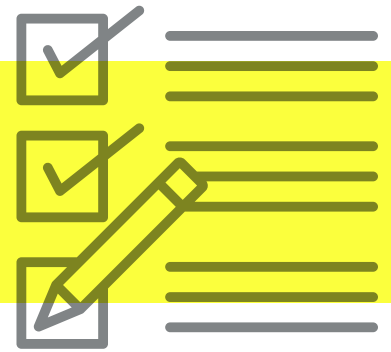


# ADVOCACY ASSESSMENT TOOL: THE WAR ON DRUGS MEETS THE CHILD WELFARE SYSTEM



## a Drug Policy Alliance publication

Ballooning jail and prison populations are only the most visible signs of the drug war in the United States. Despite the immense harm that has been done in the name of the drug war in the criminal legal system, the actual universe of devastation extends far beyond. The drug war seeps into our daily lives – and it's easy to lose sight of how much our world is shaped by it.

Surveillance and punishment are the default reactions to drug use and activity wherever it shows up, impacting our lives in profound but largely unrecognized ways. This assessment tool is designed to help organizers, advocates, and policymakers ascertain how drug war policies and practices appear in your local child welfare system.

### DRUG TESTING, ZERO-TOLERANCE POLICIES, AND PUNISHMENTS FOR DRUG-RELATED ACTIVITY

- Is drug testing upon giving birth allowed in my jurisdiction, state, or local hospital? Is suspicion of drug use required? How frequently are people drug tested upon giving birth?
- In my state, is drug use during pregnancy grounds for charging a person with child maltreatment, neglect, or abuse?
- In my state, is drug use during pregnancy grounds for charging a person with manslaughter or negligent homicide if their fetus or baby dies?
- In my state, is drug use during pregnancy grounds for civil commitment?
- In my state, is a physician mandated to report a positive drug test to child welfare services? In my state, is a physician mandated to report to child welfare services if they believe that a newborn is affected by drug use?
- Is suspected drug use grounds for initiating involvement with child welfare services? Can child welfare services subject a parent to mandatory drug testing? Are there mandates that a case file be opened and/or children be removed from the home when there is parental drug use even absent signs of child maltreatment or neglect?
- Is abstinence from drug use a condition of retaining or regaining parental or visitation rights?

### DRUG TREATMENT PHILOSOPHIES

- Can child welfare services mandate that a pregnant person or parent participate in a treatment program or drug court program? Are the programs abstinence-based? Are medications for addiction drug treatment (MAT), such as methadone and buprenorphine, available? Can parental rights be terminated if parents do not complete the program?

### TRAINING AND RESOURCES

- What childcare resources are available for a parent with children who is participating in residential or outpatient treatment programs? Are there inpatient drug treatment providers that allow children to live with their parents during treatment?
- Are child welfare services agents and family court judges equipped to discuss drug use using harm reduction principles? Do they assist in connecting people with harm reduction services?

### PUNISHMENTS FOR DRUG CONVICTIONS

- Is parental incarceration a factor for terminating parental rights in my state?