

## AN INVITATION TO SUCCESS: ZERO TO FIVE FAMILY DRUG TREATMENT COURT\*

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*Children five years old and younger make up one-fourth of all children in foster care—and have a greater risk of developing behavioral problems than children in more-stable homes. The Zero to Five Family Drug Treatment Court provides a unique forum for treating substance-abusing parents, improving their parenting skills, and reuniting them with their children.*

Watching five or so young mothers stand one by one before Judge Douglas F. Johnson is a bit like watching a teenager face dad after wrecking the family car.

The relief is palpable. Dad turns out to be far more concerned about you than about your transgression, more worried about how you are handling the situation than the situation itself. Dad's not mad. Phew!

Of course, it's all slightly illusory, because after dad has reassured you that you are still loved and valued, and that there remain plenty of reasons to believe in you, the hammer is coming down. Driving privileges will be suspended, courses in safe driving required, and a lengthy period of responsible behavior demonstrated. Only then, and only incrementally, will privileges be restored.

So it goes in Judge Johnson's Zero to Five Family Drug Treatment Court in Douglas County, Nebraska, where Johnson deals not with wrecked cars, but wrecked lives—lives wrecked usually by drug addiction and damaged further by child neglect.

Johnson has served with Douglas County's juvenile court since January 1994, where the bulk of his judicial workload still lies. Two years ago, however, he founded the Zero to Five Family Drug Treatment Court, an additional duty that permits him to specialize in cases involving children from newborns through age five. His project

### *A Success Story: Zero to Five Family Drug Treatment Court*

**[A] mom with a young son . . . is 27 days into the course but has had a run of bad luck lately. The latest stumble occurred when her car broke down in the middle of Interstate 80. But she stayed calm.**

**"I didn't get irate like usual," she told the judge.**

**Yes, she tells [Judge] Johnson, she has been exercising and swimming, and is counting the days until she advances through the program toward full reunification with her child.**

**"It feels good to come in here and not feel scared," she tells the judge.**

was approved by the Nebraska Supreme Court and was the first of its kind in the state and in the country. He partnered with the National Council of Juvenile and Family Court Judges; Zero to Three, the National Center for Infants, Toddlers, and Families, a nonprofit multidisciplinary organization dedicated to the health development of infants and toddlers; and the National Drug Center Institute for evidence-based best practices.

Johnson says he did this to create an effective response for the one-fourth of all children who are placed in foster care—birth to five years old. Once in foster care, these children stay the longest and suffer trauma from multiple foster placements and lack of attachments. These children have poor social interactions, underachieve in school, and usually wind up in trouble as delinquents. As parents, they replicate the pattern of abuse and neglect since they were not properly parented.

Early childhood science shows that a child's greatest brain development is from birth to age three. To achieve healthy brain development, a child requires a consistent nurturing caregiver. Only then will a child be cognitively and emotionally prepared for healthy social relationships and school.

Since the main reason children enter foster care is parental substance abuse, and since babies and toddlers need a permanent loving caregiver quickly, Johnson

thought why not help the youngest of the young and their parents through a unique problem-solving drug court for their issues and needs. Eventually, he expanded the project to include four and five year olds.

“I set the tone for civility,” Johnson said. “Parents are going to get a fair shake. Mine is not a criminal court, so parents are not sent to jail as a consequence. I have some coercive powers, but it’s for true contempt of court, which is rare. Studies show that affirmation, encouragement and rewards work better to motivate change in behavior than a jail sanction. What parents also need to know is that they have my respect, that they will be treated with dignity, that they are being offered an invitation to success, and they are accountable for their actions.”

Success, in the context of Johnson’s court, has much to do with benchmarks and milestones. Frequently, the first consequence for a young mother or father found to be involved with illicit drugs is removal of their children and the placement of those children in foster care. For those involved in Zero to Five, this suspension of parenting privileges begins a lengthy journey involving drug and mental-health evaluations, parenting education, anger-management courses, unannounced home inspections, a job search, and a gradual reintroduction of privileges. Failure to meet the benchmarks can mean permanent legal severance of parental rights and the child being put up for adoption.

**Current Outcomes for Zero to Five Family Drug Treatment Court (FDTC)**

- Four graduations with eight graduates since May 2005
- Average length of time in FDTC was 12 months
- Twelve children have received permanency
- One graduate has given birth to a healthy baby with no drugs in the baby's system
- 31 of 39 children have placement with a relative
- Eight cases were dismissed from FDTC
- Two parents have relinquished their rights
- There has been one case where the child's parent relinquished rights. The child was adopted by placement family.
- FDTC has worked with 30 families and 41 children

Source: “An Invitation to Success: Creighton Alumnus Douglas Johnson Helps Families Reunite with Zero to Five Family Drug Treatment Court,” Fall 2007 issue of *Creighton Lawyer*.

But, Johnson said, he does not like to stress such bleak consequences when dealing with young mothers and fathers. They are in the Zero to Five program voluntarily after all, thus demonstrating a desire to get back on track and recover their children. Rather than asking whether they have met this or that benchmark (the team can handle such things), Johnson begins with questions about the relationship of the parent and child, which is very personal and takes time.

“How did it feel to visit with your child, to feel how your child clung to you? That’s what I ask,” he said. “Did you read to your child? Did you sing to your child? How does your baby react? How does that make you feel? How does parenting sober feel?” Johnson has developed a series of questions with therapists that helps the parent reflect on his or her relationship with the child. Recognizing and strengthening that relationship brings about parental pride and change.

“This court is about restoring the relationship of a parent with a child, and a child with a parent. People often think that a successful outcome is when parents get their children back. But we are trying to help children get their parents back. If that can’t happen, then the child should be adopted in a timely fashion.”

Zero to Five Family Drug Treatment Court helps parents improve through holistic intervention, including mental-health and substance treatment, parenting assessment, training and skills development, early childhood evaluations, dyadic-therapeutic-parenting time, domestic-violence programs, housing, diet, exercise, smoking cessation, frequent drug tests, dental care, jobs, time management, mediation, and family-group conferences—always with the child’s best interest and timely permanency in mind.

## RESOURCES

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Anchorage Family CARE Court (AFCC). This is a specialized court for Child in Need of Aid (CINA) cases where a child has been removed or is at risk of being removed from their home as a result of the parent's substance abuse. <http://www.state.ak.us/courts/carect.htm>

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Zero to Three. A national nonprofit whose mission is to promote the healthy development of infants, toddlers and their families. <http://www.zerotothree.org/site/PageServer>

## ENDNOTES

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\*This is an edited version of "An Invitation to Success: Creighton Alumnus Douglas Johnson Helps Families Reunite with Zero to Five Family Drug Treatment Court," which appeared in the fall 2007 issue of *Creighton Lawyer*. The editors of *Future Trends* thank *Creighton Lawyer* magazine for their permission to use this article.