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with funding from the Governor’s Task Force on Children’s Justice and the Children’s Law Section of the State Bar of Michigan
now include drug manufacturing as an important component of an already dangerous dynamic. Case workers are often called upon to consider how drug manufacturing impacts parenting capacity. However, while there are many protocols for assessing substance abuse and dependency, little attention has been paid to how to consider drug manufacturing and parenting capacity. The authors set forth a protocol that will guide professionals in determining the level of risk for children and the impact drug manufacturing may have on a parent's parenting abilities.

Finally, the Michigan Foster Care Review Board recently issued its 2011 Annual Report, which you can download at http://courts.michigan.gov/courts/resources/publications/reports/fcrb/fcrb. In this issue we reproduce the section of the report focusing on our state’s performance in the area of parent-child visitation. This section of the report provides an opportunity for us all to consider what we might be able to do differently to minimize the harm caused by parent/child separation, regardless of the necessity of such separation. In addition to the section reproduced in this issue, we encourage you to read the entire report when you have a chance to do so. As always, the editorial board welcomes your feedback on this and future issues to ensure that the Child Welfare Journal is of value to you.

In this issue of the Michigan Child Welfare Law Journal Shelley Spivack and Steven Hull contribute “Arts In Detention: The Buckham Fine Arts Project/Genesee Valley Regional Center Share Art Program.” In this article the authors discuss a number of studies that have shown that arts-based programming in juvenile detention settings can be an effective tool in the effort to rehabilitate and reintegrate youth who have come into contact with the juvenile justice system. In an effort to bring such a program to Genesee County, the Ruth Mort Foundation funded a 12 week pilot project at the Genesee Valley Regional Center, a county-run short-term detention facility for males and females ages 10-17. Administered by the Buckham Fine Arts Project, a non-profit artist run gallery in the city of Flint, the Buckham/GVRC Share Art program brought working visual artists and poets into the detention center to conduct weekly visual art and spoken word poetry workshops with the detained youth. The authors describe this twelve-week program; analyze and assess the results; and make specific recommendations for future programming in Genesee County.

In “Assessing Parents For Child Protection In Drug Manufacturing Cases” (Choate, P.W., Harland, D. & McKenzie, A.) the authors discuss how child protective services frequently become involved with families engaging in substance abuse and addiction. Further, many cases
Message from the Chair

In nature, the summer season brings with it the evidence of spring toiling – aesthetic beauty, fragrant blooms, and nourishing fruits. In the child welfare community, we do not always experience a “summer season,” as the fruits of our labor often take years to sprout. Yet, we continue to toil.

This year, the Children’s Law Section (CLS), Department of Human Services (DHS), and the Legislature planted numerous seeds in the hopes of growing a healthy child welfare system. Specifically, the Children’s Law Section hosted “Transforming Lives Through Representation” in May 2012. The training provided the most up to date on child welfare topics to an audience of judges, attorneys, and referees. CLS Secretary, Christine Piatkowski, and Section Co-Chair, Robin Eagleson, worked tirelessly to plan this event. The program was consistent with our mission of improving representation and for families in Michigan’s Child Welfare system.

The Department of Human Services is in the process of implementing its new case practice model MiTEAM (Teaming, Engagement, Assessment, and Mentoring). The model is not a drastic change from current best practices. Instead, it is an enhancement that really focuses on family centered casework from the very beginning of each case. The MiTEAM model features the following parent/child contact minimum recommendations:

- Ages 0 to 2: 3 visits per week
- Ages 3 to 5 years of age: 2 visits per week
- Ages 6 years and up: one visit per week.

Notably, as the ultimate decision maker, the court maintains authority to order more frequent visitation (that is consistent with the Juvenile Code), as appropriate on a case-by-case basis.

This spring also featured some legislative changes that will affect Michigan’s child welfare professionals. One of the most widely discussed is Public Act 115 of 2012. The Act amends the Juvenile code to:
- Include sexual abuse of a child, a sibling, or another child in the types of abuse for which the family court may terminate a parent’s parental rights.
- Include training in early childhood, child, and adolescent development among the duties of a lawyer-guardian ad litem.
- Require an agency to include in its case service plans conditions that would limit or preclude placement or parenting time with a parent who is required, by court order, to register under sex offender registration Act.
- Specify that if a court finds a parent is required by court order to register under the Sex Offenders Registration Act, the Department of Human Services may, but is not required to, make reasonable efforts to reunify the child with the parent.

These amendments are tailored to comply with 2010 amendments to the Child Abuse Prevention and Treatment Act (CAPTA). Despite the fact that the amendment only makes the child development training mandatory for LGALs, every child welfare professional should have some knowledge of the impacts of childhood trauma on a child’s developing brain. Childhood trauma drastically affects the way the child forms relationships, behaves, and communicates. Consequently, advocating for appropriately tailored services requires a full understanding of the damage caused by the child’s experiences.

Imagine being a painter hired by a neighborhood association. The president of the association
provides nothing more than: “I’m sure that there are holes in some of the walls. Not sure which houses, rooms, or the extent of the damage, but I need you to make replacements and repairs. And, you don’t have much time. I’ll need to see results quickly.” Sometimes attorneys in an NA case resemble this hypothetical painter; trying to advocate for best interests or specific services, without having the big picture about the extent of the child’s problems. Thanks to scientific advancements, we can literally get an accurate picture of the impact. Fortunately, there is an abundance of free and low cost training opportunities for child welfare professionals.

Many of them are via web technology and can be viewed during a lunch hour. While free training opportunities do not completely alleviate the pressure of the billable hour, they certainly help.

Those who toil in the field of child welfare will continue to plant seeds that effect positive change. Through improvements in training, policy, collaboration, and legislation, we are well on our way to realizing the fruits of our labor: safe children in forever families.

—Jodi M. Lastuszek

The Michigan Child Welfare Law Journal Call for Papers

The editorial board of The Michigan Child Welfare Law Journal invites manuscripts regarding current issues in the field of child welfare. The Journal takes an interdisciplinary approach to child welfare, as broadly defined to encompass those areas of law that directly affect the interests of children. The editorial board’s goal is to ensure that the Journal is of interest and value to all professionals working in the field of child welfare, including social workers, attorneys, psychologists, and medical professionals. The Journal’s content focuses on practice issues and the editorial board especially encourages contributions from active practitioners in the field of child welfare. All submissions must include a discussion of practice implications for legal practitioners.

The main text of the manuscripts must not exceed 20 double-spaced pages (approximately 5000 words). The deadline for submission is October 1, 2012. Manuscripts should be submitted electronically to kozakiew@msu.edu. Inquiries should be directed to:

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Abstract

Studies have shown that arts based programming in juvenile detention settings can be an effective tool in the effort to rehabilitate and reintegrate youth who have come into contact with the juvenile justice system. In an effort to bring such a program to Genesee County, the Ruth Mott Foundation funded a 12 week pilot project at the Genesee Valley Regional Center, a county run short term detention facility for males and females ages 10-17, located in Flint, Michigan. Administered by the Buckham Fine Arts Project, a non-profit artist run gallery in the city of Flint, the Buckham/GVRC Share Art program brought working visual artists and poets into the detention center to conduct weekly visual art and spoken word poetry workshops with the detained youth.

This paper will survey the current literature on arts based programming in juvenile detention facilities; describe the 12 week program developed by the Buckham/GVRC Share Art program; analyze and assess the results of the program; and make recommendations for future programming in Genesee County.

The research for this paper was conducted by Steven Hull, project coordinator, as a part of his Senior Thesis in Criminal Justice at the University of Michigan-Flint. Artist members of Buckham Gallery participating in the program were Todd Onweller (visual arts), Traci Currie, Ph.D., and James Thigpen, Jr. (spoken word). The project was directed by Shelley R. Spivack, J.D., M.A., Genesee County Family Court Referee and lecturer at the University of Michigan-Flint.

Introduction

Established in 1984 as a center for innovative and diverse contemporary visual and performance art, the Buckham Fine Arts Project is an artist run cooperative gallery and art center located in the heart of downtown Flint. With monthly juried exhibitions featuring artists from around the globe and a diverse schedule of theatrical and musical performance events, Buckham has established itself as a leader and innovator in the Michigan arts community. Artist members include faculty from area universities and colleges as well as working artists and performers in a variety of mediums.

In the spring of 2011 a committee was formed to determine how the organization's diverse pool of talent could be used to bring the arts into underserved areas of the Flint community. With the help of a $5,000.00 grant from the Ruth Mott Foundation's Share Art Flint program, Buckham partnered with the administration of the Genesee Valley Regional Center (GVRC) to create a 12 week pilot art program for the youth housed at the detention center. GVRC was chosen as the site for the project, as there had not been any type of arts programming in the facility since Genesee County had assumed control of the institution.

Genesee Valley Regional Center houses males and females ages 10-17 who are ordered into secure detention by the courts in Genesee and surrounding counties. It is a short term detention facility that houses youth pending court disposition or placement in a residential setting. The daily population ranges from a low of 30 to a high of 60 and the average length of stay is approximately 21 days. The facility consists of three wings, with two of the wings containing all male populations and one containing both males and females. Offenses for which the youth are detained range from violation of probation on status offenses to first degree murder.

The pilot project was designed so that each of GVRC's three housing wings would receive four weeks of Visual Art and Spoken Word Poetry programming.
Two 90 minute Visual Art workshops were held each Tuesday evening; while two 90 minute Spoken Word Poetry workshops were held each Wednesday evening. Approximately six to ten youth participated in each group with a total of 82 youth taking part in the program over the course of 12 weeks. The project concluded on December 2, 2011, with an exhibit and reception at Buckham Gallery and the publication of a book highlighting the work created during the Spoken Word Poetry workshops.

Literature Review

Over the course of the last 25 years, researchers in various disciplines have been studying the effects that arts programming has on youth detained in correctional facilities. The results have consistently shown that such programming can be an effective tool in the effort to rehabilitate and reintegrate youth who have come into contact with the juvenile justice system (Ross, Fabiano, and Ross, 1988; Ezell and Levy, 2003; Smeijsters, Kurstjen, and Willemars, 2011). Whether the arts programming is introduced through a formal art therapy milieu or in workshops conducted by working artists, whether the art form is that of visual art, dance, theatre, or poetry, the results remain the same. Involvement in the arts “can primarily serve to reduce impulsiveness, regulate anger, and increase empathy and compliance” (Smeijsters et al., 2011, p.49), all factors that are essential to the rehabilitation and reintegration into society of detained youth.

In 1998, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) partnered with the National Endowment for the Arts (NEA) to fund programs for a two year project period in order to “enhance existing arts programs in juvenile detention or corrections facilities” (OJJDP, 1998 p. 1). Citing the work of Ross, Fabiano and Ross (1988), Calabrese and Adams (1990), and Hillman (1993) the OJJDP concluded that arts based programs for juvenile offenders are highly empowering and transforming for the participants.....participation in arts programming reduces risk factors that cause youth to be more susceptible to problem behaviors and crime (e.g., social alienation, school failure, impulsivity) and enhances protective factors that reduce the impact of risk factors and enable youth to lead productive lives (e.g., by increasing communication skills, conflict management techniques, and positive peer associations.) (OJJDP 1998).

In response to this initiative, the OJJDP and NEA received 60 applications and grants were awarded to six programs in five states. A review of the programs, Arts Programs for Juvenile Offenders in Detention and Corrections: A Guide to Promising Practices (Hillman, no date), summarizes the programs funded under the grant, provides guidelines for future programming, and suggests recommendations for common problem areas. While the initiative did not use a uniform evaluation method, Hillman provided general findings from the sites, which included reduced disciplinary infractions, improved attendance in alternative education settings, and reduced recidivism upon release. In short term facilities, such as municipal community detention centers, anecdotal information from staff indicated that the “programs reduce stress and anxiety among detainees who are awaiting court hearings and adjudications” and that “the tension of unfamiliar surroundings, peers, and staff is diffused by structured activities which can be both individually expressive yet framed within a cooperative workshop environment” (Hillman, p. 17). Hillman noted that even if a youth only attended one session, it could open up “interests and talents” (p.18) that had not been recognized previously. Of particular note within this Guide are discussions of issues such as censorship, security, institutional change, confidentiality, supplies, and the adversarial relationship that often develops with staff members (Hillman, p. 26-30). While Hillman concluded that there is no uniform program model, he emphasized that broad based support within the juvenile justice facility, the courts, and the arts community is essential for the success of a program.

Ezell and Levy (2003) conducted a three year (1996-1998), multi-method evaluation of an arts program in the state of Washington called “A Changed World” (ACW). In the ACW project, professional artists, including poets, musicians, sculptors, videographers, and graphic designers, conducted workshops that ranged from two weeks to two months with detained youth in various facilities throughout the state. A specific set of guiding principles that stressed individualized curriculum within a team approach that would adapt to the changing needs of the students, a non-judgmental environment, positive role modeling,
a 100% commitment to the student and his/her work, and the nurturance of leadership, set the tone for the workshops (Ezell & Levy, 2003, p. 110).

In the first year of the study, Ezell and Levy had youth and staff measure changes in self-esteem, peer relations, cultural awareness and community identity while the teachers assessed the accomplishment of specific learning goals created for each workshop. In the second and third years of the study, the authors collected data from the youth and artists directly after the workshops using qualitative and quantitative instruments to measure skill development, attitude, behavior, contribution, self-esteem and confidence, ability to collaborate, and interactions. They also obtained data from correctional facility staff and court records to assess institutional behavior and recidivism rates. As a result of the three year evaluation, Ezell and Levy concluded that ACW had a very positive impact on the youth who participated. Workshop goals were accomplished to a very high degree, concrete vocational skills were acquired, and youth had positive feelings of goal accomplishment. Further, while involved in workshops, youth compliance with institutional rules was high and their behavior less disruptive (p. 113).1

The authors identified four major processes that led to the success of the program: “connecting, expressing, learning, and discovery” (p.13). Through the experiential learning activities the youth were able to forge deep connections with arts, with their pasts, their emotions, and with each other as they develop and expand their talents and techniques to express their pain, joy, and hope” (Ezell and Levy, 2003, p. 113).

Many of the studies of arts programming in juvenile facilities involve art therapy as opposed to art workshops conducted by professional artists. Persons, in his 2009 study of art therapy programs at the Beaumont Juvenile Correctional Center in Virginia, studied 46 boys between the ages of 16 and 20 years who were housed in Virginia’s facility for seriously delinquent boys. Each of the boys received two to ten hours of art therapy per week, both in individual and group settings. Displays of the boys’ artworks were held both inside and outside of the facility.

The results of qualitative studies, with data from the boys, teachers, and staff, indicated that the art therapy program helped all of the boys relieve their level of stress and boredom, boosted their self-confidence, helped them deal with frustration, and improved their ability to concentrate and focus (Persons, 2009, p. 442-443). The ability to concentrate on a painting for hours was particularly noteworthy, as most of the boys had been diagnosed with ADHD (Persons, 2009, p.443). Persons emphasized the importance of the “positive approach and atmosphere in art therapy” where the boys were “encouraged instead of criticized” (p. 445).

Persons made important observations concerning possible changes in neural development that may have been fostered by the art therapy process:

The fact that the boys painted and talked about their painting for at least 4 to 10 hours per week for 8 months may have helped brain development through fostering new neural connections to the more reasoned cerebral cortex. Such development would result in decreased reliance on limbic responses, which are rooted in emotion rather than reason… Daily sessions of art therapy – with its inherent focusing process protracted over a long period of time – that experientially processed trauma material and resulted in stress reduction and relaxation may have led to new neurological configurations that helped change some of the deficits from earlier childhood trauma. (citations omitted) (p. 445).

However, he cautions that more study is needed to determine if “new neural connections and task persistence” (p. 445) are an organic result of art therapy.

Smeijsters, Kil, Kurstjen, Welten, & Willemars, (2011) conducted a comprehensive two-year study of art, music, dance, and drama therapy programs in six secure institutions for young offenders in the Netherlands. Their conclusions were similar to the findings by previous researchers. Specifically, the authors found that art-based therapies “can primarily serve to reduce impulsiveness, regulate anger, and increase empathy and compliance” (Smeijsters et al., 2011, p.49). Smeijsters et al. also found that arts therapies enhanced protective factors by creating a “protective situation with strong social support and strong attachment in which a positive attitude to the intervention can develop” (p. 49). In comparing arts therapies with other treatment theories, the authors found that arts therapies work “by not focusing directly on the delinquent behavior but instead working in an experimental
play space and focusing on the art process and art product” (p. 49). In this regard “art therapists address a deeper personal level that lies at the basis of disturbances, dynamic risk factors, and delinquent behavior” (Smeijsters et al., 2011, 40).

Emerson and Shelton (2001), writing in a nursing journal, studied the use of the creative arts as an intervention for physically and sexually abused female juvenile offenders in the state of Maryland. Focusing on gendered pathways that lead to delinquency and the “cycle of violence (which) results from child abuse and neglect,” (Emerson & Shelton, 2001, p. 181) the authors outlined a new approach involving creative written expression for these female juvenile offenders. Utilizing an 18 session program that addressed psychological (low self-esteem, anger), behavioral (substance abuse, offending), biologic (depression, PTSD) and interpersonal (problems with intimacy, victimization) responses to physical and sexual abuse, the program used a three stage treatment consisting of self-care; acknowledgement, re-examination and conceptualization of the trauma; and reintegration into the community.

The creative arts, such as dramatic role play, were crucial to this process as it allowed the young women to “reinterpret situations they previously experienced, changing results imaginatively, to test possibilities” (Emerson & Shelton, 2001, p. 190). The girls supported one another through the reengagement, and the participation itself was rewarding. The creative arts allowed the girls to “become the active ‘I’ in their lives, in charge of choices and outcomes, rather than the object of others’ possibly abusive actions toward them” (Emerson & Shelton, 2001, p. 190). The positive coping skills that the program helped to develop “help(ed) them to bridge the gap between detention and the outside world” (Emerson & Shelton, 2001, p. 190).

Program Description

Working with an initial grant of $5000.00 from the Ruth Mott Foundation’s Share Art Program, the staff and board of Buckham Fine Arts Project partnered with the Foundation and GVRC staff to create an arts workshop program that would give detained youth the opportunity to work one on one with established artists in the Flint community. As the average length of confinement within GVRC is approximately three weeks, organizers determined that twice weekly sessions for a period of four weeks would allow participation by a large number of residents, while at the same time giving the youth a concentrated period of time within which to develop a relationship of trust with the artists. Thus, a rotating schedule was devised so that each of GVRC’s three wings held workshops on two evenings per week for a period of four consecutive weeks. In order to facilitate a close working relationship between the artists and the residents, two 90 minute sessions were held on each of the two evenings so that the size of the groups would be limited to between six and ten students at a time.

While the original idea for the Share Art program envisioned only the graphic arts, the program organizers realized that GVRC’s residents needed a program that would give them not only an outlet for their visual creative expressions, but a program that would enable them to use language as a means of self-expression and communication. Thus, the program pairing visual arts and spoken word poetry workshops was created.

The teachers who were selected to participate in the program were all working artists who had previously taught or participated in community youth art projects but had not previously worked in a secure detention setting. As the program was not designed to be an “art therapy” program, organizers decided that it would not be necessary for the teachers to have any formal training in art therapy techniques. What was deemed essential in choosing the teachers was an ability to connect with youth and an ability to help students understand and transform concepts into different artistic mediums. Todd Onweller, a painter who had previously been the director of Red Ink Gallery and had worked with alternative education students at Mott Middle College, was chosen to present the visual arts workshops, with the assistance of project coordinator, U of M Flint intern Steve Hull, a former art student who was completing his degree in Criminal Justice. The Spoken Word Poetry workshops were jointly led by Traci Currie, Ph.D., and James Thigpen, Jr. Dr. Currie, who teaches the Spoken Word Poetry classes at the University of Michigan-Flint, has worked extensively with high school and college students and currently coordinates a monthly spoken word poetry series. James Thigpen, Jr., a poet and graphic designer, holds a degree in Communications from the University of Michigan-Flint and has been very active in numerous youth arts organizations in Flint.
Lesson plans never remained static during the sessions. Hull and the teachers continuously revised and revamped the workshops to fit the varying needs and abilities of the students. As in the program described by Ezell and Levy (2003), the guiding principles of the program consisted of a team approach that would adapt to the changing needs of the students, positive role modeling, and the creation of a non-judgmental environment. All participants were given a notebook so that they could write or draw outside of the workshop sessions.

In the Visual Art workshops, Onweller used artistic concepts and skill building both to increase personal awareness and enhance positive social interaction amongst the youth. While both he and Hull encountered several roadblocks during the first four week sessions, they used these experiences to adjust the curriculum to fit the needs of the particular students. For example, during the first four week session, Onweller and Hull presented the portrait drawing class as the final class of session. Through the success of this class, they learned that by having the students sit facing one another, the students sharpened their observation and drawing skills, while at the same time developing social skills that enabled them to begin working cooperatively with one another. Drawing upon the success of this class, Onweller and Hull then used this exercise to begin the workshop sessions in each of the other wings, thereby creating an atmosphere stressing both individual expression and cooperation.

The dual concepts of individual expression and cooperation were continued during the last two weeks of the second and third sessions as Onweller and Hull worked with the students to create 15-18 foot group murals that would be shown in the exhibit and reception at Buckham Gallery. Beginning with an exercise in which the students individually created a design incorporating their names, they then worked cooperatively to create a layout design and to transfer the individual designs to the larger mural. During the last week, they again merged individual creativity and teamwork as they used chalk and ink to line and color their work to make a finished piece. During these classes, the students learned to work collaboratively and began to depend upon one another for artistic advice on how to blend each of their individual pieces into a finished work of art.

In the Spoken Word Poetry workshops, Currie and Thigpen challenged the participants to explore their own feelings and helped enable them to use language as a means of self-expression and of communication. As stated by Currie

Spoken Word is used to encourage and inspire. We speak thoughts to get into our feelings and speak about ourselves to show our true meaning…Spoken Word, when performed most authentically or “real,” requires an earnestness that no one else can tap into because no one knows your story the way you know your story. (p. 3).

Currie and Thigpen were not only teachers and mentors during these sessions; they were active participants. They set the pace and tone for the session by each presenting a spoken word piece either written or chosen by them and videos relating to the theme of the class. Questions asked about the poems and the videos required the students to actively listen and created an atmosphere of sharing and active participation. It also allowed the students to engage their intellect through discussion of themes and concepts. Thigpen and Currie then engaged the students in an active written and spoken word exercise. For example, the first class consisted of an introduction/describing self exercise in which the students were asked to give a word describing themselves. Students were then asked to expand on that word in detail and were encouraged to present their pieces to the rest of the class. Other themes included negative and positive identities, mistakes, and life stories. By the final workshop in each wing, each of the participants had written and shared with the group their own story in forms ranging from short poems to lengthy narratives.

The program concluded with an exhibition and reception at Buckham Gallery and the publication of a booklet, “GVRC: Generation of Values Realism & 2nd Chances,” edited by Traci Currie which contained both her observations of the sessions as well as work created during the spoken word classes. Over 75 people, including judges, referees, probation officers, GVRC staff, university students, and former GVRC residents and their families, attended the reception.

Analysis and Assessment

Although a means of formal assessment and analysis had not been included within the original grant and program design, by the mid-point of the pilot program, Hull and the teachers decided that
student evaluations should be developed and used throughout the remainder of the program. Thus, a short three question evaluation was created and used at the completion of each of the sessions during the last four weeks. In addition to these written evaluations, Hull informally interviewed the art teachers and several GVRC staff at the completion of the 12 week program.

Three questions were included on the student evaluations: What did you like best about this lesson; what did you find most interesting? Why?; and why do you think other young people, like yourself, would want to participate in a lesson? Overall, the students were very positive about both the Visual Arts and the Spoken Word Poetry workshops. Students surveyed indicated a decrease in stress levels, an increase in their comfort levels around peers, teachers and staff, an increase in their feelings of self-worth and self-esteem, and a decrease in their feelings of negativity. In both sets of workshops what the students liked best was the ability to express themselves in a non-judgmental format and the mentoring relationship that developed between the artist-teachers and the students.

In the evaluations from the portrait drawing workshop, students noted that the lesson taught them to become more observant, to concentrate on multiple things at one time, and to empathize with others. As stated by one student in response to the question of what s/he found most interesting: “drawing my peer, because as I was drawing, I experienced their feelings.” Another commented that the lesson brought the group closer together as they really learned something about one another. The responses from the mural work emphasized the benefit obtained from working together to integrate their individual work into one piece. In the evaluations from the Spoken Word Poetry workshops, the students emphasized the satisfaction they received from being able to express themselves and talk about their feelings. Comments such as “To know it is ok to express your emotions. Poetry is amazing” and “I don’t have to hide anything or worry about being judged” were common throughout all four weeks of the sessions. The sessions also enabled the students to increase their ability to verbalize by putting their thoughts into words.

In assessing the program, Hull and the teachers made significant observations regarding gender issues. Both their observations and the student evaluations pointed out that the visual arts workshops had a greater impact upon the male population, while the spoken word workshops had a greater impact upon the females. The girls used their notebooks extensively to journal their thoughts and feelings. During the Spoken Word Poetry sessions, many of the boys used both drawings and words as forms of expression, while the girls appeared to be more comfortable with verbal expressions.

The second issue pertaining to gender concerned the inclusion of both males and females in the Spoken Word Poetry workshops. As males and females are both housed within GVRC’s North Wing they receive coeducational schooling and programming. While an initial attempt was made to segregate the girls from the boys for the Spoken Word Poetry workshops, uneven population figures prevented this from occurring on a regular basis. Hull and the teachers noted several issues that arose as a result of integrating males and females in these workshops. Many of the girls housed at GVRC, like the girls in Emerson and Shelton’s study (2001), have been the victims of sexual and physical abuse and have experienced gendered pathways leading to delinquency. In working with the girls recurrent themes involving prior sexual abuse, and other issues related to sexuality and gender identification would surface. The presence of males in the classroom made it difficult to discuss these issues in an open, nurturing, and healing atmosphere. Additionally, the mixing of the sexes, in both workshops, created a sexual tension that at times distracted the students.

Recommendations

The results from the 12 week pilot project indicate that the program had a beneficial impact on the participants. Although no formal measures were taken, surveys showed a decrease in stress and an increase in self esteem, two crucial factors for successful reentry into the community. The youth enjoyed the program as it relieved boredom and gave them an outlet to express their emotions and engage their creativity and intellect. Most importantly, it allowed them to establish a bond and a trusting relationship with positive adult role models.

Recommendations for future programming should take into account the gender issues raised above. A gender specific program should be created for the girls that would consist primarily of the Spoken Word Poetry workshops but would also integrate some of the
visual arts concepts introduced in the current sessions. Programs for the boys should focus on the visual arts but also integrate themes and concepts from the Spoken Word workshops to increase and enhance their ability to verbalize their thoughts and emotions.

Crucial to the success of any program is an aftercare component so that upon release, the youth could easily transition into another program that would give them the same skills and benefits as those received in the Buckham/GVRC Share Art program. As the majority of the youth detained at GVRC are released on probation into a home setting in which the same issues that brought them into care will often be present, an arts program stressing creative expression and mentoring relationships with positive adult role models is essential for their successful reentry into society.

Also crucial for the success of any programming is a wide base of support that includes both the arts community as well as the entire juvenile justice system. As noted by Hillman, support from juvenile court judges, defense attorneys, and prosecutors is crucial to the long term success of these programs. Attorneys representing children can become a crucial part of these programs by partnering with arts agencies, detention centers, and probation departments to ensure that these programs are available to their clients.

About the Authors

Shelley Spivack is an Attorney/Referee with the Genesee County Family Court and a Lecturer in the Criminal Justice Programs at the University of Michigan-Flint and Washtenaw Community College. She received her J.D. from Brooklyn Law School and her M.A. in Social Sciences from the University of Michigan-Flint. She currently serves as Vice-President of the Referees Association of Michigan. She is also a photographer and currently serves on the board of Buckham Fine Arts Project.

Steven Hull studied art and received his Associates Degree with High Honors from Mott Community College in May of 2010. In December of 2011 he received his Bachelor of Arts from University of Michigan-Flint where he majored in Criminal Justice and minored in Sociology. Steve worked as a project coordinator of the Share Art program and currently works with at-risk status offenders as a caseworker at Spectrum Human Services.

Bibliography


Endnotes

1 While the authors cited findings of lower recidivism rates, they cautioned that such results must be interpreted "very cautiously" as more extensive research was needed to verify such results. (Exell and Levy, 2003, p. 113).

2 For a more thorough discussion of the issues relating to female delinquency, gendered pathways leading to delinquency, and gender specific programming, see OJJDP Girls Study Group: Understanding and Responding to Girls’ Delinquency (2010), which includes a thorough discussion and bibliography.
Assessing Parents for Child Protection in Drug Manufacturing Cases

by Peter W. Choate, PhD; Debra Harland, MSW,RSW; and Amber McKenzie

Abstract

Child protection services frequently become involved with families engaging in substance abuse, and addiction, with a growing presence of drug manufacturing as an important component of the case. Assessors are called upon to consider how this impacts parenting capacity. However, while there are many protocols for assessing substance abuse and dependency, little attention has been paid to how to consider drug manufacturing and parenting capacity. The authors suggest a protocol that will guide assessors on determining the level of risk for children and the impact drug manufacturing may be having on parenting.

Assessing Parents for Child Protection in Drug Manufacturing Cases

Drug manufacturing is an increasing concern in cases where substance abuse and addiction issues have come to the attention of child protection authorities. Research has demonstrated that the parenting role is disrupted as the needs of the addicted parent to obtain and use drugs take priority over the needs of children in many cases. Family life is seriously disrupted (Johnson & Stone, 2009; Cattapan & Grimwade, 2008; Scaife, 2008; Barnard, 2007; Connors et al., 2004; Walsh, MacMillan & Jamieson, 2003; Brooke et al., 2002; Kroll & Taylor, 2000). Families in which substance abuse is a primary issue appear to make up a significant portion of child protection cases (Forrester & Harwin, 2011; Patton, 2004). There may well be a difference between cases where the primary issue is addiction versus those where it is drug manufacturing (Moller et al., in press).

There has been significant public policy concern in both Canada (Alberta, 2006) and the United States, with the latter particularly concerned with methamphetamine production (Connell-Carrick, 2007; Mes-sina et al., 2007; Hohman, Oliver & Wright, 2004). As Altshuler (2005) notes, the issues can range from exposure to the drug manufacturing itself to parental substance abuse, which then may be related to abuse and neglect of the children. Hayward, Depanfilis & Woodruff (2010) note that concerns can include exposure to toxic environments and various lifestyle issues that might include poor supervision, parental emotional and behavioral problems, and interaction with drug users and criminals. The mass media also contain many anecdotal reports of significant risk for children living in and around drug manufacturing environments, particularly methamphetamine laboratories.

There have been a variety of initiatives to try and address the problems, such as the establishment of drug endangered children’s units. These efforts have merged law enforcement, child welfare and health systems efforts to work with children and families (Hohman, Liver & Wright, 2004). Other efforts have been focused on criminal investigation in combination with community responses (Mullins, 2005; Swetlow, 2003). There are those who have pointed out the need for interventions focused on both children and the parents (Otero, Boles, Young & Dennis, 2006).

Others have noted that there is a role for courts, including drug courts (Hopper, 2006). Some legislative approaches have also been tried such as the Drug Endangered Children’s Act (Alberta, 2006), which seeks to empower child protection authorities with more specific intervention agendas and tools.

Recent Canadian research by Moller et al., (in press) has shown that children living in drug manufacturing environments are not necessarily experiencing long term medical complications from this exposure:

Despite our findings that 30% of the children in our study tested positive for drugs of abuse in their hair, we found that the vast majority
were in good health at the time of examination, which was within 1 to 2 weeks from their removal from their homes. The rates of the mostly minor health issues observed were well within the range expected in Canada and other developed countries.

This raises significant questions about the assumption that children are in medical danger in these homes. Douglas (2010) found that there were no significant differences in the health of children living at marijuana growing sites in comparison to a control group. This is not to say that these environments are appropriate for children for a variety of social and emotional reasons. It is only to note that assumptions about the impacts may not be valid and there needs to be careful consideration on a case by case basis. Moller et al., (in press) and Douglas, (2010) also point out that there may be significant differences in risks depending upon what drugs are being grown or manufactured.

The manufacturing environments themselves can present immediate dangers due to the presence of toxic chemicals that can injure or kill if ingested by a child; there are electrical dangers from wiring that is strung to bypass meters in marijuana growing operations, and there are risks that the child might ingest the drugs present in the home (Hayward, Depanfilis & Woodruff, 2010). There are also concerns with toxic molds from indoor marijuana production. We are aware of cases where public health officials have had to condemn residences as a result and where rehabilitation of the building results in expensive renovations.

The risks to children from methamphetamine production may be quite high. (Messina et al., 2007; Grant, 2006). As Grant (2006) notes, these risks can go well beyond medical concerns. She states, “Children living at a clandestine laboratory site may be subjected to fires, explosions, abuse and neglect, or a hazardous lifestyle including the presence of firearms, pornography, and social problems” (p.175). She and others also note that when addiction forms part of the clinical picture, various forms of neglect also emerge, meaning that risks for the children tend to be multiple (Connell-Carrick, 2007; Hohman, Oliver & Wright, 2004).

While these risks are real, our own clinical experience has exposed us to many cases where the children have been doing very well on major dimensions of development including academic attendance and achievement, social development, extra-familial relationships and community involvement. Some children are more resilient, and in some cases, parents are more sensitive to the risks that their behaviors impose and take steps to mitigate (Haight et al., 2005). This has caused us to begin to question what has become the common belief that children are necessarily better off out of these families, although there are clearly cases where the risks are profound and removal is appropriate (Haight et al., 2005). Children do need to be protected from the violence and exposure to drug use that may come from lifestyles associated with drug manufacturing.

When police and child protection agencies get involved with these families, it can often be very difficult for the children. The police may raid the home in a high profile fashion. Neighbors observe the raid and the activity that follows. For the children, this means that their friends also become aware, impacting their social system in the neighborhood and at school as the word spreads. In this era of social networking, of course, the word will spread quickly throughout the children's social system. Their parents' names may appear in the media when the arrests are reported. Even for very young children, there is often the dramatic change that comes with removal from parental care that is typical of these cases. Moller et al. (in press) even question whether it is appropriate to remove children from parental care, as the benefits of sustaining the family system in some of these cases may outweigh the risks. Cases need to be considered on their own merits as opposed to blanket or “cookie cutter” response patterns.

A growing body of research is showing that children tend to do better over time in parental care as opposed to foster or group care except in cases where the safety of the child is clearly at risk (Courtney, Dworsky, Lee & Rapp, 2009; Doyle, 2007; Lawrence, Carlson & Egeland, 2006; George et al., 2002). If that is the case, then how might clinicians and the courts consider when it is appropriate to remove the children versus when it is not, particularly in such highly charged cases as exposing children to drug manufacturing and its inherent risks? The authors set out to develop a framework for assessing such cases.

The Framework

This framework is in addition to the comprehensive parenting capacity assessment models that
consider the strengths and challenges of the overall environment and skill sets that parents possess in raising their children (Budd, 2011, 2005, 2001; Budd, Poindexter, Felix & Naik-Polan, 2001; Choate, 2009; Pezzot-Pearce and Pearce, 2004). This also is separate from consideration of cases where the parents are being assessed for addiction issues (Olsen, Allen & Azzi-Lessing, 1996). There is likely a cross-over in many cases, which we consider in the framework. However, our view is that parents referred from child protection services when drug manufacturing is occurring in the home need very specific assessment questions considered that the framework must address.

Our view also is that assessing parents where drug manufacturing is a primary concern presents additional issues beyond those cases where substance dependence is the primary concern. There is good guidance on assessing addiction within a child protection context (Forrester & Harwin, 2011).

The goal remains looking at the capacity of these parents to raise these children. Thus, conclusions need to be framed with that over arching question in mind. However, as the framework shows, there are some very specific issues that must be addressed in these cases.

A complication for completing these assessments arises when parents are facing criminal charges. Defense attorneys typically tell parents that they are not to talk with anyone about the matters in question. We have faced some parents who remain silent on the issues pertaining to the alleged drug manufacturing. Others choose to be fairly open. Parents deserve to know the implications of not participating fully in an assessment, such as delays in the return of children to parental care or the extended presence of Child Protection Services in the family. However, the choice of what to tell or not should be left with the parent as long as they fully understand the implications. This is an important element of informed consent in these matters.

Child Protection Services (CPS) and criminal systems may be in conflict with each other. Child protection seeks to understand if the children can be sustained in the family unit and what steps are needed to do that. The criminal justice system seeks to determine guilt. Parents rightly fear telling CPS or parenting capacity assessors information which may be prejudicial in the criminal system while trying also to stay in the role of parent. Thus, the parents choosing to withhold information may well hamper the assessment. Our experience is that many parents provide enough disclosure to assist in having the assessment done so that the direction for their children can be determined. It is certainly in the child’s best interest to have a stable plan as soon as possible as to do otherwise holds them in uncertainty about their family and their future.

Assessors must be attuned to the possibility that parents will not disclose and that an assessment may not be possible. The following guidelines are suggested for those cases where assessment is possible.

**Posing the Questions**

The framework poses a series of questions that are unique to the drug manufacturing environment and the relationship to parenting.

*What drugs are being manufactured and how were risks managed?*

The research, as noted above, makes it quite clear that the risks vary in terms of environmental impact by type of drug that is being manufactured. As Grant (2006) notes, the chemicals used to produce methamphetamine are highly toxic, and exposure to them is inherently risky for adults and children. She gives several examples of how their presence and storage in the home present risk. Moller et al., (in press) would concur but noted that the apparent health impacts from marijuana manufacture appear to create less medical concerns for children. Yet these authors note that there are risks for humans within various drug producing environments which will vary from case to case.

The question for assessors is to understand what was being produced and the inherent risks that come from that. A key related question is the degree of insight that the parents had about the risks and what, if any steps did they take to protect the children from them. For example, we have seen cases where the parents understood the risks and kept the manufacture in a separate place such as a property away from the children. In other cases, the parents failed to protect the children from exposure to harmful environments.

*What environmental modifications were required?*

Homes can be made quite unsafe in situations where a variety of modifications are needed to sup-
port the manufacturing. Marijuana production, for example, requires substantial electricity when grown indoors. In many cases, this has resulted in highly dangerous electrical setups designed to siphon electricity from other properties or to seek ways to bypass metering systems. In other types of manufacturing, laboratory type setups and cooking of drugs are required. When mixed with family environments, they create highly risky places for children when they are present. Assessors should have a clear understanding of what the physical environment was like when the police and/or child protection attended.

What would the children see and know about?
The authors have met children from these environments who had only the scantiest of knowledge about what was going on in separate areas of the home. They had been told that a garage or workshop was reserved for the parents and they took this at face value. They reported nothing unusual about the household environment otherwise. Equally, we have seen cases where the children were highly aware of what was going on and had begun to see the activity as a normal part of the family life. This might be framed as creating an emotionally abusive normalization that would gradually ingratiate the children into drug use and related lifestyles.

Were the children involved?
A parent who is engaged in illegal drug manufacturing and is willing to involve the children in it presents with a much higher level of risk than one who clearly sees that the child should be kept out of the activity. It would be our view that involvement by the children in the activity is clear evidence of poor parental judgment and thus a much higher risk situation for the child.

How were the drugs being distributed?
This is a crucial element of the model as it is one of the most volatile ways in which children can be exposed to the criminal activity that surrounds the illicit drug industry. The mere involvement in drug manufacturing may connect the family to criminal elements. Thus, there is no absence of risk in this element. If users or dealers are coming to the home to obtain product, then the risks go up when compared to an operation where the goods are moved in bulk to another location for wider distribution, in which case the risks may be less. If the parent is willing to cease operation, and there were no direct drug transactions taking place in the home, it is much easier to contain this element of risk.

Who do the parents bring into the home that may pose a risk to the children?
This is a separate consideration from customers coming to the home. This looks at the other possible negative elements such as fellow users, individuals involved in allied manufacturing activities or people who assist in the manufacturing work. The latter bring their own challenges into the environment, which might include their own drug use, criminal activity, violence, weapons and related personal problems.

Are the children able to access the drugs and raw materials?
Even parents who approach manufacturing as a pure business activity may not be careful in ensuring that the materials and the end products are kept away from children. This speaks to the degree to which parents are aware of the risks to the child and the steps they take to protect the child. If they are careless, then either the child’s safety is not a prime concern or the parents are negligent in managing the risks to the child. The worst case scenario is that the parent lacks an appreciation of the risks within the home.

Are the developmental needs of the children being met?
As we have noted, there are examples of the needs of the children being given high priority. In these cases, children are observed to show average to above average developmental progress and have limited exposure to and knowledge of the manufacturing activity. In these cases, we have found that parents have a clear delineation between the family and the business. They have a strong sense of caring for the children and recognize the need to keep the drug business separated from family life. Our experience suggests that this is less likely in cases where the parents are also substance dependent.

In cases where the children are being neglected, there remains a high probability that important features of their development will be delayed. This might mean academic deficiencies, poor physical and emotional care, behavior problems or developmental milestones behind expected levels for chronological age.
Older children might be seen as less vulnerable due to their greater capacity at self-management. Care should be taken to consider, however, the degree to which these older children may have normalized the environment and begun replicating their parental model. Younger children are also observant of the environment, lack many self-care capacities and may also begin to mimic what is occurring within the home.

Have the parents made child care arrangements while manufacturing or using?
There are instances where parents appreciate that they may expose their children to unhealthy situations while manufacturing and / or using the drugs. When that occurs, assessors should consider what child care arrangements have been made which might include friends or relatives. This might be a protective factor, although care needs to be taken to consider how much time the children are in alternate care (Haight et al., 2005). Attention also needs to be paid to the appropriateness of the alternate caregivers.

Do the parents also present with substance abuse or dependency problems?
As noted earlier, there is a substantial body of research that shows that parents who engage in substance abuse or addiction pose higher risks for children. If the parents are both using and manufacturing drugs, it is our view that the risks for children go up as the risk factors accumulate. There is a need to consider whether the parents use on a “casual” basis (such as a joint of marijuana at night before bed) versus a heavier, addictive pattern. What steps the parents have taken to limit the exposure to the children is also an area for consideration. While we do not condone drug use by parents, we are also mindful that there are varying degrees of risk for children arising from the parental pattern of use. We feel that as part of the assessment, the parental use pattern and the ways in which that is known by the children are clearly relevant to the degree of risk.

Risk factors may be greater in two parent homes when both parents use as opposed to homes where only one parent uses. The non-using parent may act as a protective buffer. In single parent homes, if that parent is using, then such a buffer is unlikely. In those cases, the older children may assume a greater parenting role, taking over from the parent responsibilities for the household including care of siblings (Forrester & Harwin, 2011; Barnard, 2007). As Barnard (2007) also notes, extended family may step in to help protect children from the effects of the substance abuse / dependency. This would need to be considered within an assessment.

Are both parents involved in the drug manufacturing?
This can be a tricky question to consider. When parents have been charged criminally, we have seen situations where one parent denies any knowledge while the other parent takes on full responsibility. If the manufacturing activity is fully contained in another environment, there may be validity in this stance. We have seen parental responses that strain credibility. Examples are parents who claim that they have never gone into an area of the house where the drugs are being manufactured yet they walk by that area on a daily basis. There is an element of willful blindness by that parent that also must be considered. Has the parent truly been unaware or are they covering?

How does the family earn their money?
One clear issue is how the family sustains a lifestyle. This is particularly an issue in situations where the family income is largely tied to the illegal manufacturing. A review of the family budget is useful along with their report of how expenses are covered. Not having the proceeds of crime may reduce the standard of living. What will it mean for the family if the family can no longer sustain a lifestyle that was available from the drug production? How will the family adapt? Do the parents have other skill sets that would allow them to engage in legal employment? Can that income meet the lifestyle or will there need to be substantial changes? We have looked at several families where the lifestyle simply cannot be sustained on the employment skills or alternate income opportunities available to the parents. These families are at higher risk to re-engage in criminal activity.

Are the parents able to formulate a lifestyle option that does not include drug manufacturing?
Parents who have developed an income or lifestyle stream that is dependent upon the drug manufacturing may have difficulty perceiving a different lifestyle. While they may be able to talk about doing different things, the plans need to have a strong element of realism to them. The steps they need to take can be even more complicated if the parents are also using
the drugs. Thus, two major steps are in front of them – ceasing the drug use and finding an income stream that can support the family. Are the parents able to appreciate these problems and the demands that they place upon them? Do they have the resources to make the changes? If not, can resources reasonably be expected to become available?

**Is there evidence of other criminal activity?**

Douglas (2010) has identified that various criminal activities can go along with the manufacture of drugs. This can include the presence of weapons, violence arising from criminal connections and activity, connection to organized criminal groups, high risk individuals coming into the home and, in some cases, booby traps within the manufacturing environment (Douglas, 2010). The presence of these activities constitutes a clear risk for children. In assessing parents, it is valuable to understand the degree to which these risks appeared to be present and the appreciation that the parents had for those risks to their children. This would then lead to a discussion on how the risks were deemed to be managed, if at all.

**Has there been a prior history?**

It is vital that assessors consider whether the manufacturing represents part of an ongoing pattern for these parents or is it apparently a new endeavor. Parents with history in this activity may then have stronger connections to earning their living this way as well as to individuals and groups related to the distribution and sale of the products. Access to criminal records may be crucial to fully understanding this.

**If convicted, how will jail time be managed?**

Depending upon the jurisdiction, for many parents convicted of illicit drug manufacturing, they may face jail time. This will impact parental availability as well as family finances. For the children, it will mean a loss of one or both parents and may mean extended time in alternative care. In that case, what considerations are there for family members who may be appropriate and able to sustain a kinship connection for the children? If only one parent faces jail time, how does the other parent anticipate managing this? What will they tell the children and how will they support the children during the absence? Will they stay in the relationship?

**Are the parents committed to change?**

Once the assessor has determined the potential for realistic change, then the question arises of how motivated are the parents. Is there a viable plan for change or are the parents engaged in going through the motions hoping to appease the assessor? What the assessor cannot determine is follow through, of course, as that must wait to see actual behavior. Each case will be unique and will require plans that look at rehabilitation, alternative sources of income as well as the impact of any incarceration that may occur. Parents who are repeat offenders should be considered more skeptically than those whose involvement is more recent. If there are addiction issues, then the assessor must also consider changes that will need to be made to achieve and sustain sobriety.

**Process**

We strongly believe that the parents should be interviewed separately. In our experience, we have seen parents tell quite different versions of what has gone on, yet in other cases, they tend to corroborate each other. When parents are seen together, one parent will tend to take the lead and frame what is and is not to be divulged.

If possible, interviews should occur in such close timing that the parents do not have an opportunity to consult with each other on what the assessor has asked. This will tend to yield more independent data than coached data. At the very least, this reduces the risk of one parent coaching the other on what should be said.

As is recommended in all forms of parent capacity assessment (Budd, 2011; Choate, 2009; Pezzot-Pearce and Pearce, 2004), multiple sources of information are essential to the development of a good view of the family dynamic. In these cases, reports from child protection and law enforcement will help to offer a good understanding of what was discovered at the time that they became involved. These agencies will also offer an historical view of prior criminal and child protection concerns.

Medical information on the children can also be helpful. This allows the assessor to become aware if the children’s health status has been compromised as a result of exposure to the manufacturing. School records, day care reports and evidence of community involvement also reveal the degree to
which the children’s academic and social development has been affected. Interviews with extended family can also reveal the degree to which the family system is or is not a protective factor.

It is our view that if the children are of an appropriate age, they should be interviewed. This is to better understand what family life has been like for them. It allows the assessor to learn about the child’s knowledge of the drug production. The interview should be done away from the parents, hopefully in a comfortable, neutral setting as opposed to the home. If conducted in the home, then a safe and private place will need to be found. As part of visiting the home, the child should be given an opportunity to give the assessor a tour. This opens up the child’s understanding of various places in the home. This is not always possible if the child is not living in the home and visits with the parents are not taking place there.

**Psychometric Testing**

A question that arises is whether or not psychometric measures should be administered. While there are good tests available for addiction and substance abuse, we are not aware of any measures that specifically address questions related to drug manufacturing and the inherent risks. We recommend that the substance abuse questionnaires and measures be used when there is evidence that parents are using in addition to manufacturing. The assessor should also carry on with whatever measures that they would ordinarily use within a parenting capacity assessment (Budd, 2011; Choate, 2009; Pezzot-Pearce & Pearce, 2004).

**Formulating the Case**

In this facet of a parenting capacity assessment, the goal is to consider the risk that the parents bring to the raising of the children as a result of their involvement in drug manufacturing. Risk can be thought of as ranging from low to very high with the higher ends being related to both overt parental drug use and overt manufacturing and distribution in the home. Each of the elements of the framework should guide the assessor towards conclusions that help child protection to clarify what that level of risk appears to be. If there has been drug manufacturing, then there is not a ‘no risk’ situation.

The case formulation will be particularly valuable if the assessor can consider four crucial matters. Firstly, what is the least intrusive plan that will benefit the children while offering the possibility of family preservation, which is the goal of most child protection litigation in North America? This may, in fact, represent the best interest of the children but requires that child protection not view that drug production automatically precludes removal of the children over the longer term. This is why we believe that the risks should be carefully considered along with ways to manage them.

The second consideration is whether or not one or both parents will need to enter a drug rehabilitation program. Depending upon the degree of use, abuse or dependence, outpatient choices may be practical. Higher dependency cases will require more intense treatment, but inpatient or residential is not always the best option. This of course raises questions of who will care for the children if residential treatment is needed.

If drug treatment resources can be part of the case management team, then parents can feel supported in making the lifestyle changes. As Drabble & Poole (2011) note, the relationship between child protection and drug treatment agencies is not always an easy one as child protection is focused on the children and the drug treatment agencies see the parent as the client. Yet, with a collaborative approach, these authors note that family preservation can be enhanced.

The third major element that a case formulation must address is whether or not the parents can reasonably be expected to find a way to financially support the family without the drug production. This may require the assessor to consider how that might be accomplished, such as through retraining.

A final area that must be considered is what impact incarceration would have on the capacity of the family to sustain itself. If one parent is likely to go to jail, what will need to happen so that the other parent can support the family? Is that parent capable to do so on his or her own? Realistically, this may be for significant periods depending upon the nature of the criminal charges and the incarceration pattern within a jurisdiction. If both parents face incarceration, then the individual capacity of the parents is overshadowed by the need for a placement plan for the children. This latter matter is beyond the scope of the assessment. Assessors should comment on individual parenting capacity and not assume the outcome of the criminal justice process.
The Assessor

These assessments will typically be done as part of an overall parenting capacity assessment completed by a qualified mental health practitioner. However, the questions raised are valuable to child protection workers and other investigators who become involved with families where drug manufacturing is a concern. The issues are also relevant to court proceedings. Attorneys will find the questions useful in assisting the court in understanding the relative risks arising from drug manufacturing cases.

Conclusion

In developing this framework, it is not our intention to minimize or dismiss the risks that living in a drug manufacturing environment can pose for children. Rather, it is to raise the notion that risks are relative and need to be considered on a case-by-case basis. This framework is an effort to provide a means by which assessors can do this. It allows for recognition that some environments create higher risks, such as those in which more dangerous manufacturing occurs (such as methamphetamine) and where addiction is also present. But it also allows for recognition that there may be lower risk situations such as small marijuana growing operations that are contained on non-residential property in a way that minimizes exposure to children and for which there is little evidence, if any, of parental use. In other words, there is a range of risks, and parenting capacity should be considered within that context. A one size fits all solution to case planning is not appropriate.

The framework has been developed to help assessors find an approach that will assist both themselves and child protection authorities to effectively respond to these complex cases where the needs of the children are not automatically served by separation from their family. There are cases where sustaining the family may well be both possible and desirable. With this framework, along with a thorough parenting assessment, assessors may be able to better distinguish between hopeful and not so hopeful cases.

A weakness of our approach is that it is developed through clinical practice and has not undergone rigorous evaluation. We would note however, that the scientific community has yet to do that for any of the present models of parenting capacity assessment and thus, we are reliant upon clinically developed approaches.

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References


Barriers to Permanency

The 2011 Annual Report of the Foster Care Review Board (FCRB) focuses on parent-child visitation as an essential component for ensuring child well-being and achieving timely permanency for children served by Michigan's foster care system. It is essential because research has shown that frequent, well planned, purposeful, and progressive visitation between children in out-of-home placement and their parents can shorten the children's stay in foster care; increase the likelihood that safe and permanent reunification will occur; ease the grief, loss, and confusion children experience as a result of separating from their families; and improve children's well-being while in care.

Findings presented in the 2010 final report on Michigan's federal Child and Family Services Review, as well as observations and findings noted in individual case reviews by the FCRB, indicate that Michigan must significantly improve its efforts to help parents stay connected with their children after the children enter foster care. The improvements should include increasing the quality and frequency of parenting time and encouraging, or even ordering, the regular involvement of parents in important aspects of their children's lives, such as school meetings and activities, medical and therapy appointments, etc.

In cases reviewed by the board this past year where the permanency plan was reunification, surprisingly few parents reported being involved in their children's lives outside of face-to-face visits. Supervised parenting time was typically only one or two hours per week, even in cases where the children had been in care for over a year with a plan of reunification.

In addition, review boards rarely saw parent-child visitation plans that provided measureable objectives related to improving or maintaining the parent-child relationship or plans with timelines and requirements for increased parenting time and parental involve-

ment. Research has demonstrated these are essential components of a functional visitation plan.

An effective, ethical, and compassionate foster care system must do more than protect children from further abuse and neglect. It must also help them to heal and recover from such experiences. To that end, the system must provide safe opportunities for children to stay connected with their parents in a manner that reduces the significant trauma of placement in the foster care system, and fully afford parents substantive opportunities to safely nurture and parent their children.

We hope that the information, observations, and recommendations in this year's report will help Michigan create such a system.

Parent-Child Visitation

The federal Child and Family Services Reviews (CFSRs) assess each state's performance in achieving positive outcomes for children and families in its child welfare system. The 2009 CFSR found that Michigan was not in conformity with Permanency Outcome 2: The continuity of family relationships and connections is preserved for children. The report, published in March 2010, identified two primary areas as needing improvement: Item 13: Visiting with parents and siblings in foster care and Item 16: Relationship of child with parents. The findings reflect minimal involvement of the parent in the child's life while in foster care, as well as the lack of diligent efforts by the state to maintain the parent-child bond after the child entered care. One reviewer noted that Michigan appeared to terminate parental responsibilities before actually terminating parental rights, referring to the lack of involvement parents have with their children once in foster care.

The report also identified Michigan's continuing substandard performance in achieving the permanency goal of reunification of children with their parents in a timely manner.
The correlation between parent-child visitation and timeliness and frequency of reunification is stressed throughout the literature. Laura Roemer, a researcher at the National Resource Center for Family-Centered Practice and Permanency Planning at Hunter College, writes:

Visiting between parents and their children in foster care is generally considered to be the most important factor contributing toward timely family reunification, a major feature of permanency planning for children in foster care. Hess & Proch (1992) referred to family visiting as the ‘heart of reunification.’ The practice allows the social worker involved to assess the parent-child relationship as well as the level of readiness for reunification. It also provides opportunity to promote the importance of child safety and emotional well-being (Kessler & Green, 1999; Wright, 2001).

State and federal statutes make family reunification the preferred permanency goal unless egregious conditions exist. Within the context of child welfare, family reunification refers to the process of safely and permanently returning children from foster care to their own parent or parents. Reunification is a key underlying tenet of state and federal child welfare policy, which holds that it is in a child’s best interests to be raised by their parents whenever possible.

Reunification is preferred for three primary reasons. The first is that the idea of children being raised by their parents is inherently natural and deeply rooted in American law and tradition. Numerous federal court decisions have recognized that parents have the fundamental right to direct the care, custody, and control of their children, and that, unless proven otherwise, parents will strive to act in their children’s best interests.

The second reason is that successful reunification helps ensure a successful future for a child. Children suffer significant adverse emotional and developmental consequences when separated from their parents for long periods of time, and especially when family ties are permanently broken. That trauma limits their ability to adapt as they grow older and attempt to become responsible, contributing members of society.

The third reason is that reunification helps to conserve the increasingly limited resources of our child welfare system. All other permanency goals require continued expenditures of state and federal resources until foster children reach age 21.

In addition to improving the timeliness and frequency of successful reunification, the vast majority of studies indicate that while a child is in care, parental involvement in the child’s life, marked by regular, frequent, planned, and purposeful parent-child visitation, preferably in the child’s home or the home of a relative, is essential to maintaining or promoting healthy attachment and reducing the traumatic effects of the separation for both the child and the parent. All of these outcomes should be, without qualification, essential goals of a healthy child welfare system.

The literature is unequivocal in its conclusion that every reasonable effort must be made to protect, promote, and improve the vulnerable connections that children in out-of-home placements have with their families. It is particularly important to establish a secure and healthy connection between children and their parents, who should be the most significant caretakers in their lives. This is seen by many as second in importance only to child safety.

In 2010, the New Jersey Office of the Child Advocate (OCA) released two reports: “Protecting and Promoting Meaningful Connections: The Importance of Quality Family Time in Parent-Child Visitation” and “Protecting and Healing Fragile Connections: Improving the Quality of Family Visits for Children in Foster Care.” Each documented the critical importance of frequent and regular parental involvement in a child’s life when the child is in an out-of-home placement. Using focus groups and reviews of related literature and research, the OCA determined that improvements in parent-child visitation can result in significant improvements in the overall quality of the child welfare system, including reduced stays in foster care, improvements in child safety and well-being, more efficient utilization of scarce resources, and the increased likelihood of a successful and permanent reunification.

Thus, parent-child visitation should not be seen as a perfunctory case management activity that is given minimal time and resources, as presently appears to be practice in Michigan. Instead, it must be seen as essential to fulfilling our responsibility of ensuring safety, well-being, and timely permanency for all children who come into foster care.

The literature outlines a number of factors related to achieving the benefits noted above. It overwhelmingly
endorses visitation and parental involvement within a planned, purposeful, and progressive intervention, guided by a formal, written parent-child visitation plan that directs all aspects of the parents’ involvement in their children’s lives while in foster care. The plan should be informed by a competent assessment of the parents’ specific parenting needs and strengths, as well as the children’s developmental and safety needs. It must be written in a manner that allows the caseworker to objectively evaluate the parent–child relationship and the parents’ progress in learning to properly interact with their children.

Visitation plans must promote parent-child attachment. The plan must: (1) offer sufficient time and opportunity for parents of newborns to begin to establish a healthy bond with their child, (2) provide for the maintenance and support of an existing bond and attachment between a parent and child, and (3) allow for the healing of a damaged or troubled relationship where there is a fragile or tenuous emotional bond of the parent to the child.

The American Academy of Pediatrics Committee on Early Childhood, Adoption, and Dependent Care reports:

“For young children, weekly or sporadic visits stretch the bounds of a young child’s sense of time and do not allow for a psychologically meaningful relationship with estranged biological parents. For parent-child visits to be beneficial, they should be frequent and long enough to enhance the parent-child relationship.”

The plan should be developed jointly by the parents and caseworker and should identify specific measurable or observable objectives that the parent must achieve in order to increase visits and ultimately have the child returned to the parent’s home. It should maximize opportunities for parents to function in a parenting role, to learn and practice new parenting skills and attitudes, and to have real life opportunities to do so.

With infants and younger children, the visitation plan should provide adequate time and opportunities for the birth parent to directly and successfully care for the child. The plan should provide parents with structured opportunities for skill development and successful interactions with their children, leading to increased confidence in their ability to become successful, loving parents.

Although visitation will typically start off as supervised, the plan should support transition to unsupervised visitation as quickly as possible. Supervised visitation should last only as long as necessary to ensure the safety of the child or help parents develop needed parenting skills. It should be planned around meaningful parental activities, such as changing diapers and feeding infants or, with older children, helping with homework. The plan should always be designed to maximize parental success and positive interactions with the child, and it should clearly state what the supervising agency will do to facilitate that success.

The literature cautions that poorly designed or poorly implemented parent-child visitation plans are likely to frustrate the parents, set them up for failure, and have a detrimental effect on their children. Caseworkers must carefully and clearly document the parents’ progress (or lack of progress) during visits, placing emphasis on the objectives of the visitation plan and the parents’ progress in achieving them, particularly in relation to the parents’ overall capacity to care for the child. This documentation provides clear evidence for the court to support the agency’s recommendations regarding parenting time and ultimately their recommendations for reunification or termination of parental rights.

The Role of the Court

Jurists presiding over cases involving children in foster care, and attorneys representing children and the parents of children in foster care, play a critical role in ensuring that parents and children have frequent and meaningful visitation. To encourage improved visitation practices, Judge Leonard P. Edwards, a former president of the National Council of Juvenile and Family Court Judges, suggests jurists take a leadership role in facilitating this. Steps jurists can take include:

- Judicial oversight of the child’s initial placement decision to ensure that it supports frequent and meaningful visitation.
- Ensure that a visitation plan is clearly articulated in the case services plan and then supported by a clear and enforceable court order.
- Ensure that visitation issues and progress are addressed at each review of the case.
• Encourage and participate in cross-systems training for all participants in the juvenile dependency court to address child development principles and strategies that will improve the quality and quantity of visitation.

• Educate the community and advocate for resources to support frequent and meaningful visitation.

Judge Edwards also notes that the court’s obligation to make “reasonable efforts” findings will require jurists to decide whether the parent has been afforded frequent and meaningful visitation.

Judge Edwards advised that the court’s ability to make timely determinations regarding parents’ commitment and capacity to safely and responsibly parent their children can be facilitated by requiring a high level of parental involvement in a child’s life early in the case. This is noted by others as particularly important with parents who are ambivalent regarding their commitment to the care of their children when that commitment conflicts with their substance abuse or other self-indulgent lifestyle choices. Many times the system addresses such ambivalence by removing or limiting parental responsibilities and involvement, rather than requiring and supporting parents’ involvement in their children’s lives and fulfillment of their parental responsibilities.

Attorneys for both the parent and the child need to become knowledgeable and informed advocates for their clients, especially pertaining to child development needs and visitation as they relate to parental rights, child best interests, and reasonable efforts to achieve timely permanency when reunification is the goal.

A number of studies have found that agencies often justify limiting visitation opportunities by citing either a lack of resources for providing the necessary supervision and parental support or the agency’s or court’s belief that parents must “earn” additional time with their children. The literature, however, consistently affirms that parental visitation or involvement with the children should never be used to motivate compliance with other aspects of the treatment plan, and that the only limiting consideration should be the safety and well-being of the children.

This issue was also addressed by Judge Edwards, who wrote:

“Removing children from their parents is not about punishing the child or the parent for abusive or neglectful behaviors. The criminal law is written to address punishment for bad actions. The child protection system is about protecting children, supporting parents’ growth, and, if possible, reuniting children with their parents. It is also about serving the best interests of children. In this context, visitation is a critical element, one that is often overlooked by members of the child protection system.”

Judge Edwards notes in this article that a state agency’s plea of insufficient resources should not excuse limiting parent-child visitation. He suggests, for example, that the court and agency creatively utilize a myriad of community and family resources to supervise visitation when supervision is required. He also encourages parental participation in school functions and meetings, religious ceremonies, therapy and medical appointments, and extracurricular activities such as sports and school plays.

**Parenting Skills Training**

Parenting skills training is a significant aspect of planned and purposeful parent-child visitation. The literature confirms what we already know: sending parents off to attend generic, didactic parenting classes without specific goals and objectives based on an individualized assessment or supportive opportunities to implement what they learn is counterintuitive, counterproductive, and a waste of scarce resources. Most of the literature notes that these classes are not always focused on the parents’ needs or their child’s age and development. More interactive and parent/child specific approaches are needed. Supervised parenting time should include a coaching or mentoring component, not just a person who observes what parents may do right or wrong.

**Additional Key Elements**

Two additional key elements necessary for promoting improvements in parent-child visitation are identified in the literature: (1) the relationship between the caseworker and the parents and (2) the involvement of foster parents.

Factors identified as important to the caseworker’s ability to establish a relationship with the parents that is conducive to reunification include:

• An ability to facilitate open, honest communication with the parents and feel real empathy for both the parents and children, who have been
traumatically but necessarily separated, typically at crucial times in a child’s development.

- Willingness to request and utilize input and feedback from the parent, the children (if age appropriate), and the family in developing the case services plan and, specifically, the visitation plan. As noted earlier in this report, present visitation plans appear to be directives from the worker, rather than an agreed upon plan to support parent-child reunification.

- Providing supportive instruction and reinforcement to parents during supervised activities and interactions with the children.

Foster parent involvement that promotes frequent and meaningful visitation includes:

- The foster parents’ willingness to establish a supportive relationship with the parents and willingness to supervise visitation.

- The capacity of the foster parents to coach and mentor the parents.

- The agencies’ willingness to recruit, train, support, and utilize foster parents for this purpose.

Present Policy and Practice in Michigan

Present DHS policy appears to encourage and support frequent, planned, and purposeful visitation; however, in cases reviewed by the FCRB, actual practice in the field does not reflect that DHS policy. All too often, the FCRB boards review cases where agencies actually violate stated DHS policy.

For example, DHS policy requires that parenting time must be offered within the first week of placement and at least weekly thereafter. If the child is an infant, age 0-2, parenting time should be more frequent. However, review boards frequently review cases where parenting time for children ages 0-2 is only one hour per week.

DHS policy requires a written plan for progressively increasing parenting time for children who have the goal of reunification. It states that the requirements for the expansion of parenting time must be documented in the parent-agency agreement so parents understand which actions and behaviors are necessary for increasing their parenting time. FCRB review boards rarely see such plans in actual case files.

Parents frequently inform us that they do not know what they must do to have parenting time increased or to proceed to unsupervised visitations. Caseworkers typically describe some subjective criteria, rather than clear objectives related to improving parenting skills and parent-child interactions. This may be the consequence of Michigan not having a standardized parenting assessment tool with which to assess specific parenting skills and needs and develop specific observable and measurable objectives to meet those needs.

In Michigan, parenting skills are assessed on a global basis in the “Family Assessment of Needs and Strengths” (FANS), a document that commonly cites “parenting skill development” as a need, but rarely offers specifics as to why it is listed as a need and what specific skills need to be developed.

The Parent Agency Treatment Plan-Services Agreement document should be developed collaboratively with the parents and then signed by the parents, thereby indicating their involvement in the development of the plan and their agreement with the assessed needs and objectives. Rarely do review boards find a signed agreement in the case file, and parents continue to report that they were not involved in the development of the plan. The visitation plan section of the agreement typically contains directives stating what a parent will or will not do, but lacks any clear objectives with which to evaluate the parents’ progress.

The FCRB often sees cases where the agency and court have used increased parent-child visitation as a means of motivating compliance with other aspects of the treatment plan, even when there are no related safety issues. For example, a court may reduce parenting time because of a dirty drug screen, despite the parents always acting appropriately during supervised visitation time with their children.

One of the most significant concerns the FCRB has regarding parents’ lack of involvement in their children’s lives while in foster care is related to a section in the current DHS Service Plan titled, “Likely Harm to Child(ren) if Separated From, or Returned to the Parent, Guardian or Custodian.” We often see a fairly standardized or generic entry in this section identifying likely harm, such as: “The deterioration of the parent-child bond” or “lack of development of the parent-child bond.” Sometimes, the report actually states that there has been a deterioration of the parent-child relationship as a result of the child
being in care. This is a serious risk and consequence that should be addressed as specifically as possible in the case plan. However, the reviewed case plans almost never state with specificity how this risk will be reduced or how the disruption/deterioration will be addressed; nor is any progress in doing so documented.

Summary and Conclusions

Over the past several years, Michigan has made significant and meaningful improvements to its child welfare system. While these are positive steps, much work remains. Quality parent-child visitation is an area that continues to require focused attention and practice changes because it is considered by many national child welfare and child development experts as critical to overall improvement in a state’s child welfare system and its care of vulnerable children and families.

Research has shown that frequent, well planned, and purposeful parent-child visitation is essential to child safety and well-being while in foster care. Frequent, well planned visitation helps to maintain the parents’ connections to the children, reduces the children’s sense of loss or abandonment, improves the children’s overall sense of well-being, and increases the parents’ investment in meeting their children’s needs. It is considered the “heart of reunification” by many national child welfare experts, helping to reduce the time children are in care and helping to ensure that families remain together permanently after reunification.

Although present DHS policy appears to encourage and support frequent and purposeful visitation, actual practices often do not. Parent-child visitation appears to be more a perfunctory activity, rather than a well planned and purposeful intervention considered significant to the process of reunification and ensuring child well-being. Visitation is used all too often to motivate parental compliance with other aspects of the treatment plan, rather than for its intended purposes, which are to help children and their parents stay connected while the children are in foster care, mitigate the trauma of placement, and meet the developmental needs of the children. Research clearly indicates that failure to maintain this connection actually damages the parent-child relationship and has long-term implications, particularly for infants and younger children, affecting their ability to form healthy attachments and relationships.

Michigan has plans and projects in place to begin to address the visitation issue. In response to the findings of the 2009 federal Child and Family Services Review, DHS and the State Court Administrative Office’s Court Improvement Program have partnered to establish the Parent-Child Visitation Task Force comprised of state and local court personnel, child welfare professionals, and child welfare advocates and experts. This task force will establish a strategic plan for providing our most vulnerable children and families with the support and services necessary to ensure that we can keep parents involved and connected with their children in foster care and provide them the very best opportunity for a successful reunification.

2011 Recommendations

1. We recommend that the Department of Human Services, the State Court Administrative Office, and local courts consider and implement the recommendations that will be published by the Parent-Child Visitation Task Force.

2. We recommend that any potential legislative action required for the implementation of those recommendations be pursued through the state Permanency Options Workgroup.

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The Michigan Department of Human Services recently instituted standardized court reports for utilization by both department and private agency foster care workers. The new standardized court reports present, in a uniform and consistent format, all of the information the court needs to monitor the safety and well-being of children; facilitate and monitor progress toward permanency; and make analytical, informed decisions regarding a child’s best interests.

The new standardized court reports are the product of a statewide workgroup commissioned in late 2010 by then-Supreme Court Justice Maura Corrigan. The multi-disciplinary workgroup included key child welfare stakeholders, including judges, attorneys, case-workers, SCAO, and DHS management.

Federal law (Public Law 105-98, THE ADOPTION AND SAFE FAMILIES ACT OF 1997) requires initial and updated case service plans that outline goals, tasks and services relevant to remediating the problem that brought the children into care; specify how the safety and well-being of the child will be maintained; and how timely permanency will be achieved. Federal law and related Michigan court rules require regular review of the case plan and progress toward permanency by the court.

Because DHS system-generated reports were extremely lengthy, repetitive, and not user-friendly, many courts developed their own court report requirements, adding to the workload of the caseworker and making it difficult for multi-county workers to keep track of each court’s unique requirements. The workgroup reviewed various report formats and found in many cases the report failed to provide the court the information required in the case plan.

The workgroup was charged with the task of developing a set of standardized court reports that met federal law requirements, clearly and concisely reported required information, and which could be generated automatically through the new DHS “Statewide Automated Child Welfare Information System (SACWIS),” which is currently under development. Court staff will have access to certain information in SACWIS, including the court reports prepared in their cases, which will help ensure reports are distributed to the courts in a timely manner.

The standardized court reports were vetted through the private agencies, the Michigan Probate Judges Association and Michigan Judges Association prior to implementation. It is the hope of SCAO and DHS that courts will work with their local DHS office to ensure successful implementation of these reports.