

JLRC FACT SHEET: Should DHS Require 90 Days of Sobriety Before Parents May Participate in Court-Ordered Batterer Intervention and Parenting Classes?

Answer: No. Empirical research on batterer intervention programs and parenting training programs does not support rules which exclude parents struggling with substance or alcohol abuse. Moreover, such a requirement would effectively shorten already tight ASFA timelines for reunification. Finally, conditioning admission to reunification services on a period of sobriety does not constitute reasonable efforts required by Oregon law.

Batterer Intervention Programs

Batterer Intervention Programs generally consist of educational classes or treatment groups for individuals who commit domestic violence. The end goals of these programs are rehabilitation and behavioral changes for participants. Scholarly research documents the frequent overlap of domestic violence and substance abuse, although there is little evidence to that substance abuse causes individuals to be violent who would otherwise not commit abuse.ⁱ Experts in this field have found that batterer intervention programs which also explicitly focus on substance abuse and mental health concerns had lower rates of assault recidivism.ⁱⁱ The best practices in the field call for batterer programs to screen immediately for substance abuse issues and refer the participant for substance abuse treatment in another program.ⁱⁱⁱ According to local batterer intervention expert and Portland State University Professor Erik Mankowski, there is no empirical research supporting exclusion of individuals who are not yet clean and sober. In fact, Professor Mankowski notes that the research findings and best practices guides encouraging simultaneous batterer intervention and substance abuse treatment suggest that a period of sobriety is not necessary for entrance into batterer intervention.^{iv} Oregon's extensive regulations concerning batterer intervention programs also do not bar individuals who have not demonstrated a period of sobriety before entry.^v

Parent Training Programs

Parent training programs are a common element of child welfare services intended to teach parenting skills and coping strategies in order to prevent foster care placement or facilitate reunification. A great deal of scientific literature reviews these programs seeking to identify evidence-based approaches which have been shown to enhance parenting quality.^{vi} One expert in the field recently suggested that parenting programs should also focus on substance abuse issues and only add other interventions (such as separate substance abuse treatment) when the parent shows no improvement in parenting outcomes.^{vii} Other research indicates substance abuse treatment and parenting training should be pursued simultaneously, since improved parenting actually facilitates substance abuse recovery through neurological processes.^{viii} On the whole, the available research suggests that parents who struggle with substance abuse should not be excluded from parent training programs because those interventions work synergistically. Patti Chamberlain, Ph.D., a research scientist at the Oregon Social Learning Center and expert on parent training programs, also confirmed that no empirical literature supports a sobriety requirement for entrance into parent training.^{ix}

ASFA Timelines

Moreover, a requirement for 90 days of sobriety before entering batterer intervention or parent training effectively undercuts ASFA timelines for reunification. The first judicial review, a full permanency hearing, is required within 12 months after jurisdiction or 14 months after removal, whichever occurs first.^x At that hearing, the court will evaluate whether parent has made sufficient progress to enable the child to return home safely.^{xi} Practitioners acknowledge that a year is very short time for a parent to participate in services and demonstrate an ability to provide a safe and permanent home for the child.^{xii} Reducing that already short period by an additional 90 days (25% of the total time) will significantly hinder a parent's ability to demonstrate sufficient progress for reunification.

Reasonable Efforts

Also, DHS' position preventing a parent from engaging in court-ordered domestic violence and parent training programs by imposing a 90 day sobriety requirement likely does not qualify as reasonable efforts towards reunification. In considering whether reasonable efforts have been made, the juvenile court will focus primarily on the child's health and safety.^{xiii} Oregon case law demonstrates that reasonable efforts by DHS require giving parents sufficient time to participate in reunification services.^{xiv} Imposing a 90 day sobriety requirement for domestic violence and parenting classes prevents parents from beginning reunification services immediately. In some cases, it would even permanently bar parents from the exact services that the juvenile court has deemed essential to their improvement as parents and ultimate reunification. Consequently, DHS likely does not make reasonable efforts when it imposes of a 90 day sobriety prerequisite for certain reunification services.

ⁱ Bennett, L. and Williams, O. (2001). Controversies and Recent Studies of Batterer Intervention Program Effectiveness. Harrisburg, PA: VAWAnet, a project of the National Resource Center on Domestic Violence/ Pennsylvania Coalition Against Domestic Violence, available at <http://www.vawnet.org>.

ⁱⁱ Gondolf, E.W. (1999). A comparison of four batterer intervention systems: Do court referral, program length, and services matter? *Journal of Interpersonal Violence*, 14, 41-61.

ⁱⁱⁱ Best Practices for Batterers' Intervention Programs (2008). Stop Violence Against Women, a project of The Advocates for Human Rights, available at http://www.stopvaw.org/Best_Practices_for_Batterers_Intervention_Programs.html.

^{iv} Interview with Professor Eric Mankowski, February 18, 2010.

^v OAR 137-087-0060(1)(a) doesn't automatically deny admissions based on substance abuse. Meanwhile, OAR 137-087-0060(2)(a) requires a program to at least an interview with a potential participant., OAR 137-087-0060(2)(c)(B) acknowledges that substance abuse is factor that may inhibit or ultimately prevent participation in the program. Finally, OAR 137-087-0060(3)(b)(G) permits programs to deny attendance to individuals who while they are under the influence of drugs or alcohol. Taken together, these regulations suggest that individuals should be evaluated on a case-by-case basis and should be permitted to participate unless they are currently under the influence or their substance abuse otherwise prevents them from engaging in the program.

^{vi} See, e.g. Richard P. Barth et al., Parent-Training Programs in Child Welfare Services: Planning for a More Evidence-Based Approach to Serving Biological Parents. *Research on Social Work Practice*, Vol. 15, No. 5, September 2005, 353-371, available at <http://www.mcgill.ca/files/crcf/Roundtable-ParentTrainingProgramsinCWServicesPlanning.pdf>.

^{vii} Richard P. Barth, Preventing Child Abuse and Neglect with Parent Training: Evidence and Opportunities, *The Future of Children*, Vol. 19, No. 2, Fall 2009, 95 – 118, available at http://www.princeton.edu/futureofchildren/publications/docs/19_02_05.pdf.

^{viii} Marjukka Pujulo et al., Enhancing the Effectiveness of Residential Treatment for Substance Abusing Pregnant and Parenting Women: Focus on Maternal Reflective Functioning and Mother-Child Relationship, *Infant Mental Health Journal*, Vol. 27, No. 5, (2006), 448-465.

^{ix} Correspondence with Patti Chamberlain, February 5, 2010.

^x ORS 419B.470(2).

^{xi} *State ex rel Dept. of Human Services v. Shugars*, 208 Or App 694, 711, 145 P3d 354 (2006).

^{xii} Juvenile Law (Oregon CLE 2007) §20.3.

^{xiii} ORS 419B.476(2)(a).

^{xiv} *State ex rel. DHS v. Shugars*, 208 Or. App. 694, 717-18, 145 P.3d 354 (2006) (providing most reunification services only four months before permanency hearing did not give parents sufficient opportunity to adjust their conduct and become minimally adequate parents); *see also State ex rel. Dept. of Human Services v. K.D.*, 228 Or. App. 506, 209 P.3d 810 (2009) (“it is unreasonable for DHS to expect parents to master parenting techniques in a short period of time before a permanency hearing.”).