

## Maryland's Family Recovery Courts: Successfully Reuniting Families with the Help of Customized Substance Use Disorder Treatment

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To reduce substance use as a key cause of children removed from their homes, Maryland implemented a Family Recovery Court program in 2004 that connects parents to intensive treatment for substance use disorder (SUD) and provides case management and incentives. Over a one-year period, program evaluations show the program produced a 25 percent higher reunification rate, reduced days that children spend in non-kinship foster care (252 vs. 346), and produced more than \$1 million in savings for the state's child protective system due to reduced foster care utilization.

### Background

Substance use is a major contributing factor in child removals. The rate of removals associated with substance use rose [<https://ncsacw.samhsa.gov/research/child-welfare-and-treatment-statistics.aspx#:~:text=Percent%20Change%20in%20Contributing%20Factor,the%20United> nearly 20 percent between 2000 and 2016 and peaked [<https://www.acf.hhs.gov/sites/default/files/documents/cb/afcarsreport26.pdf>] at 36 percent in 2018 before falling slightly [<https://www.acf.hhs.gov/sites/default/files/documents/cb/afcarsreport27.pdf>] to 34 percent in 2019. To address substance use as a driver of children entering foster care, Maryland uses a Family Recovery Court (FRC) model that connects parents to intensive services, case management, and incentives – all emphasizing SUD treatment as an opportunity to support family reunification.

FRC is a civil court proceeding that works closely with the state's child welfare/child protection system. Individuals are referred to the FRC when they interact with the

judicial system because their abilities to parent have been impaired as a result of SUD. Parents participating in FRCs have an underlying child welfare case in civil family court, where they often face the threat of losing custody following allegations of neglect. Maryland’s FRCs recognize the chronic nature of SUD and that without support and treatment, parents with SUD may continue to struggle. Maryland’s successful model is centered around services and engagement that incentivize the safety, health, and stability of families.

#### **Outcomes of Maryland’s Family Recovery Court Model:**

- Improved family reunification rates;
- Fewer days in non-kinship care;
- Increased treatment completion rates; and
- Net savings for Maryland child welfare system

### **Establishing Family Recovery Courts**

#### Maryland’s Code and Court Rules

[<https://govt.westlaw.com/mdc/Document/N4090BBA03?viewType=FullText&originationContext=documenttoc&transitionContext=sc.Default>]. established a formal process for creating “problem-solving courts” that include FRCs.

#### An administrative order

[<https://www.courts.state.md.us/sites/default/files/administrativeorders/20190618problemsolvingcourts.pdf>]. from the Chief Judge of the Court of Appeals details the court’s process.

- A county circuit court or district court judge is required to lead its development, which includes consulting with and receiving commitments from

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**Maryland state official**

other government agencies that are willing to participate as partners in the problem-solving court.

- Planning must establish community need indicated by SUD rates, child abuse/neglect cases related to parental SUD, rates of SUD treatment retention. The leaders outline program goals, protocols, and an estimated budget.

Maryland established its first FRC in Harford County in 2004, followed by Baltimore City in 2005. Today, the state operates five such courts across the state. To standardize best practices and requirements across jurisdictions, the Maryland Office of Problem Solving Courts released [Guidelines for Planning and Implementing Family/Dependency Drug Treatment Court Programs](https://www.courts.state.md.us/sites/default/files/import/opsc/dtc/pdfs/manuals/familyd) in 2017. These guidelines spell out the process of establishing a FRC, including programming details, target populations, the role of the judiciary, policy issues, and funding strategies.

**Eligibility:** Parents who participate in Maryland’s FRC programs do so voluntarily, understanding that family reunification is the goal of the program. Eligible participants include:

- Parents of infants with positive screens for substances;
- Parents with reported neglect;
- Parents who maintain custody, but neglect is indicated through a petition; and
- Parents who maintain custody following a court’s disposition.

Parents may be referred into the program by child protective services, public defenders, magistrates, and social workers.

**Services:** Parents participating in a Maryland FRC are provided with an immediate assessment followed by comprehensive SUD treatment services and intensive supports to stabilize the family unit. “The range of services available are so rich and so focused on getting at the source of the medical issue that is driving their use disorder,” noted one Maryland state official. “[The goal is] not to simply achieve a

period of negative urine analysis screenings, but to get to the core causes that will bring them to that ‘I’m done’ day.” All parents undergo extensive intake by internal court case managers who develop personalized treatment plans. Plans are closely monitored by the court, which convenes weekly to review open cases and participant progress.

Through the FRC, parents can access:

- Psycho-social supports, including counseling, as well as medication for opioid use disorder (MOUD) when clinically indicated;
- Peer support;
- Assistance in applying for Medicaid;
- Linkages to housing and transportation;
- Life skills training; and
- Continued access to the staff and resources of the FRC to gain continued parenting and SUD support.

FRCs take an incentives-based approach that embraces the reality that SUD is a chronic relapsing disorder – it does not terminate parents from the program solely on the grounds of their return to substance use.

**Funding/State Support:** Maryland utilizes several funding sources to operate its FRCs. State grant funds

[<https://mdcourts.gov/sites/default/files/import/opsc/pdfs/annualreports/fy2019opscannu>]; from the Office of Problem-Solving Courts, within Maryland’s Administrative Office of the Court, are the primary source of financial support. These grants cover administrative, staffing, training, and drug testing costs, and some ancillary services. In recent years, the state legislature has reduced the judiciary’s budget, but exempted

[<https://dbm.maryland.gov/budget/FY2020Testimony/C00A00.pdf>]\_ problem-solving courts from any reductions. In 2017, the state’s Heroin and Opioid Prevention Effort (HOPE) and Treatment Act

[<https://mgaleg.maryland.gov/mgaweb/Legislation/Details/sb0967/?ys=2017rs>] included an ongoing, mandated an appropriation

[[https://mgaleg.maryland.gov/2017RS/fnotes/bil\\_0009/hb1329.pdf](https://mgaleg.maryland.gov/2017RS/fnotes/bil_0009/hb1329.pdf)]\_ to fund drug

courts, including FRCs. FRCs and the Office of Problem-Solving Courts also partner with the Department of Behavioral Health, Department of Social Services, and other agencies to fund and navigate services such as transportation and housing supports. Finally, health care services, such as in- and outpatient treatment, psycho-social therapy, and MOUD are covered

[[https://health.maryland.gov/bhd/Documents/BHIntegrationFactSheet\\_07032012.pdf](https://health.maryland.gov/bhd/Documents/BHIntegrationFactSheet_07032012.pdf)]

by Maryland Medicaid for eligible participants.

**Outcomes:** While the core goal of this court model is to achieve residential permanency for children, Maryland's FRCs seek to achieve the often more difficult goal of family reunification by emphasizing holistic rehabilitation. In addition to treatment adherence, parental skill development and engaged participation are critical to the program's success, and meeting the requirements for graduation from the program can be challenging. As part of annual reporting, the Administrative Office of the Courts routinely reviews all problem-solving courts, including FRCs.

The 2020 Annual Report

[<https://mdcourts.gov/sites/default/files/import/opsc/pdfs/annualreports/fy2020opscannu>

to the legislature indicated that, after adjusting for participants who left for administrative reasons, an average of 19 percent of participants graduated across FRCs in the state; Baltimore County had the highest graduation rate at 34.5 percent.

An external evaluation covering one year in 2008 also showed:

- A reunification rate of 70 percent [[https://npcresearch.com/wp-content/uploads/Baltimore\\_City\\_FRC\\_Outcome\\_and\\_Cost\\_0808.pdf](https://npcresearch.com/wp-content/uploads/Baltimore_City_FRC_Outcome_and_Cost_0808.pdf)] for families participating in FRCs, as opposed to a 45 percent reunification rate among families who did not participate;
- Fewer days spent in non-kinship foster care placement (252 days vs. 346 days)
- A net savings of over \$1 million [<https://mdcourts.gov/sites/default/files/import/opsc/pdfs/annualreports/fy2009opscar>] for the state's child protection system due to decreased utilization of the foster care; and
- A treatment completion rate by participating parents of 64 percent, compared to 36 percent of non-FRP parents.

Further, one FRC in a small jurisdiction was closed as the result of positive outcomes that led to a lack of subsequent need in the community.

## **Key Takeaways**

To establish an FRC in a state, Maryland officials recommend policymakers:

- Seek judicial leadership. Maryland’s Problem-Solving Courts are championed, developed, and supported by leadership within the judiciary, included judges across the state and from various levels of the state’s court system. Critical administrative funding, guidance, and enabling regulation flows from and is overseen by the judicial system, contributing to the program’s overall sustainability and success.
- Frontload a diverse and intensive array of services, and then maintain connections. State officials credit the program’s wraparound approach as an integral part of its success. Maryland’s FRCs provide case management services, short- and long-term family housing and transportation assistance, and employment preparation and life skills development. State leaders view the FRC as a lifelong program. FRCs employ parent locators who seek out FRC alumni and either re-engage them in treatment or encourage their participation in the program as peer support specialists. Parents may continue to receive services in the community after program completion.
- Encourage cross-agency collaboration. Maryland’s FRCs and adult drug courts are administered by the Office of Problem-Solving Courts and share an oversight committee, which provides an opportunity for collaboration across criminal and civil dockets. This approach also requires coordination among systems and agencies – the courts work with social services, health and behavioral health/SUD providers, and housing and transportation services to align resources and policies to ensure that the necessary supports are in place to help parents and families remain unified, healthy, and safe.

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