

FAMILY TREATMENT COURT
MEMORANDUM OF UNDERSTANDING
King County, WA

Purpose: This Memorandum of Understanding (MOU) is an agreement between key stakeholder partners as to the anticipated roles, responsibilities and expectations all of which acknowledge the mission, goals, and objectives of the King County, WA Family Treatment Court as follows:

- Promote the health, safety and welfare of children in the dependency system by actively intervening to address behavioral health needs of families through integrated, culturally humble and judicially managed collaboration that facilitates timely reunification or an alternative permanency plan.
- Ensure that children who have been removed from their homes because of parental substance abuse have safe and permanent homes within permanency planning timelines or sooner.
- Ensure that families of color have outcomes from dependency cases similar to families not of color, and to otherwise support increasing diverse families participation and success.
- Ensure that parents with substance use disorder issues are better able to care for themselves and their children and seek resources to do so.
- Reduce the societal cost of dependency cases involving parental substance use.
- Reduce the risk of relapse that leads to repeat findings of child abuse and neglect.
- Follow the 10 Recommendations for Developing a Family Drug Court as described in the Guidance to States Handbook that was developed by the Office of Juvenile Justice and Delinquency Prevention (OJJDP).
- Closely monitor participants' recovery with frequent drug testing, court appearances, and other program requirements as delineated in the most updated Family Treatment Court Policy and Procedures Manual.

Authority:

RCW 82.14.460 Every county that authorizes the tax provided in this section shall, and every other county may, establish and operate a therapeutic court component for dependency proceedings designed to be effective for the court's size, location, and resources.

RCW 2.30.010

(1) Every trial and juvenile court in the state of Washington is authorized and encouraged to establish and operate therapeutic courts. Therapeutic courts, in conjunction with the government authority and subject matter experts specific to the focus of the therapeutic court, develop and process cases in ways that depart from traditional judicial processes to allow defendants or respondents the opportunity to obtain treatment services to address particular issues that may have contributed to the conduct that led to their arrest or involvement in the child welfare system in exchange for resolution of the case or charges. In criminal cases, the consent of the prosecutor is required.

(2) While a therapeutic court judge retains the discretion to decline to accept a case into the therapeutic court, and while a therapeutic court retains discretion to establish processes and determine eligibility

for admission to the therapeutic court process unique to their community and jurisdiction, the effectiveness and credibility of any therapeutic court will be enhanced when the court implements evidence-based practices, research-based practices, emerging best practices, or promising practices that have been identified and accepted at the state and national levels. Promising practices, emerging best practices, and/or research-based programs are authorized where determined by the court to be appropriate. As practices evolve, the trial court shall regularly assess the effectiveness of its program and the methods by which it implements and adopts new best practices.

(3) Except under special findings by the court, the following individuals are not eligible for participation in therapeutic courts:

- (a) Individuals who are currently charged or who have been previously convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030;
- (b) Individuals who are currently charged with an offense alleging intentional discharge, threat to discharge, or attempt to discharge a firearm in furtherance of the offense;
- (c) Individuals who are currently charged with or who have been previously convicted of vehicular homicide or an equivalent out-of- state offense; or
- (d) Individuals who are currently charged with or who have been previously convicted of: An offense alleging substantial bodily harm or great bodily harm as defined in RCW 9A.04.110, or death of another person.

(4) Any jurisdiction establishing a therapeutic court shall endeavor to incorporate the therapeutic court principles of best practices as recognized by state and national therapeutic court organizations in structuring a particular program, which may include:

- (a) Determining the population;
- (b) Performing a clinical assessment;
- (c) Developing the treatment plan;
- (d) Monitoring the participant, including any appropriate testing;
- (e) Forging agency, organization, and community partnerships;
- (f) Taking a judicial leadership role;
- (g) Developing case management strategies;
- (h) Addressing transportation, housing, and subsistence issues;
- (i) Evaluating the program;
- (j) Ensuring a sustainable program.

(5) Upon a showing of indigence under RCW 10.101.010, fees may be reduced or waived.

(6) The department of children, youth and families shall furnish services to therapeutic courts addressing dependency matters where substance abuse or mental health are an issue unless the court contracts with providers outside of the department.

All the signatories agree to the following:

All the signatories acknowledge that a defense attorney's role in a Family Treatment Court case requires the attorney to comply with the Washington State Rules of Professionals Conduct (RPC's), and when a conflict arises between that requirement and the provisions of FTC, the attorney must comply with the RPC's.

- a. Support the mission and goals of the Family Treatment Court Program.
- b. Adhere to the most updated Family Treatment Court Policy and Procedures Manual and maintain a working knowledge of how to apply it to ensure equal application of the FTC Policies.
- c. Adhere to all federal and state confidentiality laws including 42 CFR, Health Insurance Portability and Accountability Act (HIPAA) (when applicable), and other appropriate laws.
- d. Contribute, as requested, to the development of the parent's case plan and support implementation and revisions to the plan.
- e. Attend staffings and hearings with all partner agencies to determine treatment progress, and make joint decisions concerning compliance and subsequent incentives or responses.
- f. Attend the new team member orientation, annual FTC Retreat, monthly business meetings and quarterly Oversight Committee meetings.
- g. Present information and/or participate in on-going cross training to remain knowledgeable about behavioral health field, drug testing and drug trends, laws, cultural issues and bias, behavior modification for target population and overall best practices in the Family Treatment Court Model.
- h. Communicate and adhere to practices that are non-adversarial, trauma-informed, and culturally humble.
- i. Follow the strength-based, collaborative FTC model with FTC team members, participants, and community partners.
- j. Participate in team, wraparound, permanency planning and Family Team Decision Making meetings when applicable.
- k. Be knowledgeable of dependency timelines and their application in the FTC model.
- l. Team members will be responsible for not only pointing out any deficiencies of family treatment court program, but also seeking a productive means of addressing noted deficiencies.
- m. Contribute to the team's efforts in community and peer education in the efficacy of family treatment courts as well as assist with local resource acquisition.
- n. Ensure that each team member is made aware of the provisions considered in this agreement.

The King County Superior Court will:

- Provide dedicated Superior Court Judicial Officers with knowledge of Family Treatment Court Policies and Procedures as well as dependency proceedings.
- Support a judicial officer succession plan by fully considering the process and the person most appropriate for this relational calendar.
- Provide a dedicated courtroom and separate calendar for weekly status review hearings.
- Provide a program supervisor and additional court staff to effectively manage the daily operations of the court programs.
- Provide leadership in promoting the principles of the Therapeutic Court model in the community.

Role of the Judicial Officer: A family treatment court judicial officer presides over FTC hearings and case staffings, offers program leadership, direction in program policy development, chairs all policy

development and engages in community networking on behalf of the program. Specific duties include the following:

- Maintains role as team leader and final, impartial and independent arbiter while promoting a productive work environment where each team member practices strength-based collaboration.
- Convenes regular meetings, focused on program structure, policies and procedures with required attendance of all team members.
- Solicits information regarding participant's progress from every team member in attendance
- Imposes incentives and responses that are consistent, swift and effective using behavior modification responses to target populations and best practices while considering the individual needs of each FTC participant.
- Convenes meetings to bring together all potential agencies and stakeholders.
- Acts as a mediator to develop and maintain resources and improve interagency partnerships.
- Acts as a spokesperson for the program at various community events and contributes to the team's efforts in community and peer education in the efficacy of family treatment courts as well as assist with local resource acquisition.
- Request, review and implement changes when necessary based upon data, research and evaluation information.

Role of Program Supervisor: A program supervisor oversees daily operations, manages all FTC cases by facilitating case coordination/communication, staffs all policy development and program meetings, responsible for record keeping, statistical reporting, personnel issues, grant writing/management, serves as a full member of the FTC decision making team, and works as the FTC liaison to the community. Specific duties include the following:

- Develops team resource strategy to acquire funding. Writes grant applications and manages the program's budget. Creates opportunities to obtain funding and build linkages by supporting team in community outreach activities.
- Participates in the creation and/or maintenance of information that memorializes program eligibility standards, operating procedures and rules. Assist in the development of the client contract, confidentiality releases and entry procedures. Create memoranda of understanding and linkage agreements.
- Creates and maintains a data collection system to track case information, identify trends and provide a basis for evaluation.
- Create interagency linkages to address client's ancillary needs, medical and behavioral health provision, educational, vocational, skills training and employment training and placement.
- Share statistical data showing the impact of the family treatment court on local community.
- Contributes to the team's efforts in community and peer education in the efficacy of family treatment courts as well as assist with local resource acquisition.
- Assists in scheduling regular meetings, focused on program structure, policies and procedures with required attendance of all team members.
- Conducts regular quality assurance of all services from each discipline and the local community and promotes utilization of evidenced-based best practices.

- Assures consistency of incentives and responses while ensuring each participant is treated as an individual and intermittently attends staffings and court hearings.
- Supervises program staff (Treatment Specialist, Program Specialist, Family Recovery Support Specialist) who are familiar with FTC operations and who participate in staffings, court hearings, policy meetings trainings and activities.
- The Program Supervisor will not take a position on contested issues that are set for resolution by motion before the Court.
- The Program Supervisor will provide information as it relates to progress and compliance in the Family Treatment Court Program and make recommendations.

The King County Behavioral Health and Recovery Division will contract with local State certified community behavioral health treatment agencies that will:

Role of the Treatment Agency: A family treatment court treatment provider administers, oversees and provides the parent's treatment program, coordinates behavioral health services for the family, assesses the parent's need for treatment, makes on-going treatment recommendations and keeps the court apprised of the parent's treatment status, including attendance and progress towards service plan goals. Additionally, within the bounds of ethics and legalities, the treatment provider shares information regarding the progress of a participant with all team members. Specific duties include the following:

- Provide evidenced-based treatment services that include assessment/intake; treatment planning; individual and group therapy sessions; case management and random, observed drug testing.
- Provide access and/or referral services to a continuum of care based on ASAM criteria to Substance Use Disorder Treatment and other ancillary/complementary treatment services.
- Within the parameters of 42 CFR Part 2, provide written or verbal treatment status reports for Family Treatment Court staffings via contact with the FTC Treatment Specialist or Social Worker. *The nature of the information to be shared will include, but is not limited to:*
 - Assessment results includes ASAM Level of care recommendations and DSM-V diagnosis
 - Referrals and status of recommended referrals to outside agencies
 - Individual Service plan goals, objectives, and interventions including childcare and parenting in recovery
 - Attendance at scheduled treatment sessions and compliance status (notify FTC within 2 days if a client misses an appointment)
 - Information related to progress on stated treatment goals
 - Drug Testing results (notify FTC within 1 day of missed/diluted or positive results)
 - Medication status if applicable
 - Monthly Status reports
 - Discharge Summary and Continuing Care Plan
- Provide team with recommendations on participant and children behavior changes (incentives, sanctions and termination discussions).

- Attend FTC team or wraparound meetings when possible or communicate progress and concerns to the FTC Treatment Specialist to represent their voice in abstentia.
- Require to submit verification of consistent recovery support attendance to be in compliance with treatment.
- Keeps up-to-date with best practices in the treatment field and provide cross-education and training information for the team to make informed choices regarding participants.
- Maintains integrity of evidenced-based treatment through quality assurance.
- Seeks collateral information from FTC team members prior to finalizing Substance Use Disorder assessments and making recommendations on level of care.

The King County Department of Defense will identify individual attorneys to:

Role of Defense Counsel: A family treatment court defense counsel represents and advocates for a parent in a dependency action, ensures that the rights of the parent are not abridged and provides counsel to the parent, assists with case-related decision making, advocates for fair and equal treatment of the client, all within the parameters of the Rules of Professional Conduct. Specific duties include the following:

- Provide dedicated defense counsel familiar with FTC operations to participate in staffings, court sessions, policy meetings, trainings and activities.
- Advises parents of the potential benefits and consequences of volunteering to participate in Family Treatment Court and assists in executing all opt in court orders.
- Zealously advocates for the client and advances the client's goals and interests.
- Maintains client confidences.
- Encourages parent to reach weekly goals, review progress reports and seek modifications of court orders to meet the parent's needs.
- Check in with parent prior to FTC court staffings so parent can be notified timely of potentially contested information to be discussed in staffings prior to the FTC hearings.
- Encourages clients to be forthcoming and honest when it does not contradict the Rules of Professional Conduct.
- Encourages the client to develop a relationship with the team to increase engagement in the FTC program and services.
- Advises a client of their legal rights, legal options, and potential case outcomes.

The Washington State Office of Public Defense will identify individual attorneys to:

Role of Defense Counsel: A family treatment court defense counsel represents and advocates for a parent in a dependency action, ensures that the rights of the parent are not abridged and provides counsel to the parent, assists with case-related decision making, advocates for fair and equal treatment of the client, all within the parameters of the Rules of Professional Conduct. Specific duties include the following:

- Provide dedicated defense counsel familiar with FTC operations to participate in staffings, court sessions, policy meetings, trainings and activities.
- Advises parents of the potential benefits and consequences of volunteering to participate in Family Treatment Court and assists in executing all opt in court orders.
- Zealously advocates for the client and advances the client's goals and interests.
- Maintains client confidences.
- Encourages parent to reach weekly goals, review progress reports and seek modifications of court orders to meet the parent's needs.
- Check in with parent prior to FTC court staffings so parent can be notified timely of potentially contested information to be discussed in staffings prior to the FTC hearings.
- Encourages clients to be forthcoming and honest when it does not contradict the Rules of Professional Conduct.
- Encourages the client to develop a relationship with the team to increase engagement in the FTC program and services.
- Advises a client of their legal rights, legal options, and potential case outcomes.

The Washington State Attorney General's Office will provide an individual Assistant Attorney General (AAG) to:

Role of AAG: A family treatment court AAG represents and advocates for the Department in the dependency action, ensures that the Department's rights are not abridged and provides counsel to the Department, assists with case-related decision making, advocates for compliance with the dependency statutes, and prepares FTC orders for hearings. Specific duties include the following:

- Assigns dedicated FTC AAG's who participate as FTC team members and are familiar with FTC operations to participate in staffings, court hearings, policy meetings, trainings and activities.
- Assists in the identification of cases eligible for participation and participates in determining eligibility for individual cases.
- Ensure Adoption and Safe Families Act timelines are met and the safety and best interest of the children are maintained.
- Provides guidance to FTC social workers prior to court or filing motions and advocacy for those workers in staffing and hearings.
- Completes court orders, files motions or other legal documents in order to document parent compliance and progress in their dependency case as well as information specific to participation in the Family Treatment Court program.
- Files motions or other legal documents in order to remove noncompliant participants.
- Monitors parent progress to define parameters of behavior that allow continued program participation and suggest effective incentives and sanctions for program compliance.

The King County Court Appointed Special Advocates Program will:

Role of CASA: A Court Appointed Special Advocate (CASA) represents the best interests of the child, conducts an independent investigation of the case, provides reports to the court and serves as a full FTC team member. If the CASA is unable to be present at the staffing/hearing a CASA program representative or attorney will represent the assigned CASA's voice in the dependency proceeding. Specific duties include the following:

- Assign a CASA who participates as a FTC team member, committing him or herself to the program mission & goals and works as a full partner to ensure program success.
- Ensure FTC CASA volunteers are properly trained on the FTC model and have a working knowledge of the policies and procedures of the FTC program.
- Conduct home and field visits using strength's based approach (and in collaboration with the FTC social worker whenever possible) and report back to the team on their independent assessment child's well-being and progress in services.
- Conduct regular and at least monthly visits with the child .
- Emphasize safety, wellbeing, permanency for children and provide a voice in the courtroom for the children regarding their best and stated interests.
- Keep the team aware of any significant change or needs of the children or parents or family.
- Encourage CASAs to attend and participate in client staffings and court hearings when possible and to provide appropriate recommendations and updates for FTC staffings in consultation with the FTC CASA Supervisor.
- Ensure CASAs are provided legal representation through the FTC CASA attorney, who will work in conjunction with the FTC CASA Supervisor to present or respond to motions, review CASA reports and represent CASAs at statutorily mandated review and permanency planning hearings.

The Washington State Department of Children, Youth and Families (DCYF) will:

Role of the Social Worker: A Social Worker works to establish permanency for the child, develops the DCYF Court Report and case plan for the child and family, arranges and coordinates services for the child and parents to aid in their compliance with the case plan, oversees the visitation schedule and monitors parents' compliance with the court order, and is the primary contact for parents. Specific duties include the following:

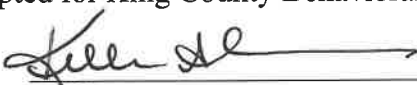
- Assign dedicated Family Treatment Court Social Workers, as workload allows, no greater than 15 cases at any one time to establish permanency for the child(ren) in FTC and monitor recovery lifestyle changes. These FTC Social Workers will be familiar with FTC operations and will participate in staffings, court hearings, policy meetings, trainings and activities.
- Assist in identifying potential participants and refer to the FTC program.
- Be familiar with evidence-based practices and types of therapeutic treatment offered to parents and children.
- Keep the team aware of any significant change or needs of the children or parents or family.
- Monitors parent progress to define parameters of behavior that allow continued program participation and suggest effective incentives and responses for program compliance.


- Attends and participates in client staffings and court hearings by providing written and verbal reports on participants' compliance and progress with court ordered services and other obligations imposed by Family Treatment Court, making recommendations for prompt incentives and responses in response to client behavior, and identifying level of visitation and ancillary services needed.
- Execute family risk needs assessment and on-going assessment ensure that case plan is developed and modified based upon this information and in collaboration with the FTC team.
- Coordinates the utilization of community-based services such as health and behavioral health services, children's services, housing, entitlements, transportation, education, vocational training, job skills training and placement to provide a strong foundation for recovery.
- Contributes to the team's efforts in the community education and local resource acquisition, including assisting with data tracking and collection related to program evaluation.
- Contributes to the education of peers, colleagues and judiciary in the efficacy of family treatment courts.

Term of Agreement: The term of this MOU is one year commencing on October 1, 2018. Thereafter, for all parties who do not opt out by written notification to all parties, it will automatically renew for consecutive one year terms commencing on October 1, of each year until amended. Any party may terminate its participation in this MOU at any time by providing written notice to all other parties not less than thirty (30) days prior to the effective date of such termination. If a party terminates its participation in the MOU, the parties agree to honor any and all agreements entered into with participating family treatment court parents until the conclusion of their FTC involvement. This MOU will also be modified when notified by parties of updates to best practices in their field as it relates to Family Treatment Courts. All parties will be notified of any such updates for review prior to signing the amended MOU.

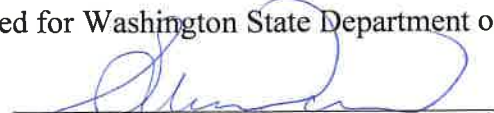
Accepted for King County Superior Court

 Judge Elizabeth Berns
 Date 12/20/2018

Accepted for King County Behavioral Health and Recovery Division

 Kelli Nomura
 King County, Interim Director
 Date 12/24/2018


Accepted for King County Department of Public Defense

 Anita Khandelwal
 DPD Director
 Date 12/19/18

Accepted for Washington State Department of Children, Youth and Families


Stephanie Allison-Noone
Regional Administrator, Region 4


12/14/18
Date

Accepted for King County Court Appointed Special Advocates Program


Michael Griesedieck
Dependency CASA Program Manager

12/20/18
Date

Accepted for Washington State Office of Public Defense


Jana Heyd
Supervisor

6/4/19
Date

Accepted for Washington State Attorney General Office


Mary Li
Division Chief

12/14/18
Date