

FAMILY DRUG AND ALCOHOL COURTS: A TRANSFORMATIVE APPROACH TO CARE PROCEEDINGS

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Abstract

This article looks at how the Family Drug and Alcohol Court (FDAC) provides an alternative non-adversarial approach to care proceedings that produces better outcomes in terms of reunification and mothers being less likely to return to court compared to standard care proceedings. FDACs try to break the cycle of recurrent care proceedings by providing parents with access to intensive treatment and support from a multidisciplinary team, while the court regularly reviews their progress. The specialist team supports parents to access substance misuse services and help in tackling other problems such as housing, domestic violence and financial hardship. As a leading cause of child neglect internationally, parental substance misuse is substantially over-represented in care proceedings in England, and it plays a prominent role in recurrent proceedings. Parental misuse of drugs and alcohol is estimated to be involved in two-thirds of care applications in England and Wales (Broadhurst *et al.*, 2017). Care proceedings are the most substantial and intrusive intervention that local authorities can use to protect children. They can result in orders that lead to children's permanent transfer to another family with new legal parents. They can involve findings against parents which make it likely that further children will be removed; approximately 25 per cent of mothers involved in care proceedings during 2008–11 were involved again within seven years (Broadhurst *et al.*, 2017). Not all care proceedings have these extreme effects; approximately 20 per cent of children in care proceedings remain with or return to their parents without any order, or with only a supervision order (Harwin *et al.*, 2019; Harwin *et al.*, 2018). The FDAC approach offers an alternative that increases this likelihood.

Introduction

Parental substance and alcohol misuse is a significant and long-standing social problem. It is well documented that a parent's capacity to meet their child's needs in relation to basic care, safety and stability may be negatively impacted due to the physiological, financial, social and lifestyle implications of substance misuse (Staton-Tindall *et al.*, 2013; Horgan, 2011). Many studies have shown a relationship between childhood abuse and the risk of alcohol misuse and abuse as an adult (Kunitz *et al.*, 1998; Langeland and Hartgers, 1998). The impact of parental substance misuse can have profound effects on a child's development and well-being throughout their life course. In the United Kingdom, parental substance misuse is a significant