District (rural) dependency courts.

Therapeutic Justice Court The TJC was first implemented in Salt Lake City, Utah (an urban and suburban court jurisdiction) in 2002. The aim of the TJC is to apply a therapeutic justice model to all of the child protection cases assigned to one courtroom (i.e., assigned to one judge), irrespective of the family's presenting problem. The primary goal is the achievement of family reunification or other permanency for children in less than the maximum allowed time of 12 months from removal, while maintaining safety. Achievement of this goal is facilitated through early screening and assessments, early linkages to services, early engagement of parents in case plan development and the permanency planning process, the creation of a problem-solving atmosphere in court hearings, and a cohesive legal model that supports and is supported by a cohesive clinical and service model. The TJC aimed to adopt the case coordination strategy from the FDC model, the frequent predisposition court reviews from the FDC model, and the FDC's cohesive clinical and service model, and to apply those strategies in an individualized approach to each family as needed.

All of the problem-solving courts in Utah were implemented within a strong framework of court and agency "best practice." Within the Utah Juvenile Court, Guidelines' best practices have been implemented throughout the state, with extensive judicial and multidisciplinary training. Furthermore, the Rules of the Juvenile Court have incorporated the Guidelines' recommendations for case processing (Utah Rules of Juvenile Procedure 1995). Since the FDC and TJC were built on a traditional court model that had at its core the Guidelines' best practices, and previous research we had conducted in each of the three jurisdictions of interest had indicated that their case processing timeframes were highly compliant with statutory and federal timelines (Dobbin et al. 2003), the baseline timeliness performance against which the FDCs and the TJC were measured could already be considered high. In addition, the research we had previously conducted (Dobbin et al. 2003) included extensive court observation in which hearings were compared with the standards recommended by the Resource Guidelines for the conduct of high quality hearings. All three of the jurisdictions in the problem-solving court study were found, in the earlier study, to be strongly compliant with the recommendations of the Guidelines for best hearing practice (Dobbin et al. 2003). As a result, any gains found in a study of the new

problem-solving courts would be compared against strong foundational practice, rather than against practice that could be considered inferior or not in compliance with mandated practices let alone “best practices.” What also made this research opportunity particularly intriguing was that one of the models (the TJC) was established because the judge wanted to tweak or enhance some features of her traditional or Guidelines-based court process to see if the same positive outcomes attributed to FDC models could be obtained.

For the purposes of this Chapter, the methods employed by this research are only briefly summarized below—the reader is referred to the final study report by Dobbin et al. 2006, available online at www.ncjfcj.org for more detail with respect to method and analyses.

Research Goals

In evaluating the different problem-solving models operating in the Utah Juvenile Court, we hoped to determine the impact of these various models on the timeliness of case outcomes, permanency, and the overall quality of the process. The specific research goals were to:

- Clearly describe the defining characteristics of the general problem-solving models operating in Utah, identifying the specific policies and procedures in each model designed to facilitate safe, timely permanency for children (e.g., to what extent, if any did procedures and policies differ across project sites and to what extent, if any did these models change the role of the judges and other professionals (attorneys, case workers) in the dependency process.

Investigate the extent to which these various problem-solving models influence case-processing timeliness, permanency outcomes, and the quality of hearings. Quality of the process was operationalized as hearing practice that adhered to the best practice recommendations of the Resource Guidelines such as active judicial oversight of case planning, frequent court reviews that substantively address case progress and work to ameliorate barriers to that progress, and active parental engagement in the case process.

Methods

A number of qualitative and quantitative methods were used in an assessment of each of the problem-solving court models of interest to this study, including:

- *Interviews with professional stakeholders.* In order to fully describe the problem-solving model, judges, court coordinators, social work case managers, and attorneys were interviewed in each problem-solving court (focus was on role; nature of interaction with other professionals, children and parents; challenges and opportunities presented by the model; and extent to which role has changed

or is different from traditional view). Interview respondents were also asked to comment on the quality of the case process under each model.

- *Interview with parents.* In order to assess the level of parental engagement under each model, parents with open or recently closed cases were interviewed. The interviews covered their experience in the specific model (including their level of input into the development of service plans, whether they felt they were treated with respect and had an opportunity for voice (Lind and Tyler 1988), the perceived appropriateness of services, and agency compliance with the delivery of services).
- *Focus group with adolescents.* As an additional measure of process quality and parental engagement, focus groups were conducted with youth whose parents had been involved in each of the three problem-solving court models. Youth were asked for their perception of their parents' involvement with the court, parental engagement of services, and their parents' overall success.
- *Observation of hearing and nonhearing events.* As a measure of quality of the case process and to provide a rich description of the practices and stakeholder roles operating in each model, hearing and nonhearing events were observed in each project site using a structured observation instrument. In each project site, the number and type of hearings to observe was determined in collaboration with court administrators, but were selected to be the representative of the dependency case process generally and the specific problem-solving court model specifically. Among the items coded during the hearing observations was the presence of parties, role of the parties, role of the judge, level of engagement of parties, specific issues discussed, and formality of procedures. In addition, a number of nonhearing processes (e.g., case staffings) were observed in each site, where the breadth of issues and services discussed, and interactional dynamics were assessed. Observations were conducted with teams of observers, and coding was checked for interrater reliability. Using Holsti's coefficient, a commonly accepted measure of interrater reliability, the average interrater reliability was 0.87. All variables ranged from 0.8 to 1, demonstrating good interrater reliability across items.
- *Case file review.* Court records in each site were examined using a structured coding instrument for case process (specific petition allegations, the substance of hearings, parties present, issues discussed, quality and scope of orders, etc.) and outcome variables (final disposition of the case, safety and permanency outcomes, compliance with case plans, and timeliness of case processing). Case files were coded by a team of coders, with coding checked for interrater reliability (using Holsti's coefficient, the average interrater reliability was 0.84).
- *Court and Department of Children and Family Services database analysis.* For each project site, data were collected from both the court and agency databases regarding case processing outcomes (e.g., final disposition of the case, safety and permanency outcomes, compliance with case plans, timeliness of case processing, and reentry into the dependency court system after case closure).

Every attempt was made to ensure that cases were comparable across sites. This was relatively straightforward as the majority of each court's caseload involved substance abuse with primarily methamphetamine (crystal-meth) involved families. In addition,

the state of Utah is fairly homogenous with most racial and ethnic diversity in Salt Lake City (the location of the TJC). Although random assignment of cases to a specific problem-solving court model or control group would have been ideal for our research purposes, this was not possible because of the specific intake or case assignment processes already in place in each site. These intake practices may have created some differences, albeit small, in the population of cases addressed by the different problem-solving court models. In drug court model, for example, all parents were assessed at intake or petition filing by the drug court coordinator for inclusion in the drug court program. Criteria for selection into the drug court were “significant” substance abuse issues and a willingness to participate. In this way, the drug court program excluded those parents whose substance abuse was not considered to be a significant concern and/or who refused to participate. In contrast, all cases that were assigned to the judge overseeing the TJC model, regardless of degree of substance abuse or willingness to participate in a specific program, were subjected to the TJC procedures.

Summary of Process Findings: Three Problem-Solving Court Models

1. The traditional dependency court model

While the following problem-solving features and processes were present in the traditional dependency court they were also *common* to all three models:

- (a) Early and active judicial oversight of cases as exhibited by frequent court review—every three months after disposition (although less frequent court reviews were implemented predisposition in the traditional model).
- (b) One family/one judge case assignment (including in the FDC where the drug court judge also heard the underlying dependency matter and presided over drug court review hearings and regular dependency proceedings).
- (c) Early appointment of counsel at the initial hearing (i.e., the shelter hearing which took place within 72 h of removal of the child) to ensure that all parties to initial proceedings have appropriate legal representation at the outset (e.g., each of the models used dedicated attorney teams, with counsel assigned to specific courtrooms, facilitating continuity of counsel in cases).
- (d) Dedication of sufficient court time for initial proceedings to allow for substantive discussion on matters related to reasonable efforts, the continued need for out-of-home placement, alternative placement options, service needs, visitation, the need for protective orders, child support, identification of putative fathers, establishment of paternity and other matters. Shelter hearings (the initial hearing in a case) lasted an average of 40 min across all sites with a range from 30 to 55 min.
- (e) Judges who required timely and comprehensive reports to the court and who did not accept requests to continue or delay proceedings because reports were not available. This served to clearly place expectations on all parties to ensure that parents are ready from the onset of the court process to engage in detailed discussions of case specifics and that all parties provided the court with

sufficient information to make rulings on these matters. Prior to the shelter hearing (the initial or first hearing in a dependency case), a multidisciplinary team conference was held to review the investigative finding and basis of the petition, the status of the case, permanency placement and visitation options, and service needs.

2. Features of the *family drug court (FDC)*

In addition to the traditional dependency court features noted above, the FDC model included the following features (for more detail, please see Dobbin et al. 2006):

- (a) Emphasis on early screening of parents for services—the FDC emphasized early screening of parents through additional multidisciplinary case staffings (this is in addition to the multidisciplinary team conferences, which were common to all three models). During the screening process, the client’s potential motivation to succeed in drug court and commitment to the recovery process is assessed. Once clients are selected for drug court, staffing meetings are used for discussions between the FDC team and the judge about the status of each case, the progress of the client in treatment, results of drug tests, overall client progress, compliance with FDC process and requirements, possible service needs, and possible rewards and sanctions.
- (b) Parent involvement in case planning—parent involvement in case planning was demonstrated through clear and consistent communication of expectations and requirements, and the use of an FDC agreement or behavioral contract. A judge–parent therapeutic relationship was also fostered through frequent appearances (ranging from once every week in early phases of the program to once per month in latter phases), direct inquiry and discussion with the parents about their progress, and displaying empathy and support.
- (c) Priority access to substance abuse treatment services—parents involved in the FDC were given priority access to substance abuse treatment services, as well as other services such as mental health assessments and treatment, housing, and employment resources.
- (d) Expanded role for the judge—the judge in the FDC model had more input into the overall progress of the case (not only in the legal decisions, but in discussions about the provision of treatment, the use of sanctions and rewards, and in direct and frequent interactions with the parents). The FDC judges participated in staffing meetings, discussing necessary services, level of parental compliances and all decisions made. Judges directly questioned and supported the drug court parents—judges reflected their thoughts, as well as the FDC team’s thoughts on client progress back to the parent and the larger group of FDC clients who attended the hearing. Judges demonstrated pleasure when clients demonstrated success, expressed empathy over client struggles and concerns for clients’ children, and effectively admonished clients’ for lack of progress or compliance as needed. Judges were “team-oriented”—although they maintained authority for final decision making, decisions in the FDC reviews were consensus based.

- (e) Frequent court review—the number of court appearances in the FDC were greater than the number of court appearances in the traditional model. Formal court reviews of the underlying dependency matter are the same in the traditional and FDC models, but “appearances” before the judge are increased (via additional hearings to discuss parents’ recovery and progress through the drug court program). The frequency and time of those appearances are increased or decreased based on compliance with treatment protocols and client progress. Similar to most drug courts, drug court hearing or appearance frequency is organized around program phases. In the Utah model, court appearances happened every 2 weeks for the first 2–4 months and once a month during later stages of treatment. Compare this to the traditional model where hearings occurred at 72 h post removal, at 60 and 90 days, and then every 3 months postdisposition.

3. *Therapeutic justice court (TJC)*

In addition to the features of the traditional dependency court model, the TJC model had the following features (for more details, please see Dobbin et al. 2006):

- (a) Application of procedures to all cases—unlike the FDC model, in which potential clients are screened for eligibility and acceptance into the program, all cases appearing before the TJC judge during “intake” or shelter week (when cases first come into the court system with a removal of a child) are processed using the TJC model—all families assigned to the judge, whether new families or families that are returning to the system, are part of the TJC model (there are no prescreening and eligibility criteria).
- (b) Early assessment of respondent parents is conducted for all individuals (regardless of presenting problem) by a TJC Coordinator at the initial shelter hearing (the first hearing in a case). This initial contact leads to several meetings in which the Coordinator builds a supportive relationship with the parents through early discussion of their service needs. This discussion was broad in focus and while substance abuse treatment needs may be addressed, they were not the primary reason for the early screening and assessment discussion. Parents’ attorneys must consent to this early screening (this was by far the norm due to the collaborative nature of the model, which was already built on a collaborative “traditional” best practice model).
- (c) The TJC judge has a critical leadership role but does not participate in multidisciplinary staffing. Unlike the FDC model, the TJC judge does not participate in any form of treatment and service-oriented discussion with parties outside of the formal court hearing itself. However, substantive discussion is had in the hearing with all parties present about treatment, service needs, client progress and overall compliance with case planning. The judge also interacts directly with parents in hearings, addressing questions directly to them.
- (d) Frequent court review—in practice, all three models reviewed the underlying dependency case with the appropriate level of frequency, often 3–4 months postdisposition (as per Guidelines’ best practice recommendations). In the

TJC model, the overall number of reviews of the underlying dependency is increased over the traditional model, especially at the early stages of the case. And, in both the FDC and TJC models, the increased court review begins much earlier in the case compared with the traditional model. In the TJC model, these reviews afforded the judge an opportunity for ongoing judicial supervision, with the judge using this opportunity to encourage appropriate behavior and to discourage inappropriate behavior. During observations, the research team observed the TJC judge praising parents for doing well and effectively admonishing parents for failure to engage their case plans and make progress (a finding that was corroborated by other interviews with court stakeholders about the judge's behavior and with interviews of the parents themselves). During the first 8 weeks of the case, the court holds a review at least once a month, sometimes more frequently. Beyond the first 8 weeks, reviews are held every 90 days or as otherwise needed to meet the needs of the family. In contrast to the FDC model, the review hearings were more reflective of formal review hearings (although they occurred predisposition). In the early reviews conducted as part of the TJC model, only the parent(s) whose case is being discussed was present (i.e., there is no gallery of peers to observe the process as in the FDC model). Thus, the group dynamic effect of the FDC is missing in the TJC model. However, the impact of an authority figure in rewarding progress and admonishing noncompliance was very much present in the TJC model. Although parents did not benefit from seeing the response of the court to other clients, the TJC review hearings provided an opportunity for more in-depth discussion of the specific case, and more specific feedback on parents' overall progress from the judge and from attorneys and caseworkers. There was also more time spent tying the consequences of the parents' compliance or noncompliance to their parenting role and the long-term permanency and safety of their children than was evident in the FDC reviews.

- (e) Parental engagement—although at a different level of intensity, the initial contact between the TJC Coordinator and the parent, serves somewhat of the same engagement function as the initial outreach to a potential FDC client. The judge begins the engagement process at the initial shelter hearing (although the judge is not formally screening parents for possible participation in a specialized program, the judge does clearly explain the overall dependency process, ASFA timeframes and consequences for noncompliance, and expectations for conduct directly to the parent(s)). In subsequent hearings, the TJC judge also discusses progress, empathizes with struggles, expresses concerns for client's children, and demonstrates pleasure over successes. The judge does address parents directly and engages in dialogue with the parent (attorneys will interject or prevent the parent from responding if necessary to protect their client's rights). Although formal rewards and sanctions were not used, the judge used verbal praise and admonishments to help motivate parents and modify their behavior. Considerable focus was given to tying the consequences of the parents' compliance or noncompliance to their parenting role and the long-term permanency and safety of their children.

Summary of Outcome Findings: Three Problem-Solving Court Models

When compared with the traditional “best practice courts,” both the FDC and the TJC had more effectively engaged parents early-on, involved more parties in case planning, had more positive ratings of overall quality from stakeholders and consumers (i.e., professionals, parents and youth), and had more enhanced system integration (this was especially true for the FDC model). When compared with the traditional and TJC model, the FDC had earlier access to substance abuse services and more involvement of service providers in case planning (see Dobbin et al. 2006).

Little effect for the models on case processing timeframes was found, with no significant difference among the models. For all cases studied, regardless of project site, case processing timeframes were well within state and federal timeframes. This finding was not surprising since all of the models were built on a foundational best practice framework that emphasizes the efficient and timely processing of cases. However, there was a significant increase ($p < 0.05$) in the number of reunifications in both the FDC (78 %) and TJC (82 %) as compared with the traditional court (61 %) suggesting that those problem-solving models (that enhanced foundational best practice) may have had an impact on increasing the number of reunifications in those jurisdictions. There was no significant difference found between the FDC and the TJC with respect to reunification rates. We were also interested in safety outcomes associated with each of the models. In the dependency court context, maintaining safety can be operationalized as closing a case and having no further substantiated allegations of abuse or neglect which cause the case to “re-enter” the court system. We found a significant difference in reentry rates between traditional, TJC and FDC models, with the TJC and FDC models having significantly fewer reentries into the dependency court system after case closure due to a reunification outcome than the traditional model (measured at 6 and 12 months after case closure; $p < 0.01$). This suggests that the TJC and FDC problem-solving models were more successful at helping families maintain safety after case closure (at least in the short term). No significant difference was found between the FDC and TJC with respect to reentry rates.

Lessons Learned About the Value-Added of Specialized Problem-Solving Court Models

The results of this study of three problem-solving court models provides insight into the feasibility of applying critical elements of the specialized problem-solving court models, such as drug courts, to all dependency cases. The most striking resource difference among the three models was the early access to and provision of intensive substance abuse services allocated to the FDC model. These were resources prioritized for FDC clients and not as readily available for parents in either of the other models. In order to “go to scale,” dependency courts would need to work collaboratively with their community treatment providers to develop resources and funding to widen the availability and access of drug and alcohol services to parents

whose substance abuse is a primary reason for their court involvement, but who are not in a drug court program. Findings from the study also reinforce the need for key “front-loading” strategies implemented in both the TJC and FDC models to be adopted for all dependency cases, such as strategies that would facilitate earlier screening, assessments of parents, and provision of services. Short of implementing a time and resource intensive multidisciplinary case staffing process, such as that used in the FDC, this can be accomplished by assigning a resource person to attend all shelter hearings and to hold more frequent predisposition court reviews on dependency matters (as implemented in the TJC model). The engagement of parties was also a critically important element of both the TJC and FDC models and opportunities to engage parties should be developed and capitalized upon in all dependency cases. This can be achieved, for example, by encouraging direct interaction between judges and parents in hearings (including providing immediate feedback to parents on their progress) and to ensure parents are meaningfully involved in case planning and have a voice in decisions made about their families. In addition, ways to create the “group effect” that is so effective in drug court models should be explored—perhaps through a noncourt setting such as through a “peer–parent mentoring program” which teams successful dependency system “graduates” with respondent parents for support. In order to go to scale with features of specialized problem-solving courts, ways to support the caseworker–parent relationship should also be considered. When asked to identify the most critical element of the FDCs, by far the feature identified as most helpful by parents and youth we interviewed was the parent’s relationship with their caseworker.

Bridging the Gap: Ongoing Research to Practice Challenges

Unlike the child welfare system, which has long benefitted from and been informed by research and program evaluations designed to determine effective interventions and preventions, research used to inform the juvenile dependency court system is still emerging. A substantive review of the nature and scope of dependency court-related research we conducted in 2007 (reviewing both quantitative and qualitative studies published in peer-reviewed academic journals, nonpeer-reviewed technical assistance publications, and government reports) found much work of value to our understanding of effective dependency court functioning but also some serious areas of deficiency (Summers et al. 2008). The majority of studies we reviewed were descriptive, with few employing experimental designs and most lacking in statistical rigor. We found a clear lack of studies related to the core work of dependency courts—foundational hearing processes, one family/one judge concept (the role of judicial continuity on case processing and outcomes), representation practice (especially studies of effective parent and children’s representation), and studies evaluating the operation of best practice elements and their impact on case outcomes. There was also a lack of research on judges and judging, such as the nature and complexity of judicial best-interest decision making, the judicial workload required for best practice in dependency cases, and the impact the dependency court judge has on

parental engagement. The interaction between the problem-solving court judge and the individual seems to be an important ingredient in program success, and more empirical work should probe how this occurs.

More theory-driven and outcome-oriented (meaningful outcomes) research is needed to examine the effectiveness of the “best practice” Resource Guidelines model we have described in this chapter. An understanding of therapeutic jurisprudence’s approach, procedural justice variables, and psychological principles at work can provide considerable help in structuring dependency courts, further defining and reinforcing the role played by judges functioning within them, and identifying the specific judicial training needed to improve outcomes for children and families under the court’s jurisdiction.

In this chapter, we presented one example of an examination of dependency courts’ problem-solving processes and outcomes, but more research is clearly needed—not only with respect to the impact of “best practice” features on case process and outcomes, but also on how to diffuse critical elements of problem-solving models to all dependency cases. In order to help bridge the gap between research and practice, more collaboration between academic researchers (with expertise in theory and statistical rigor) and applied researchers (with expertise in systems’ knowledge and applied methods) is needed. Research funding for dependency courts needs to become a priority so that methodologically sound and practically useful research for juvenile dependency courts can be implemented. All research in this context should be disseminated in a manner that allows for the broadest possible audience to benefit. There is a lack of opportunity to learn from research that has already been done and apply the findings in a meaningful way. Because the majority of the research in this field is conducted by applied researchers who produce reports directly for the court or other funders, many of the research reports are not widely disseminated and accessible. Ultimately, for research to assist in moving our understanding of dependency problem-solving courts forward, it must be tied to theory, be systematically tested so that the underlying mechanisms of change can be identified, and widely disseminated so that it contributes to a growing knowledge base and is applied in practice.

In this chapter, we presented research exploring the different procedures and outcomes associated with the implementation of three problem-solving court models in dependency cases in one state (foundational best practice, FDC and a TJC). There are many challenges to operating problem-solving courts, from staffing, space, and budgets to the interdisciplinary challenge of coordinating the efforts of diverse agencies to try to tackle complex issues. Because specialized problem-solving courts such as drug courts are heavily staff and resource intensive, they are not able to serve all of the families that could benefit from them. The research we present offers insight into how *all* dependency cases can be handled with elements of specialized problem-solving court models in such a way as to capitalize on their benefits—specifically by adopting and enhancing features of the best practice dependency court approach, which is its own type of problem-solving court model.

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