

## Opioids and the Courts

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### The Challenge

The growing epidemic of opioids has been declared a national emergency.<sup>i</sup> Many experts say there is no immediate end in sight for this epidemic.<sup>ii</sup> It is critical that courts and communities are properly resourced and educated and collaborate to address this public health crisis.

**Child Welfare** - 208,000 children were removed from their homes in 2015 due to drug use by the parent/caretakers, accounting for about 1/3 of all removals.<sup>iii</sup> Although the data do not specify removal due to opioid abuse, the opioid epidemic is contributing to removals. Alarming high numbers of infants are born addicted to opioids due to maternal use, known as Neonatal Abstinence Syndrome (NAS). In 2012, it was estimated that every 25 minutes a baby was born with NAS, approximately 5.8 per 1,000 births, with some states reporting excess of 30 per 1,000.<sup>iv</sup>

**Juvenile Justice** - Juveniles use opioids at a much lower rate compared to adults,<sup>v</sup> however, there is a risk of dependency among older adolescents. Statistics reveal that between 1999 and 2015, the death rate for drug overdoses was highest for opioids among 15-19 year old youth.<sup>vi</sup>

**Family Violence** - Researchers have examined the relationship between opioid dependence and intimate partner violence (IPV) and found that opioid-dependent fathers reported a greater prevalence of physical, sexual and psychological aggression towards mothers.<sup>vii</sup>

### Role of the Judge and the NCJFCJ

Recognizing that juvenile and family courts are often the initial contact point for opioid abusers, and a critical partner in providing opioid abusers with substance abuse treatment and support, it is vitally important that juvenile and family court judges be part of national and local conversations on how to best address the opioid epidemic. The National Council of Juvenile and Family Court Judges (NCJFCJ) provides leadership and assistance to juvenile and family court judges and personnel to navigate the ever-changing complexities of juvenile and family law matters.

### CNN's America's Opioid Crisis Featuring NCJFCJ President



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### Recommended Practices and Judicial Education for Judges

Judges should:

- Request and receive training on:
  - the purpose of Medically Assisted Treatment (MAT) for opioids;
  - psychopharmacology, addiction, and substance abuse treatment;
  - the ramifications of opioid treatment on the Adoption and Safe Families Act (ASFA) and reunification timelines; and
  - adolescent development and the impact of substance abuse on the adolescent brain.
- Identify gaps in services and needed funding to support necessary resources and services.
- Provide leadership on developing prevention and intervention protocols for opioid users.
- Provide leadership to interrupt the illegal distribution pipeline for prescription opioids.
- With training and an understanding of opioid addiction and treatment, make determinations regarding the best interests of the child in child abuse and neglect proceedings.
- With training and an understanding of opioid addiction and treatment, interrupt the substance abuse cycle in young people.
- Refer opioid users to appropriate substance abuse treatment and ensure treatment completion.
- Advocate for prevention strategies with youth in school or community settings.
- Advocate for substance abuse treatment in detention and other secure settings.
- Develop a community response team to include medical professionals and local public health departments.

### Use the NCJFCJ As Your Resource

Developed by the NCJFCJ, the following resources contain strategies to address the opioid crises as well as recommended practices related to substance use and dependency.

- [Juvenile Drug Treatment Courts Information Center](#)
- [Enhanced Resource Guidelines](#) – best practices in child abuse and neglect cases
- [Questions Every Judge and Lawyer Should Ask About Infants and Children in the Child Welfare System](#) – how to address child welfare cases involving alcohol and other drugs
- [Engage, Involve, Empower: Family Engagement in Juvenile Drug Treatment Courts](#)
- [Using Sober Support Groups in Your Juvenile Court](#)
- [The Unique Role of the Judge in Juvenile Drug Treatment Courts: Advice From the Field](#)
- [Tools for Planning and Improving Your Juvenile Drug Court's Referral and Acceptance Process](#)
- [Guidance to States: Recommendations for Developing Family Drug Court Guidelines](#) – published by Children and Family Futures and developed with input from the NCJFCJ

**To request training or technical assistance, invite the NCJFCJ to your conversation, or to learn more about how the NCJFCJ can be a resource to you, please contact Cheri Ely at [cely@ncjfcj.org](mailto:cely@ncjfcj.org) or (775) 507-4797.**

<sup>i</sup> National Institute of Health, National Institute on Drug Abuse. <https://www.drugabuse.gov/drugs-abuse/opioids/opioid-crisis>

<sup>ii</sup> The Pew Charitable Trusts. *Opioid Overdoses Swamp Medical Examiners*. <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/07/06/opioid-overdose-deaths-swamp-medical-examiners>

<sup>iii</sup> Adoption and Foster Care Analysis and Reporting System (AFCARS) data, Fiscal Year 2015.

<sup>iv</sup> Centers for Disease Control and Prevention. <https://www.cdc.gov/mmwr/volumes/66/wr/mm6609a2.htm>

<sup>v</sup> <https://www.drugabuse.gov/publications/drugfacts/monitoring-future-survey-high-school-youth-trends>

<sup>vi</sup> <https://www.cdc.gov/nchs/products/databriefs/db282.htm>

<sup>vii</sup> Moore, B., Easton, C. & McMahon, T. (2011) Drug abuse and intimate partner violence: A comparative study of opioid-dependent fathers. *American Journal of Orthopsychiatry*. 81 (2):218-227.