



JESSIE RODRIGUEZ

STATE REPRESENTATIVE ★ 21ST ASSEMBLY DISTRICT

AB 481: Creating a Family Drug Treatment Court Grant Program
Testimony of State Representative Jessie Rodriguez
Assembly Committee on Children and Families
October 4, 2017

Good morning,

Chairman Kitchens and committee members, thank you for the opportunity to testify on Assembly Bill 481, legislation that will authorize the Department of Children and Families to create a family treatment court grant program and a juvenile treatment court grant program so that other counties around the state can replicate the success Milwaukee has experienced with its Family Drug Treatment Court.

Family Treatment Court is a unique alternative drug treatment program that helps keep families together by getting family members the help they need to overcome drug addiction.

As you are well aware, here in Wisconsin and in many parts of the country we are experiencing a public health crisis that is destroying lives and ripping families apart. The opioid and drug epidemic, which now encompasses more lethal drugs such as heroin, fentanyl and meth, has impacted every corner of our state. The legislature, led by Representative Nygren on this issue, has responded with the HOPE Agenda; bold legislative initiatives that have helped stem the tide of drug use and overdoses here in Wisconsin. Despite our best efforts the crisis continues.

Lost in this epidemic is the harsh reality that many children are left without their parents, forced into foster care because parents are unable to provide adequate care for the children while struggling with addiction.



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The Family Treatment Court model is a bold alternative that addresses this crisis by providing treatment to those in need and keeping families together reducing the rate of foster care.

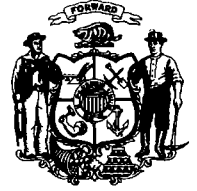
Representative Goyke and I had the opportunity to observe the Family Drug Treatment Court hearing several months ago with the presiding Judge Mary Triggiano in Milwaukee County.

The Family Drug Treatment Court is unlike any other court room. In this courtroom social workers, attorneys, the judge and the participants gather together for a discussion focused on treatment and the steps needed for reunification. Through the discussion the judge is able to determine if further treatment is required and if the parent has taken the necessary steps to overcome their addiction and be reunited with their child.

The Family Drug Treatment Court has proven successful by improving treatment, reducing arrests and increasing the rate of reunification for families. Since the program began in 2011, it has helped 262 families in need. Not only is the Family Drug Treatment Court yielding success for participants but it is also a cost-effective alternative to incarceration.

The Family Drug Treatment Court has helped many families in Milwaukee County and I am confident it will help more families in other counties across the state facing similar challenges in addressing this public health crisis.

Representative Goyke will now talk a little more about the legislation and the history of the Family Drug Treatment Court.



October 4th, 2017

Public Testimony of State Representative Evan Goyke

Re: Assembly Bill 481

Good Morning Chairman Kitchens and committee members. Thank you for holding this public hearing and the opportunity to testify in support of this important piece of legislation.

Assembly Bill 481 started four years ago as part of the 2013 Legislative Study Committee on Problem-Solving Courts, Alternatives, and Diversions. I was proud to serve as the Committee's vice-chair alongside former Representative Garey Bies and ranking member Representative Chris Taylor.

The study committee was well represented by members of law enforcement, the legal system, and treatment courts.

Our task was to review the 50+ problem solving courts currently in operation in Wisconsin, the effect they have on recidivism, and the fiscal impact of these courts. Problem-solving courts include veteran's courts, drug and alcohol courts, mental health courts, and drunk driving courts. We reviewed the effectiveness of existing problem-solving courts in Wisconsin and their ability to reduce recidivism.

One of the products of that committee was 2015 Assembly Bill 51, which we have reintroduced as 2017 Assembly Bill 481. Last session AB 51 passed the Assembly unanimously, but failed to pass the Senate.

Assembly Bill 481 creates a grant-making program for problem solving courts within the Department of Children and Families. The form and function of this program is similar to the Treatment, Alternatives, and Diversion (TAD) program, which is limited to the adult criminal justice system and correctly administered by the Department of Justice.

AB 481 would create a program that would not apply to criminal behavior, but to child welfare actions under Chapter 48 and juvenile delinquency actions under Chapter 938. While in many ways these cases appear similar to adult criminal cases, they are not. Thus, the Department of Children and Families (DCF) should oversee the creation of the grant-making program because DCF is the primary state agency staffing and supporting these cases and courts.

Grants under AB 481 would enable counties to establish and operate problem-solving courts beyond the adult criminal justice system. This recognizes the power and effectiveness of treatment and close court supervision to solve complex issues that trigger court intervention and evidence suggests that these courts may be as effective (or even more effective) as problem-solving courts in the adult criminal justice system.

There is no appropriation in AB 481. Any decision to appropriate additional funds to DCF for qualified problem solving courts is a future decision, but one only made possible first by establishing the Department's ability to make such a grant and establishing the appropriate, evidence-based criteria to warrant the State's investment.

Today you will hear from members of the Milwaukee County Family Drug Treatment Court. Milwaukee County has pioneered the use of a treatment court in the family court setting and today you will meet the Court Coordinator and a program graduate. These individuals will be able to provide first hand experiences on how a treatment court functions differently than a normal family court – and how the outcomes for families are improved.

All of us have seen our communities struggle with drug addiction. AB 481 empowers counties to develop evidence-based programs to better defeat addiction, get families sober, and keep families together. These treatment courts can save lives – and save money.

I am grateful to Representative Rodriguez, Representative Nygren and Senators Darling and Johnson for their support, as well as the support from the large number of co-authors, many of whom are on this committee.

I welcome the opportunity to answer any questions I can.

Alberta Darling

Wisconsin State Senator

Co-Chair, Joint Committee on Finance

Testimony before the Assembly Committee on Children and Families
Assembly Bill 481
Wednesday, October 4, 2017

Thank you Chair Kitchens and committee members for holding a public hearing on Assembly Bill 481. This important piece of legislation allows the Department of Children and Families (DCF) to administer grants to counties to operate treatment court programs with Family Courts.

In Wisconsin, we have seen the opioid epidemic sweep across our communities and break down families statewide. As a Legislature, we have responded with a series of H.O.P.E. bills to combat this epidemic and begin to heal our state. This bill expands upon the work we have already done to allow for the statewide expansion of Family Treatment Courts.

Family courts handle Children in Need of Protection and Services (CHIPS) cases. In CHIPS cases, children have been removed from their homes and placed into the child welfare system. Many of these cases involve parents who are suffering from addiction. Parents in these cases are not eligible for Treatment and Diversion (TAD) funding because family court cases are civil cases, not criminal. Due to this, many individuals fail to receive the treatment services they need. In turn, this prevents the reunification of their family and increases strains on the child welfare system as their children cannot return home.

This bill allows DCF to administer grants to counties to create treatment courts within family courts. Treatment courts provide holistic services for individuals in civil cases. Nationwide, treatment courts have been proven to increase reunification of families. In Wisconsin, Milwaukee's Family Drug Treatment Court has seen similar results since its conception in 2011. While the bill does not provide funding for the grants, it allows DCF to administer grants statewide if funds become available. This bill is essential to expanding treatment court programs inside family courts to create more healthy citizens, keep children out of foster care, and reunite Wisconsin families faster.

I'd like to thank Representatives Rodriguez, Goyke, and Nygren and Senator Johnson for their work on this important piece of legislation. Thank you again committee members for your time and consideration. I hope I can count on your support for Assembly Bill 481.



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Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

Date: October 4, 2017

To: Members of the Assembly Committee on Children and Families

From: Fredi-Ellen Bove, Administrator for the Division of Safety and Permanence
Brad Wassink, Assistant Deputy Secretary

Re: Department Position on AB 481-support

Representative Kitchens and members of the Assembly Committee on Children and Families,

Thank you for the opportunity to testify on AB 481. My name is Brad Wassink and I am Assistant Deputy Secretary at the Department of Children and Families (DCF). I am accompanied by Fredi-Ellen Bove, Administrator for the Division of Safety and Permanence at DCF. The Department is supportive of AB 481.

AB 481 creates a family treatment court grant program under the Children's Code and Juvenile Justice Code to be administered by DCF. Under the bill, DCF would make grants available to counties or tribes to enable them to establish a family drug treatment court program subject to funding availability. While no funding is attached to the bill, the bill creates a framework to allow for the creation of family drug courts if funding becomes available.

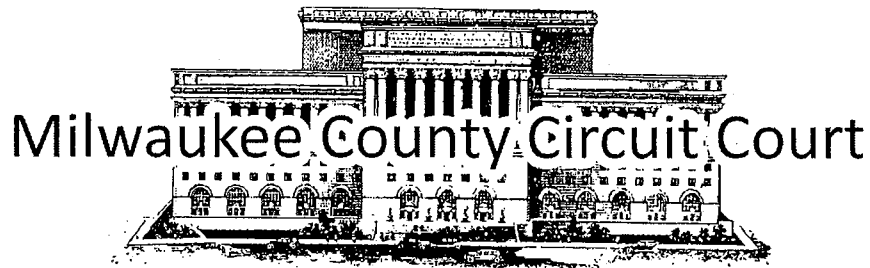
A county or tribe that receives the grant must establish eligibility criteria for participation in the program, provide evidence-based treatment services to program participants, and integrate all services provided to program participants by governmental and nongovernmental entities. Counties or tribes that receive grants must submit data to DCF that must be analyzed annually by DCF. Every five years, DCF must prepare a comprehensive report of the program.

Family drug treatment courts enhance reunification success by addressing substance abuse as the underlying cause of family disruption. Family drug treatment courts are an evidence-based approach that has been shown to improve outcomes, including achieving shorter lengths of stay for children in out-of-home care and higher rates of successful reunifications of children with their parent(s).

Milwaukee County has operated a successful family drug treatment court since 2011, and has been a model for family drug treatment courts under development across the state. Since its inception, there have been 46 successful completions (graduates and/or reunifications), 18 babies have been born healthy and clean from illegal substances from active participants and graduates, and two graduates have been trained as certified peer mentors.

Dramatic increases in the abuse of opioids and methamphetamine are impacting families throughout the state and solutions are needed: this legislation is one part of the solution. The Department is pleased that the Legislature and Governor are partnering to address the drug abuse epidemic through the Governor's Task Force on Opioid Abuse and other initiatives.

Thank you to the Committee for your consideration of the Department's comments. The Department thanks authors Representative Rodriguez, Representative Goyke, Representative Nygren, Senator Darling and Senator Johnson for authoring this legislation. We are pleased to answer any of your questions.



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ROSALYN NELSON
DEPUTY COURT CLERK

PHYLLIS PEOPLES
COURT REPORTER

To Whom It May Concern:

RE: Assembly Bill 481

As Milwaukee County Circuit Court Judges who have presided over the Milwaukee County Family Drug Treatment Court (FDTC), we are writing in support of Assembly Bill 481. FDTC is evidence based, supports best practices and works. It can and should be replicated statewide. It is imperative that we have supportive legislation.

Milwaukee's FDTC is six years old and focuses on families where children have been placed in out of home care due to either child abuse or neglect, resulting from a parent's substance use disorder. The cornerstone of the court is the collaboration between parents, families, district attorneys, guardians ad litem, private bar attorneys, substance abuse treatment providers, child welfare officials and judges. The focus is on engaging parents in family-centered treatment, helping them learn to live life in recovery and improve their parenting skills. FDTC also focuses on children, addressing their health and well-being. The primary goal of FDTC is to expedite the safe reunification of children with their parents, and if that is not possible, ensuring a safe and permanent placement with a relative or foster family. Our FDTC is supported by the Department of Children and Families.

Family Treatment Courts work. Nationally, between 60% and 80% of substantiated child welfare cases involve parental substance use disorder and more than 80% of these parents never complete substance abuse treatment. Participants in Family Treatment Courts are 20-30% more likely to complete treatment than non participating parents and are 20-40% more likely to be reunified with their children. Long term, Family Treatment Courts reduce child welfare and court costs significantly.

Our FDTC has similar outcomes. To date, FDTC has served 267 participants and 525 children. Many of these parents were addicted to opiates. Currently, there are 41 participants and 87 children. Of all participants to date, 47 have successfully completed FDTC. Children of FDTC participants were 2.5 times more likely to be reunified with their parents than children of parents who were eligible for FDTC but did not participate.

Similarly, children of FDTC participants were 50% less likely to remain in out of home care without a permanent placement after 12 months than children of the comparison group. As of May 2016, 55% of the children were reunified with their FDTC participant parents who had completed at least phase 2, or approximately 5 months in the program, while only 12% of children of the comparison group were reunified. To date, 17 babies have been born healthy and clean from illegal substances to active participants and graduates of the FDTC.

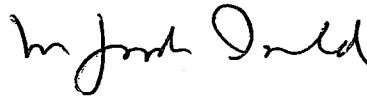
After six years, we are seeing the results of our collaborative efforts. We have positively impacted our children and families. Moreover, FDTC has profoundly impacted stakeholders who practice in the Court. Stakeholders work together in partnership and are less adversarial. Parents feel supported by the FDTC.

We believe we have a truly effective model worth sustaining here in Milwaukee County and replicating throughout the State of Wisconsin, and as such, support AB 481.

Sincerely,



Mary E. Triggiano
Deputy Chief Judge



Joe Donald
Deputy Chief Judge



Jane Carroll
Judge

TO: Assembly Committee on Children & Families
FROM: Connie Klick, Director of Child Advocacy & Protective Services Program, Children's Hospital of Wisconsin
DATE: Wednesday, October 4, 2017
RE: Support for AB 481—Creating family and juvenile treatment court grant programs

Good afternoon, Chairman Kitchens and members of the committee. My name is Connie Klick and I am the director of child advocacy and protective services program at Children's Hospital of Wisconsin. Thank you for allowing me this opportunity to testify today in support of AB 481 which relates to creating family and juvenile treatment court grant programs.

Children's Hospital of Wisconsin (Children's Hospital) serves children and families in every county across the state. We have inpatient hospitals in Milwaukee and the Fox Valley. We care for every part of a child's health, from critical care at one of our hospitals, to routine checkups in our primary care clinics. Children's Hospital also provides specialty care, urgent care, emergency care, dental care, school health nurses, foster care and adoption services, family resource centers, child health advocacy, health education, child welfare services, family preservation and support, mental health services, pediatric medical research and the statewide poison hotline.

Children's Hospital is also the largest not-for-profit, community-based agency serving children and families in the state, providing community services to more than 15,000 children and families annually. Children's Hospital operates seven of the 14 child advocacy centers (CACs) across the state that bring together professionals from law enforcement, criminal justice, child protective services, victim advocacy agencies and the medical and mental health communities to provide comprehensive services for child victims and their families. In partnership with the Division of Milwaukee Child Protective Services, Children's Hospital is responsible for the recruitment, licensing and support of foster and adoptive parents. We also match and place children with foster and adoptive parents.

Children's Hospital applauds this bill's authors, Representatives Jessie Rodriguez and Evan Goyke and Senators Alberta Darling and LaTonya Johnson, for sponsoring this legislation. As you may know, the majority of children and youth in out-of-home care have some degree of physical, behavioral and emotional needs stemming from the trauma they have experienced in their lives. Research has shown that kids who experience adversity are 25 percent more likely to face lifelong physical, emotional, cognitive and behavioral challenges. As a trauma-informed tactic which focuses on the long-term well-being of children and families, family treatment courts align with Children's Hospital's commitment to working to break the cycle of abuse through approaches that are customized to build on each family's unique strengths and address areas of improvement.

Unfortunately, children whose parents misuse or abuse substances are disproportionately victims of neglect or abuse, which may lead to placement in a foster home. Between 60-80% of substantiated child abuse and neglect cases involve substance abuse by a parent or guardian. Substance abuse by a parent or guardian are linked to other poor outcomes including lower probability of reunifying with a caregiver, longer out-of-home placements, higher rates of child revictimization and termination of parental rights. One strategy for addressing parental substance use and mental health issues for families involved in child welfare are family treatment courts.

Family treatment courts aim to reduce maltreatment by treating the underlying substance use or mental health problems through collaborative efforts by treatment professionals in child welfare, courts, and substance abuse and mental health agencies. This cooperative team helps monitor parents and holds them accountable in reaching goals including achieving sobriety, improving parent skills, attaining further education and employment, and stable living arrangements.

Family treatment courts use retaining or regaining of child custody as an incentive for participants to enroll in and complete treatment programs. Often, parents who complete substance abuse treatment are significantly more likely to be reunified with their children and their children spend considerably fewer days in out-of-home foster care. By keeping children in the home, and helping parents get the treatment and care they need, utilizing family treatment courts could result in significant cost savings due to a reduced burden on the foster care system. This family-centered, multidisciplinary approach helps improve safety, well-being and permanence for children.

Chairman Kitchens and committee members, I thank you again for the opportunity to testify in support of AB 431. I am happy to answer any questions now. If you have any questions, comments or concerns after the hearing, please feel free to contact me via email at cklick@chw.org or via phone at 414-277-8998.

**Testimony on AB481
Assembly Committee on Children and Families
Shel Gross, Director of Public Policy**

Mental Health America of Wisconsin (MHA) urges your support for AB481 which would allow for the statewide expansion of the family drug treatment court, currently operating only in Milwaukee County, by authorizing the Department of Children and Families (DCF) to administer grants to counties and Tribes seeking to establish a family drug treatment court program. MHA has consistently supported development and expansion of various types of "treatment courts", including the treatment alternatives and diversion (TAD) program. Individuals with mental illnesses and substance use disorders benefit from the opportunity to receive treatment and support in the community as opposed to incarceration which not only does not help them, but can be harmful.

While the bill does not require DCF to make any grants nor include an appropriation the bill creates a structure to administer funds that may come from existing grants or future grant opportunities. We understand that the bill would allow DCF to include funding for grants in future budget requests. We have appreciated the legislature's incremental investments in such programs over the last number of sessions and hope to see this continue.

Thank you.

CHILDREN & THE LAW SECTION

To: Members, Assembly Children and Families Committee

From: Children & the Law Section, State Bar of Wisconsin

Date: October 4, 2017

Re: Support of AB 481 – Family Treatment Courts

The State Bar of Wisconsin's Children & the Law Section encourages your support of AB 481, relating to family treatment courts. This legislation is a redraft of 2015's AB 51, which was prepared based on recommendations from the Joint Legislative Council's Study Committee on Problem-Solving Courts, Alternatives and Diversions.

This bill creates a family treatment court grant program under the Children's Code and a similar program under the Juvenile Justice Code with both programs administered by the Department of Children and Families (DCF) through a grant made available to participating counties.

Parental substance abuse and mental illness cause children to be placed and remain in foster care while parents receive services for their condition under a Chapter 48 CHIPS order. Developing effective screening and assessment tools, as well as providing additional dispositional alternatives to the court for those parents with mental illness and substance abuse problems, will help reduce the amount of time that children spend in foster care waiting to achieve permanence through a successful reunification, a transfer of guardianship or termination of parental rights.

A similar program is also created for juveniles with substance abuse and mental illness problems under this legislation. Developing effective screening and assessment of juveniles, as well as providing additional dispositional alternatives for the court under the Juvenile Justice Code, should address the underlying problems leading to juvenile delinquency. This program, if successful, should reduce the amount of time juveniles remain in the system as well as reduce the rate of recidivism.

For these reasons, the **State Bar's Children & the Law Section respectfully requests Children and Families committee members support AB 481.**

For more information, please do not hesitate to contact our Government Relations Coordinator, Lynne Davis, ldavis@wisbar.org or 608.852.3603.

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The views expressed on this issue have not been approved by the Board of Governors of the State Bar of Wisconsin and are not the views of the State Bar as a whole. These views are those of the Section alone.



STATE BAR OF WISCONSIN