A Descriptive Study: Perceptions of Family Court Judges and Attorneys Regarding Parents Involved with Child Welfare Services as a Result of Substance Misuse and/or Mental Health Issues

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A DESCRIPTIVE STUDY:

PERCEPTIONS OF FAMILY COURT JUDGES AND ATTORNEYS REGARDING PARENTS INVOLVED WITH CHILD WELFARE SERVICES AS A RESULT OF SUBSTANCE MISUSE AND/OR MENTAL HEALTH ISSUES

A Capstone Experience/Thesis Project Presented in Partial Fulfillment of the Requirements for the Degree Bachelor of Arts with Mahurin Honors College Graduate Distinction at Western Kentucky University

By

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May 2022

*****

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ABSTRACT

For three consecutive years, Kentucky has dealt with the worst rates of child maltreatment in the United States. Kentucky has implemented numerous measures to address this crisis. While many research efforts have focused on perceptions of children involved with child welfare services, there are few efforts researching the perception of judges and lawyers about parents involved with family court services.

This study used a mixed-methods approach to explore the perceptions of Kentucky Family Court Judges and family law attorneys about parental involvement with child welfare services as a result of substance misuse and/or mental health issues. The qualitative component of this study included one-on-one interviews with Kentucky Family Court Judges. The interviews collected the judges’ perceptions of parental involvement within Dependency, Neglect, and Abuse (DNA) cases related to substance misuse and/or mental health issues. The quantitative portion included a Likert Scale survey that was administered to attorneys in Kentucky with experience working with the Kentucky Family Court. This survey assessed the attorneys' attitudes towards parents involved with DNA cases relating to substance misuse and/or mental health issues.

Specifically, this study described the court’s perceptions of parental involvement in DNA child welfare cases resulting from substance misuse and/or mental health issues. Finally, areas of improvement for parental involvement were identified when comparing the perceptions of judges and attorneys to the intended goals of the family court system.
I dedicate this thesis to my mentor Kimberley Reeder for always being a motivating and supportive light in my life.
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CHAPTER ONE: INTRODUCTION

In the late 1980s, Kentucky followed other states by beginning to reform its judiciary system’s management of family legal matters (May, 2003). Specifically, in 1988, the Kentucky General Assembly created a task force, the Family Court Feasibility Task Force, with House Concurrent Resolution #30. This committee was responsible for determining efforts that would allow the Kentucky Judiciary to serve families better (May, 2003). The committee ultimately found that a court devoted to family law would potentially encourage continuity in the management and disposal of family law cases (May 2003). These findings prompted the Kentucky Legislature to establish a family court pilot project testing the concept of the “one family, one judge” (OFOJ) court model (May, 2003).

By 1991, the State of Kentucky launched its family court pilot project in Jefferson County (May, 2003). A total of six judges, three from the circuit and three from the district bench, volunteered to serve in the pilot program (May, 2003). To make the project successful, the judges were cross-sworn, or cross-appointed, with district and circuit jurisdictional authority (Graham, 1993; May, 2003). The project allowed the judges, for the first time, to hear all of a family’s legal issues in one court division. As a result of the program’s unique model, there was continuity in hearing family legal problems and issues. The pilot program’s success eventually motivated efforts to include the specialized court in the State’s constitution (Kentucky Court of Justice, 2022).
Some of the strongest arguments for a unified court system are its increased focus on the child and the support of families. A principle of the OFOJ model is that a court should be fully aware of a family’s situation to make a decision that is both optimal and informed (Graham, 1993). Moreover, this court model helps prevent multiple appearances in court and inconsistent rulings (Graham, 1993). The effect of inefficient court procedures and opposing rulings can be inconvenient for adults, but more importantly, it can be detrimental to children (May, 2003). A centralized court system allows the judiciary to more effectively encourage the timely achievement of positive permanency for children (Thomas, Crystal, and Boes, 2016). Achieving timely positive permanency can lessen psychological burdens on the family, and more importantly, the child. The centralized model also allows for a family court system to improve the social services for struggling families. These supportive arguments, as well as the success of the pilot program, made Kentuckians supportive of the specialized court.

Finally, in November of 2002, Kentucky voters overwhelmingly supported a referendum to make the family court division a permanent part of the constitution. Specifically, 75% of voters supported the constitutional amendment. Currently, approximately 59% \( (n = 71) \) of counties in Kentucky have a family court (Thomas, Crystal, and Boes, 2016). Today, Kentucky’s Family Court system serves as a national model for its progressiveness and success (Kentucky Court of Justice, 2022).

Nevertheless, Kentucky has historically struggled with its services to children and families. While significant improvements have been made in the judiciary to improve its management of complex legal issues, there are still concerns about Kentucky’s services to children and families involved with child welfare services. In 2019, the U.S. Department
of Health and Human Services (USDHHS) reported that Kentucky had more than 20,000 cases of child maltreatment (U.S. Department of Health and Human Services [UHHS], 2019). In essence, 20 out of every 1,000 children experienced some form of maltreatment (USHHS, 2019). This rate of child maltreatment is starkly different from the national average, which is 8.9 out of every 1,000 children (USHHS, 2019). The increase in rates of maltreatment has been an ongoing trend. Kentucky spent three consecutive years as the worst state for rates of child maltreatment (USHHS, 2017; USHHS, 2018; USHHS, 2019). Along with maltreatment rates, the number of families affected by the ongoing opioid crisis has risen in Kentucky, especially in comparison to regional and national averages (Hall, 2021; Substance Abuse and Mental Health Services Administration, 2021).

The impact of substance misuse on families is associated with the increased risk of child maltreatment. A recent study found that in 2017, the risk factor of substance use was present in over half of maltreatment events in the State, precisely 55.1% of events (Hall, 2021). This rate is over 20% higher than the overall U.S. rate, with 30.7% of substance use cases (Hall, 2021). Upon further examination, a relationship between substance usage and cases of child fatalities and near fatalities can also be seen in Kentucky.

Under Kentucky statutes, the Child Fatality and Near Fatality External Review Panel (CFNFERP) identifies systematic inefficiencies to produce recommendations for preventing child fatalities and near fatalities (Child Fatality and Near Fatality External Review Panel [CFNFERP], 2021). The 2021 report found that nearly 49% of cases reviewed from Kentucky centered around substance misuse in the home. The Panel’s report further found that families impacted by substance misuse are not just at a greater risk for child abuse and neglect concerns, but are also likely to be managing other co-occurring
risks (CFNFERP, 2021). Examples of co-occurring risks may include mental health concerns, poverty, domestic violence, and criminal history (CFNFERP, 2021). Conclusively, the report provides the following recommendation: “The General Assembly should review the Cabinet for Health and Family Services’ plan for expansion of programs to families that have child welfare involvement and substance misuse issues, identify existing gaps, and allocate necessary funding” (CFNFERP, 2021, p. 4). The Panel has made this recommendation for the past five years.

The Family Court encountering such a larger volume of children experiencing maltreatment has prompted more recommendations for expanding programs for families struggling with substance misuse and child welfare issues. Some efforts across Kentucky have been made to support holistic services, such as Sobriety Treatment and Recovery Teams (START), a national and evidence-based model to help recovering parents. The Kentucky Strengthening Ties and Empowering Parents (KSTEP) program is also available. These programs help to assist high-risk families and support parents struggling with substance misuse and/or mental health issues (CFNFERP, 2021).

While these programs have made significant efforts, there are still arguments that they are inefficient at lowering maltreatment risks (CFNFERP, 2021). One must then consider that if the primary goal of the family court is to protect the child and help the caregiver provide a safe home, then the rising rates of maltreatment might suggest a gap in the court’s delivery of social services to families. Moreover, one might consider where those potential gaps lie within the services for parents coping with substance misuse and/or mental health issues.
While a unified court has improved Kentucky’s ability to support children and families, the rising rates of child maltreatment and substance misuse suggest the need for research surrounding the gaps between parents and the services of Kentucky’s Family Court system. Parents work closely with their attorneys and family court judge to mitigate the safety issues inside the home. As a result, judges and attorneys have a unique perspective of parents and their involvement with the court and community services. However, they both also have legal expertise surrounding family law matters. This creates a unique perspective about the engagement of parents inside the family court system. Such a perspective can help frame the current relationship between the family court system and parents.

The purpose of this study is to examine the court’s perception of parents involved with the family court system because of reported maltreatment due to substance misuse and/or mental health issues. The description of how judges and lawyers perceive parental involvement can create insightful findings on the court’s relationship with parents. The court’s viewpoint about parents’ involvement compared to the family court’s goals can point to gaps inside the court’s relationship with parents.

Parents are an essential component of solving child maltreatment concerns and the child achieving positive permanency. In essence, this study used inside perceptions from the family court to identify potential areas of ineffectiveness present in the court’s relationship with parents. This will allow for further research focused on parents involved in family court, which is an area that is lacking in research discussions (Cleveland and Quas, 2020). This study collected data from judges and attorneys through surveys and interviews, respectively. The attorneys ($n = 54$) completed a 15 question Likert-scale
survey. The judges \((n = 3)\) completed an interview with approximately 14 questions that lasted for about 45 minutes. The survey for attorneys collected data on the attorneys’ attitudes towards parent involvement with the family court system. The interviews asked judges to describe their viewpoints on parental involvement with the court system.
CHAPTER TWO: LITERATURE REVIEW

This chapter will provide a review of the literature surrounding parents, attorneys, and judges involved with the family court system. This chapter will also review the literature surrounding a child’s rights in dependency, neglect, and abuse (DNA) cases and the process of a complaint arriving in the Kentucky Family Court System.

Section One: Child’s Rights; DNA Cases; Court Process

Kentucky Unified Juvenile Code

The Kentucky Unified Juvenile Code, created in 1986, outlines the Commonwealth’s management of the child protection program. This statute ensures that every child has the right to be free from abuse and neglect. Specifically, this statute defines a juvenile’s rights regarding the treatment of dependent, neglected, and abused children as the following (Kentucky Unified Juvenile Code, 1986):

“Children have certain fundamental rights which must be protected and preserved, including but not limited to, the rights to adequate food, clothing and shelter; the right to be free from physical, sexual or emotional injury or exploitation; the right to develop physically, mentally, and emotionally to their potential; and the right to educational instruction and the right to a secure, stable family. It is further recognized that upon some occasions, in order to protect and preserve the rights and needs of children, it is necessary to remove a child from his or her parents.”

In recognizing the rights of children, the statute has also been revised to outline efforts to preserve those rights as the following (Kentucky Unified Juvenile Code, 2014):

“The Commonwealth shall direct its efforts to promoting protection of children; to the strengthening and encouragement of family life for the protection and care of children; to strengthening and maintaining the biological family unit; to ensuring that policies and practices utilized are supported by data and research and are monitored or measured for their
effectiveness in achieving the intended results; and to offering all available
resources to any family in need of them”

This statute protects a child’s fundamental rights and explains the State’s authority
to remove a child from their home. The child’s removal from their home is considered
when they are at a high risk for maltreatment. In those specific instances of removal, the
Department for Community Based Services (DCBS) assigns a social service worker
responsible for helping the child reunite with their parents through reunification services.
Reunification services are remedial and preventive services targeted at the family unit.
These services allow the child and family to be reunited and prevent future removal
(Kentucky Unified Juvenile Code, 2019). It is important to note that a biological parent is
not the only possible perpetrator here. A perpetrator could also be a guardian, person in
authority or special trust, or other person exercising custodial control or supervision over
the child (Cabinet for Health and Family Services, 2021)

The Juvenile Code also requires that every individual has a duty to report
reasonable concerns that a child is dependent, abused, or neglected to DCBS (Cabinet for
Health and Family Services, 2021). This can be reported to local law enforcement, the State
attorney’s office, and directly to the Cabinet (Cabinet for Health and Family Services,
2021). The Juvenile Code also helps classify what is considered DNA concerns. The exact
legal definitions of Child Abuse, Neglect, and Dependency are found in KRS 600.020
(Kentucky Unified Juvenile Code, 2021). Please see the definition below:

1) "Abused or neglected child" means a child whose health or welfare is harmed
or threatened with harm when:
(a) His or her parent, guardian, person in a position of authority or special trust, as
defined in KRS 532.045, or other person exercising custodial control or
supervision of the child:
   1. Inflicts or allows to be inflicted upon the child physical or emotional
      injury as defined in this section by other than accidental means;
2. Creates or allows to be created a risk of physical or emotional injury as defined in this section to the child by other than accidental means;
3. Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child, including but not limited to parental incapacity due to a substance use disorder as defined in KRS 222.005;
4. Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child;
5. Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;
6. Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;
7. Abandons or exploits the child;
8. Does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being when financially able to do so or offered financial or other means to do so. A parent or other person exercising custodial control or supervision of the child legitimately practicing the person's religious beliefs shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child;
9. Fails to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining committed to the cabinet and remaining in foster care for fifteen (15) cumulative months out of forty-eight (48) months; or
10. Commits or allows female genital mutilation as defined in KRS 508.125 to be committed

Reporting of Dependency, Neglect, and Abuse Concerns

Now, with an understanding of juvenile rights in Kentucky, it is essential to consider the process of filing a report of suspected DNA concerns. Once the report is received by intake staff at the DCBS, the staff then determines if the report meets the criteria for an investigation/assessment. Dependent on the safety threats and risk factors identified in the report of suspected DNA concerns, the investigation/assessment can begin
between 4 to 72 hours after acceptance (Administrative Office of the Courts, Court Improvement Program [AOC, CIP], 2020).

The social service worker first evaluates the home’s safety to determine whether the child should stay inside their home or be placed into safer custody. Then, the social service worker either recommends whether the claim(s) should be substantiated or unsubstantiated. A substantiated claim means there is reasonable evidence to support the maltreatment claim, whereas an unsubstantiated one means there was insufficient evidence. If the court substantiates the allegations against the parent, then the case is transferred to an ongoing worker to help facilitate the child’s reunification with their parents.

At this point, a caseworker with the DCBS works directly with families to develop a positive permanency plan. Often called the Case Plan, this plan is filed with the family court. The Case Plan creates objectives and outlines tasks for the parent(s) to facilitate the child’s timely achievement of permanency (AOC, CIP, 2020). Every permanency plan is different, as it is based upon the child’s particular needs and best interests. However, there are five possible permanency goals in out-of-home cases: 1) Return to Parent; 2) Permanent Relative Placement; 3) Adoption; 4) Planned Permanent Living Arrangement; 5) Guardianship (AOC, CIP, 2020).

The process of every case plan with the DCBS in family court is different and has different timelines, though there are typical stages a parent, judge, and attorney can expect with each case. These stages are Petition and/or Emergency Custody Order, Temporary Removal Hearing, Adjudication Hearing, Dispositional Hearing, and Reunification/Custody/Termination (see Figure 1) (AOC, CIP, 2020).
Dependency, Neglect, and Abuse

This section will provide more in-depth definitions and indicators of dependency, neglect, and abuse (DNA) issues. Specifically, this section will highlight how these maltreatment forms relate to substance misuse and mental health issues. It is important to note that this study is only concerned with maltreatment concerns resulting from substance misuse and/or mental health issues. As a result, this study does not provide insight or investigation into maltreatment concerns related to sexual abuse and/or exploitation. It is also important to note that while each form of maltreatment (DNA) is considered separate, it is common for neglect and abuse to be lumped together.
**Dependency.** Dependency concerns arise when a child is not under proper care, custody, control, or guardianship because of intentional acts of parents, guardians, or a person with custodial control over the child (Cabinet for Health and Family Services, 2021). The defining principle of dependency concerns is that the maltreatment is not due to an intentional act of the parent. A common example of this form of child maltreatment would arise when a parent falls ill or becomes injured, and as a result, they can no longer financially support themselves. A parent who falls ill with terminal cancer would not be considered to be intentionally neglecting their child. However, the child is still at risk for harm if the parent cannot properly care for their needs.

Dependency differs from neglect, whereas concerns of neglect place fault on the parent for intentionally not taking adequate care of the child, for example, a lack of food inside the home due to the parent spending grocery money on substances. When dealing with dependency concerns, the court focuses on ensuring the externality affecting the parent’s parental capacity can be mitigated or assigning proper guardianship to the child. In these cases, the parent has a responsibility to work with community-based services to help address the circumstances affecting their parenting in order to be reunited with the child.

**Neglect.** The court may address various forms of neglect in managing case plans. Neglect concerns are defined as a parent or person responsible for the child who fails to support the child’s need for food, clothing, shelter, medical care, or supervision to the detriment of their health, safety, and well-being (Child Welfare Information Gateway, 2019). An example of neglect would be a child without food inside the home because of the parent buying substances. Commonly, neglect is associated with abuse concerns in
child welfare cases. While neglect and abuse are alike in some characteristics, there are differences between the two maltreatment forms.

Kentucky statutes outline ten forms of neglect when investigating the home. This study is mainly concerned with incidents of neglect resulting from substance misuse and/or mental health issues. While all forms could potentially be present in cases resulting from substance misuse and/or mental health issues, some forms may be more common than others. The ten common forms of neglect are: 1) Action or inaction resulting in the child’s failure to thrive; 2) Inadequate clothing or hygiene; 3) Inadequate shelter/exposure to an unsafe home or immediate environment; 4) Inadequate food/nutrition or malnutrition; 5) Inadequate medical, dental, and/or mental health care; 6) Inadequate supervision; 7) Caretaker absence or abandonment; 8) Educational neglect/truant child; 9) Substance-affected infant; 10) Exploitation (Department for Community Based Services, Standards of Practice Online Manual, 2022).

**Abuse.** Abuse can be divided into three categories: physical, emotional, and sexual injuries. Physical abuse is defined as any nonaccidental injury to the child at the federal level. At the same time, Kentucky also includes the general risk of harm to the child’s welfare or health (Child Welfare Information Gateway, 2019). Kentucky’s reporting guide for DNA issues provides the following examples of physical abuse: Hitting, kicking, biting; Harmful restraint (choking); Beating (repeated blows); Use of weapon or instrument; Action resulting in substantial pain or impairment (Cabinet for Health and Family Services, 2021). Some indicators of physical abuse include bruises on the body, burns-immersion, lacerations and abrasions, missing or loosened teeth, broken bones, and head injuries (Cabinet for Health and Family Services, 2021).
There can also be behavioral indicators such as a child who is overly compliant, fearful of physical contact, or excessively self-controlled. In contrast, an older child may be timid or frightened easily, have psychosomatic complaints, or indiscriminately attach to strangers (Cabinet for Health and Family Services, 2021). In understanding forms of physical abuse, one can better understand the key indicators and behaviors that a social service worker or eventually judge may weigh when considering their decision about the child and the family.

Many children have their lives risked when left in a physically abusive environment. Physical abuse is often most linked with fatal to near-fatal incidents (CFNFERP, 2021). Fatal to near-fatal incidents were studied to identify the risk factor commonalities among such cases. Some of the commonalities listed across the cases in the literature review were the presence of substance abuse, mental illness, and current or past child protective service involvement (CFNFERP, 2021). Here, physical abuse creates a high-risk concern for the child’s safety and well-being. Therefore, concerns of physical abuse receive quicker response times than emotional injury concerns.

The Commonwealth of Kentucky also recognizes emotional abuse. Specifically, Kentucky defines emotional injury as an “injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial and observable impairment in the child's ability to function within a normal range of performance and behavior with due regard to his or her age, development, culture, and environment as testified to by a qualified mental health professional” (Kentucky Unified Juvenile Code, 2021). Some common examples of emotional injury towards a child by a parent/caregiver are “withdrawal of
love; ignoring; name calling; ridiculing; threats; isolating; scapegoating; cruel or bizarre punishment; terrorization; total rejection” (Cabinet for Health and Family Services, 2021).

While behaviors and indicators may be difficult to determine for potential emotional injuries, emotionally abusive parents have vital characteristics. The following characteristics are common with abusive parents: “Poor self-concept; Fear of authority; Rigidity or compulsiveness; Hostility and aggressiveness; Undue fear of spoiling child; Unreasonable expectations for the child; Lack of skills to meet own emotional needs; Belief of necessity for harsh physical discipline; Acceptance of violence as a means of communication; Emotional dependency of a non-abusive spouse to the point that he/she will not intervene and will protect abusive spouse” (Cabinet for Health and Family Services, 2021).

The emotional injury of a child is concerning because of how trauma from childhood maltreatment can impact later human development. Heather Dye’s 2018 study on the impact of the long-term effects of childhood trauma finds that experiences with trauma as a child can potentially disrupt the developmental processes (Dye, 2018). Dye finds explicitly that exposure to trauma can cause a lifetime of physical, mental, and emotional issues (Dye, 2018). Some trauma survivors will likely struggle with depression, anxiety, abandonment issues, unstable relationships, and other mental illnesses (Dye, 2018).

The court is focused on lessening the likelihood and impact of traumatic experiences. A primary function of a unified family court system with a centralized model, as opposed to a fragmented model, is that it removes the traumatic and stressful effects of delays and opposing court rulings. In addition to timeliness, it is also important for judges
and attorneys to be trauma-informed to better provide community-based services to parents. Many argue that a trauma-informed judge or attorney can better assess the child’s risk. The importance of being trauma-informed is best seen in the relationship between trauma and child fatalities/near fatalities. In cases of fatalities and near fatalities, there is typically prior history with child services (CFNFERP, 2021). By also understanding how being trauma-informed is vital in cases with mental health issues, we can understand the importance of the court being trauma-informed to prevent reoccurrence or, worse, a child fatality. In essence, the importance of trauma-informed court practices is vital to the overall effectiveness of the court, especially in cases involving mental health issues.

**DNA Cases and Substance Misuse**

As noted in the introduction, substance misuse is a commonality across most cases regarding DNA issues in Kentucky. Additionally, Kentucky is 1 of 8 states that identifies the impaired ability of the caregiver to care for the child due to substances as a circumstance for neglect (Child Welfare Information Gateway, 2019). By understanding the connection between child maltreatment and substance misuse, it can be easily understood that substance misuse affects the child welfare system. Many resources and forms of support are needed for substance misuse treatments. Knowing that rural communities have fewer resources than urban areas when looking at the impact of substance misuse on the court system, there is concern about its effect on the management and administration of court services in poverty-stricken rural communities. To begin looking at this case, studies focus on foster care entries and caseloads.

The Radel et al. study (2018) used national-level statistical modeling to answer the question: how does parental substance use currently affect the child welfare system? The
study found that, after 2012, the rate of drug overdose deaths rose as the rate of foster care entries rose. A specific trend in the eastern part of Kentucky—the Appalachian Region (Radel, Baldwin, Ghertner, and Waters, 2018), arguably the most poverty-stricken region in the State—was noted.

It is crucial to note that there are various factors impacting child welfare practices, child maltreatment, and substance use. Such a variety of influences make the relationship between foster care entry rates and rates of overdose death tricky to determine. For example, the poverty variable is a significant indicator of child maltreatment and substance misuse, especially in a poverty-stricken area such as the Appalachian Region. This study specifically weighted for poverty levels and found that in the “average county nationwide, a 10 percent increase in the overdose death rate corresponded to a 4.4 percent increase in the foster care entry rate” (Radel, Baldwin, Ghertner, and Waters, 2018).

Notably, the researchers found that “higher indicators of substance use correspond to more complex and severe child welfare cases” (Radel, Baldwin, Ghertner, and Waters, 2018). The researchers found that one can predict higher removal rates, suggesting a more severe maltreatment case in areas with higher substance misuse indicators. A specific example is a “10 percent increase in overdose death rates is associated with a 1.8 percent increase in the proportion of children with maltreatment reports who are placed in foster care” (Radel, Baldwin, Ghertner, and Waters, 2018). This further reinforces the argument that substance misuse is responsible for most of Kentucky’s maltreatment concerns. Another key finding of this study was that the parents using substances have many issues that influence their involvement with child welfare services and substance misuse. The
predominant issues they identify include domestic violence, mental illness, and long histories of traumatic experiences (Radel, Baldwin, Ghertner, and Waters, 2018).

For this reason, some argue that by addressing the prevalence of substance misuse, one can simultaneously make changes in child welfare caseloads. (Cunningham and Finlay, 2012; Ghertner, Waters, Radel, and Crouse, 2018; Quast, Storch, and Yampolskaya, 2018; Wolf, Ponicki, Kepple, Gaidus, 2016). Community-based services support the effectiveness of child welfare services. Therefore, it is understandable that there are differences between services in urban communities and rural communities (Barth, Wildfire, and Green, 2006). A notable difference between rural and urban areas was that metropolitan counties have lower report rates and foster care rates than rural and micropolitan areas, even with a study weighing social factors, such as median income, racial/ethnicity make-up (Sedlak et al., 2010).

Considering Kentucky is primarily a rural state, one could expect some Kentucky Family Courts to find difficulties providing enough community-based services. For example, in areas heavily impacted by substance misuse, there is limited availability of safe places for children. Some community agencies struggle just to find willing guardians who are not dealing with substance difficulties themselves (Radel, Baldwin, Ghertner, and Waters, 2018). Additionally, there are concerns about the cross-generation issues with substance misuse. Communities heavily stricken by the opioid epidemic have found agencies reporting, “…other family members across multiple generations are more frequently using substances themselves, making substitute caregivers within the family more difficult to find and causing the child welfare system to more frequently take and retain custody of children” (Radel, Baldwin, Ghertner, and Waters, 2018). Often,
grandparents, or other extended family members, can be helpful in cases where a child has been removed from the home. However, as more individuals begin to use substances, there is a decrease in the number of safe homes for a child.

The understanding of conditions surrounding substance misuse and child maltreatment influences judges’ and attorneys’ perceptions. Specifically, different substances may affect the judges’ or attorneys’ perceptions differently. Not all cases are the same, which ultimately influences how child welfare systems, such as Kentucky’s Family Court system, organize their services to treat parents with substance misuse problems.

Another variable influencing the judge’s perspective could be service limitations for substance misuse. Treatment options are less available in rural areas than in urban areas (Hirchak and Murphy, 2016; Jumah, 2016; Kvanme, Catlin, Banta-Green, Roll, and Rosenblatt, 2013; Rosenbalt, Andrilla, Catlin, and Larson, 2015). Moreover, there are also findings that some substance users in rural areas lack the proper understanding of factors related to a drug overdose while also having higher rates of overdoses when compared to metropolitan areas (Dunn et al., 2016). This is important because social service and court systems, when compared between urban and rural areas, may find differences in their efforts due to the actual amount of child welfare services to alleviate maltreatment and cause practices of reporters, caseworkers, and courts (Ghertner, Waters, Radel, and Crouse, 2018). The differences in community-based resources shape the perception of judges and attorneys about what services are available to make a home safer.
DNA Cases and Mental Health

Along with the risks of harm associated with substance misuse, there are also specific risks of harm associated with mental health issues. Kentucky defines not seeking care for mental health issues as a form of neglect. Specifically, Kentucky defines this form of neglect as the unreasonable delay, refusal, or failure of the caretaker to maintain necessary mental health care when the caretaker is aware of a potential issue with adverse effects on the child (Department for Community Based Services, Standards of Practice Online Manual, 2022). This, to some degree, shows the parent has the primary responsibility for addressing mental health concerns that may have adverse effects on the child. This responsibility would suggest that parents encourage an environment conducive to stable mental health. Such an environment would have low risks of harm. In cases where mental health issues are present, we see three common themes: concerns for child fatality/near-fatality, substance misuse, and history of trauma.

When a parent has mental health issues, there are more significant concerns that the child may be at risk for fatality or a nearly fatal experience (CFNFERP, 2021). Parents may cope with their mental health difficulties by using substances. The combination of mental health issues and substance misuse can result in a risky environment for the child. Moreover, some mental illnesses require specialized medical expertise to understand and treat appropriately. Family court judges and attorneys may lack the expertise to properly understand the mental health challenges a parent is struggling to cope with in their daily life.

Additionally, a history of trauma is often associated with mental health issues, such as depression or PTSD (Dye, 2018). Both a judge and attorney need to understand the
influence of previous trauma that may be impacting the parent’s current mental health. A thorough understanding of trauma is needed for the court to properly work with these parents and families who potentially have long histories of traumatic, adverse experiences.

Section Two: The Roles of Parents, Attorneys, and Judges

In this section, the variables that may influence the perceptions of judges and attorneys are reviewed. By setting forward a framework over what influences their perceptions, one can better understand their responses in the interviews and surveys. However, it is also important to understand parents’ roles in the Family Court System. In order to answer this question and set a framework, there will be a review of the literature regarding the rights and responsibilities of parents, attorneys, and judges inside the Family Court System.

Responsibility and Perceptions of Judges

Family court judges have an immense responsibility and deal with a wide variety of complex legal challenges. Today, family law cases deal with “ancillary issues involving bankruptcy law, estate planning, contract law, tax law, military law, immigration law, general civil law, and criminal law” (Knowlton, 2014). A family court judge’s depth of legal problems suggests that “knowledge must extend well beyond traditional state family law statutes and cases” (Knowlton, 2014). Moreover, this role helps to frame the perspective of the family court judge. Here, we can see their perspective is different from a family court judge’s judicial counterpart.

Adjudicator and Problem Solver. Typically, a civil court judge assesses the past and assigns blame. In contrast, in a family court, judges look forward and make predictions about the child’s future, considering various child welfare services and efforts (Knowlton,
In essence, a family court is less adversarial than other courts. This shapes the role of the family court judge into more than an adjudicator but also a facilitator of social service efforts with families involved in DNA cases. More narrowly, the role of family court judges shapes their viewpoint of substance misuse and mental health issues to be different from their judicial counterparts. Family court judges must play the roles of an adjudicator and a problem-solver, more so than their judicial counterparts, attorneys.

**Trauma-Informed Decisions.** Judges are focused on adequately understanding and working with those dealing with trauma. It is important for judges to understand trauma as it can help them understand the parent’s difficulties in completing the case requirement. Additionally, it can help the judge understand the risks of safety and welfare of the child being around the parent. The importance of trauma influences judges’ perceptions in understanding the parent’s capacity, the needed services, and how to approach the issues inside of the home.

When approaching issues inside the home, it is also important to note how urbanicity can affect the judge’s perception when working with parents. A region in an urbanized community will likely have more resources available to its disposal than a judge located in an isolated, rural area. The availability of services impacts the judge’s decision-making because what services are available in the community determines what services the judge can suggest for the parent to help solve safety and welfare issues inside the home.

**Timeliness.** However, the most important variable may be timeliness. Judges are mandated under federal law to complete permanency case plans within 12 months. This federal mandate forces judges to be efficient in closing case plans. This incentive for efficiency can sometimes complicate difficult case plans, and judges do not always
successfully close a case within 12 months. This causes judges to request extensions of
case plans and extended monitoring of the family and parent. Arguably, this incentive is to
create timely court services to support families and better protect children. Therefore, in
terms of cost and federal mandates, judges need to be efficient in decision-making.

**Responsibility and Perceptions of Attorneys**

This section will specifically cover the attorneys representing the parents. When
discussing the responsibility and perceptions of attorneys representing the parents, specific
attributes shape the perspective of an attorney. The National Council for Juvenile and
Family Courts highlights best practices for family law attorneys representing parents. The
best practices of attorneys representing parents can be broken into two categories:
Individual Aspects and System Aspects (Family Justice Initiative, 2019). This section will
look at the primary practices related to individual and systematic aspects. The systematic
aspect is concerned with the practices over caseloads and compensation, while the
individual aspect is concerned with out-of-court advocacy practices.

Before proceeding further, it is important to note how the perception of attorneys
is similar to and different from the judge’s perspective. Today, both judges and attorneys
in family court systems need interdisciplinary support and a wide array of knowledge
across different law subjects (Family Justice Initiative, 2019; Knowlton, 2014). Arguably,
attorneys have a more intimate relationship with the parent in that they are working
together to meet case plan goals and attend court hearings.

It is important to note here that an attorney’s efforts are heavily reliant on the
cooperation of the parent. Attorneys provide a unique perspective because they have an
inside perspective of the judicial system while also having a more focused relationship with
the parent. This allows them to gain a more holistic view of the parent from an objective point of view while also understanding what discourages their cooperation. Moreover, attorneys can see more closely how the parent works with all parties involved and their services.

**Individual Aspects.** It is important for the attorney to have an interdisciplinary perspective when looking at individual aspects. The Family Justice Initiative (2019), which outlines best practices for attorneys representing parents involved with child welfare services, explains that the most effective attorneys are those who engage with and know their clients, understand trauma, meet and communicate with their clients, approach cases with focus and urgency, and conduct thorough and independent investigations. (Family Justice Initiative, 2019). These qualities help shape the responsibilities that attorneys have when working with parents. In addition to their legal advocacy in developing case plans and legal strategies for their client, the parent, an attorney is also expected to be an out-of-court advocate.

**Systematic Aspects.** Now, turning to the systematic perspective, compensation and caseloads have become a big concern for attorneys. While expected to be efficient, there is also a demand for attorneys to be balanced in their caseload. This balance of clients makes it easier to be the holistic legal practitioner a family needs in family court. It can be hard to fully engage with all their clients, especially with the increasing number of child maltreatment caseloads causing increased demands and limited time.

**Parental Rights and Responsibilities**

This section will focus on the rights and responsibilities of parents involved with child welfare services to help frame the role of parents inside the Kentucky Family Court.
System. In particular instances of removal, parents still have rights and responsibilities with their children. The Administrative Office of the Courts provides an overview of parents’ rights and responsibilities (see Table 1) (AOC, CIP, 2020).

Table 1

*Parent’s Rights and Responsibilities*

<p>| | |</p>
<table>
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<tbody>
<tr>
<td>1.</td>
<td>Have a lawyer – the judge will give you one if you cannot afford to hire your own.</td>
</tr>
<tr>
<td>2.</td>
<td>Attend and participate in all court hearings about your children, unless your parental rights were terminated.</td>
</tr>
<tr>
<td>3.</td>
<td>Understand what is happening in court. There will be many things that you do not understand. You should ask your lawyer to explain them to you. This is really important. Keep asking until you understand.</td>
</tr>
<tr>
<td>4.</td>
<td>Have an interpreter if you do not speak and understand English. Ask your attorney or the judge for an interpreter.</td>
</tr>
<tr>
<td>5.</td>
<td>Know what to do to have your child returned to you and get help if you need it.</td>
</tr>
<tr>
<td>6.</td>
<td>Provide for and consent to your child’s medical care.</td>
</tr>
<tr>
<td>7.</td>
<td>Maintain contact with your child.</td>
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<tr>
<td>8.</td>
<td>Be informed in advance of changes to your child’s placement whenever possible.</td>
</tr>
<tr>
<td>9.</td>
<td>Be informed of actions initiated by the Cabinet in the courts, which could result in a change in your child’s legal status.</td>
</tr>
<tr>
<td>10.</td>
<td>Determine religious affiliation.</td>
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<tr>
<td>11.</td>
<td>Be advised of, and to participate in, all case planning conferences and periodic or court reviews.</td>
</tr>
<tr>
<td>12.</td>
<td>File a formal complaint using the DCBS service or civil rights complaint procedures if you feel your rights have been violated.</td>
</tr>
<tr>
<td>13.</td>
<td>Confidentiality as provided by KRS 61.878.</td>
</tr>
<tr>
<td>14.</td>
<td>Receive a copy of court documents, case plans, and reviews.</td>
</tr>
<tr>
<td>15.</td>
<td>Financially support your child if you have the ability to do so.</td>
</tr>
<tr>
<td>16.</td>
<td>Inform DCBS of where you are living and how to contact you.</td>
</tr>
<tr>
<td>17.</td>
<td>Be notified of, attend, and participate in any IPRs conducted by the local CFCRB concerning your case.</td>
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Examining Table 1, one can understand what steps need to be taken for parents to ensure their rights and responsibilities upon the removal of their child. However, the most notable of the rights and responsibilities is number five: “Know what to do to have your
child returned to you and get help if you need it.” This type of expectation would also require the parent to be understanding of the court and its services. This then creates the question, what parental efforts increase the likelihood of reunification? The Administrative Office of the Courts provides ‘tips’ for helping parents reunify with their child(ren) (see Table 2) (AOC, CIP, 2020).

Table 2

Tips for Parents to Reunify with Their Child

<p>| | |</p>
<table>
<thead>
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<tr>
<td>1</td>
<td>Get treatment or other help as required by the court. Do not delay.</td>
</tr>
<tr>
<td>2</td>
<td>Enroll in any classes or services that have been required of you. Again, do not delay.</td>
</tr>
<tr>
<td>3</td>
<td>Visit with your child as often as the court allows. If you have to miss a visit, notify your social services worker, and anyone supervising visits, in advance or as soon as possible.</td>
</tr>
<tr>
<td>4</td>
<td>Go to every court hearing and follow the Courtroom Basics listed above.</td>
</tr>
<tr>
<td>5</td>
<td>Call your attorney weekly or as often as you and your attorney agree. If your attorney is unavailable when you call, leave a detailed message about how your visits and court ordered services are going.</td>
</tr>
<tr>
<td>6</td>
<td>Call your social services worker weekly. If your worker is unavailable when you call, leave a detailed message about how your visits and court ordered services are going.</td>
</tr>
<tr>
<td>7</td>
<td>Make sure your attorney and social services worker always know how to reach you. If you change phone numbers or addresses, provide the updated information to them immediately.</td>
</tr>
<tr>
<td>8</td>
<td>Follow all court orders and cooperate with the individuals working on your case.</td>
</tr>
<tr>
<td>9</td>
<td>Follow your case plan and carry out the tasks/goals that have been identified. These items are in place to help you. If you are unable to complete a task on your case plan for any reason, including financial restraints, talk to your social services worker about this. Additionally, you should also talk to your social services worker if anything is unclear to you.</td>
</tr>
<tr>
<td>10</td>
<td>Keep a journal of ALL important dates and notes that help you track your progress.</td>
</tr>
</tbody>
</table>

Combining these two sets of recommendations regarding the role of parents with child welfare services helps paint a picture of what expectations are held for the parent entering the Family Court System. Parents are the sole responsibility for the effectiveness
and timeliness of case plans. Moreover, a cooperative and eager attitude is expected. This understanding of how parents’ roles, rights, and responsibilities can be broken into three thematic categories: (a) self-motivated communication (see Table 3); (b) timely and eager cooperation (see Table 4); and (c) complete awareness and documentation (see Table 5).

Table 3

_Self-Motivated Communication_

- “Visit with your child as often as the court allows. If you have to miss a visit, notify your social services worker, and anyone supervising visits, in advance or as soon as possible.”
- “Call your attorney weekly or as often as you and your attorney agree. If your attorney is unavailable when you call, leave a detailed message about how your visits and court ordered services are going.”
- “Call your social services worker weekly. If your worker is unavailable when you call, leave a detailed message about how your visits and court ordered services are going.”
- “Make sure your attorney and social services worker always know how to reach you. If you change phone numbers or addresses, provide the updated information to them immediately.”
- “If you are unable to complete a task on your case plan for any reason, including financial restraints, talk to your social services worker about this. Additionally, you should also talk to your social services worker if anything is unclear to you.”
- “Maintain contact with your child.”
Table 4

Timely and Eager Cooperation

- “Get treatment or other help as required by the court. Do not delay.”
- “Enroll in any classes or services that have been required of you. Again, do not delay.”
- “Go to every court hearing and follow the Courtroom Basics listed above.”
- “Follow your case plan and carry out the tasks/goals that have been identified. These items are in place to help you.”
- “Have a lawyer – the judge will give you one if you cannot afford to hire your own.”
- “Attend and participate in all court hearings about your children, unless your parental rights were terminated.”

Table 5

Complete Awareness and Documentation

- “Provide for and consent to your child’s medical care”
- “Inform DCBS of where you are living and how to contact you.”
- “Provide for and consent to your child’s medical care.”
- “Keep a journal of ALL important dates and notes that help you track your progress.”
- “Be informed in advance of changes to your child’s placement whenever possible.”
- “Be informed of actions initiated by the Cabinet in the courts, which could result in a change in your child’s legal status.”
- “Be advised of, and to participate in, all case planning conferences and periodic or court reviews.”
- “Understand what is happening in court. There will be many things that you do not understand. You should ask your lawyer to explain them to you. This is really important. Keep asking until you understand.”

This would suggest that parents need strong communication and questioning skills, an engaged and focused consciousness, and a proper understanding of their rights and the family court system. It is important to note how self-motivated communication is necessary for a parent to succeed. A parent must seek out communication with judicial officers, caseworkers, and other stakeholders involved in the child welfare services process if they
wish to be successful. The importance of self-motivation is confirmed by the responsibility placed on parents in the wording of their rights and responsibilities; for example, “…you should also talk to your social services worker if anything is unclear to you.”

In order to have self-motivated communication, one would most likely approach situations with a cooperative attitude. One can then assume that parents should approach the Kentucky Family Court system with a cooperative attitude. The importance of a cooperative attitude can be confirmed by the Kentucky Family Court’s demand for well-documented services provided to a family and the issues inside the home. While caseworkers or court officials can obtain some of this required documentation themselves, there is some responsibility delegated to the parent in providing needed documentation. The want for documentation assumes that the parent should be actively seeking treatment or other help recommended by the court. This understanding implies that the quicker parents can complete the required service and provide documentation, the quicker they can be reunified with their child. This desire for timeliness is supported by wording such as “Do not delay” being repeated twice.

Collectively, this develops an understanding of a parent’s expectations involved with family court and child welfare services. Parents are expected to be efficient, self-motivated, and cooperative. To some degree, these expectations can explain how judges and attorneys view the role of parents inside a family court system. By understanding the role of parents, one can identify variables influencing the perceptions of judges and attorneys about parental involvement.
Mission and Goals of the Kentucky Family Court System

The Kentucky Family Court system involves itself in “complex human nature and social relations” (Administrative Office of the Courts, 2022, May 1). The mission of Kentucky’s family court is to provide a case management system where a family works in one courtroom, with one judge, on the issues inside of their home (Administrative Office of the Courts, 2022, May 1). Proponents of the unified family court systems, like Kentucky’s Family Courts, are known to reduce the stress that results from trying to resolve various issues with various judges and courtrooms.

As mentioned earlier, this court system hears various issues that require a broad hybrid jurisdiction between both circuit court and district court responsibilities. More specifically, the court system allows for a greater focus on issues involving families and children, as opposed to other civil and criminal matters inside the court system. Here is a list of issues managed under the Kentucky Family Court system: dissolution of marriage; spousal support and equitable distribution; child custody, support, and visitation; paternity, adoption; domestic violence; dependency, neglect, and abuse; termination of parental rights; and status offenses (runaways, truancy, beyond control) (Administrative Office of the Courts, 2022, May 1).

However, this study focuses explicitly on dependency, neglect, and abuse issues. The use of a unified court still positively affects other family issues. Specifically, unified family court systems address issues related to fragmented systems by hearing most issues affecting a family in one court (May, 2003). This enhanced focus on the family provides a more holistic and consistent approach to the family’s problems (May, 2003).
This holistic approach is defined by four key features of a unified family court: Jurisdiction; Social Service Delivery System; Case Assignment, Processing, and Management; and Court Administration and Organization. These features help define the family court’s role to better serve family law matters. In comparing the perceptions of Judges and Attorneys about the system’s effectiveness with parental involvement, it is important to note how each feature is defined and influences the system’s operations.

**Jurisdiction.** A broad jurisdiction is essential to a successful unified family court system. These court systems need the ability to hear both criminal and civil court matters. This broad jurisdiction is also supported by the American Bar Association’s recommendation that a unified family court system should include a broad jurisdiction with district and circuit court authority (May, 2003). Kentucky’s Family Court system follows the ABA’s recommendation and has a hybrid jurisdiction, with district and circuit court powers. Kentucky also falls suit of other states and removes the Family Court from its ability to have jurisdiction over criminal matters. This jurisdiction allows the family court to have a different perspective than other courtrooms in that they are less adversarial.

**Social Service Delivery System.** Another key goal of the Kentucky Family Court system is to provide social services and act as a social safety net for vulnerable children or children living with high levels of risk factors for dependency, neglect, and abuse issues. In many ways, this supports the philosophy that family courts should not “merely solve the legal problems of a family…rather, family courts should address the underlying psychological and emotional issues causing the dysfunction, which will result in a lessened need for further court intervention” (May, 2003).
Kentucky’s Administrative Office of the Courts understands the importance of this role in creating a successful unified family court system. Specifically, they shared in 2003, at the inception of Kentucky’s Family Court System, “the family court system must be recognized as a social service delivery system, which requires and provides necessary services either directly, in house, or by way of referral to outside agencies to address the complex and multi-dimensional social problems the family court faces daily” (May, 2003). This goal is perhaps the most important. The court’s success relies on addressing the key human nature and social relation issues to protect the child’s safety, which is the State’s interest. Social services have the expertise and resources to help address issues within a family dynamic. Many of the early founders of unified family court systems highlighted the importance of including professionals who are routine with their engagement in family court settings, such as social workers, court-appointed special advocates, foster care workers, and other stakeholders (May, 2003). In essence, it is vital for the success of a family court system to create a “network of supporters” in order to rely on community-based services.

*Case Assignment, Processing, and Management.* However, to provide good social services, there must be proper case assignment, processing, and management (May, 2003). More specifically, the key concern here is efficiency. Timeliness can be detrimental to the safety of children, and the delay of court proceedings can have adverse psychological effects on families and children. A key part that makes efficiency possible is organization among services and case management units. One unit would screen children and families entering the system while linking them with their social and legal needs towards community-provided services. In addition to these efforts, the court could centralize, for
the first time, all pending cases with the family. Finally, each unit would verify that the court’s order of services was provided and that no family or child was overlooked. This teamwork approach is recommended to help relieve the burden of administrative work that limits judges and judicial resources (May, 2003).

In essence, we can see that a result of the unified Kentucky Family Court system includes a partnered network between a judge, a court administrator, an attorney, a social worker, a judicial secretary, a bench clerk, and other staff support (May, 2003). All play an essential role in the administration and delivery of social services to families and children dealing with dependency, neglect, and abuse issues inside the home.

**Court Administration and Organization.** Collectively, the court’s broad jurisdictional powers and responsibility to deliver social services, along with its enhanced focus on timeliness, creates the assumption that the “efficacy [of a unified family court] is directly related to the administrative structure and personnel employed in a given jurisdiction” (May, 2003). According to Judge Robert W. Page, “[f]amily courts throughout [the] nation function best where there is a strong presiding judge and staff committed to the full implementation of established principles and performance standards” (May, 2003, p. 586). This is arguably why the Kentucky Constitutional Amendment established the division of family courts to the highest level of trial courts, the Circuit Court (May, 2003). Moreover, this trial court level requires eight years of experience before sitting on the bench (Administrative Office of the Courts, 2022, May 1). Those are just some of the efforts to improve court organization.

Since the development of unified family courts in Kentucky, there have been several economic challenges for families that now require greater reliance on social
services, such as the ones that family courts provide. This would mean that modernization of family courts in a unified system requires greater reliance on court administration and organization, potentially to a highly costly level. This goal becomes particularly interesting when considering the influence of economic variables. It may be possible that increased stressors of economic livelihoods and the lack of resources for families have resulted in the increase of children who experience maltreatment. This development also helps frame an understanding of concerns associated with a unified family court system. Critics during the inception of the family court can be organized into three main concerns: concerns over cost, concerns over lack of training and expertise, and concerns over objectivity and judicial burnout.

The main concern with cost derives from the extensive amount of services and personnel needed to create a thoroughly effective family court system. A family court requires specialized training and understanding of complex socio-legal issues. This requirement of expertise is why some argue that judges are not adequately prepared in their legal training to preside over these issues properly. Critics specifically noted that a judge in law school is not adequately trained to “address the medical, social, child development, and psychological issues that often occur in cases involving families” (May, 2003). Collectively, there is concern that the court could not only provide inadequate services for families but would also lack the resources to provide the necessary training and expertise for judges and attorneys.

Another argument is that due to the taxing nature of the family court judge role, there are concerns about judicial objectivity and burnout among judges. Many are concerned that judges can exert their “moral, cultural, and religious bias, in that the one
court, one judge model may not fit with the objective procedures of our judicial system” (May, 2003, p. 589). Specifically, unified family court systems operate differently from a district or circuit court in evidentiary rules, finite jurisdiction, case separation, and appellate review (May, 2003). This difference in operation causes some concern about the potential of judicial bias in their decision-making when working with families.
CHAPTER THREE: METHODOLOGY

This study utilized a mixed-methods approach by using qualitative and quantitative methods to assess the participant’s perceptions. Specifically, this study aimed to describe how judges and attorneys perceive parental involvement in the Kentucky Family Court System. The methods of this study are best broken into two parts. The first part is a case study that explores the perception of judges, while the second part focuses on the perception of attorneys through a survey.

Judges

A case study approach was adopted to understand the perceptions of Kentucky Family Court judges. Three judges were interviewed to gain their general perception of parents involved with the Kentucky Family Court System. These 14-question-long interviews were one-on-one between the principal investigator and the participant (i.e., the judge). The answers were recorded by hand via a word document. In order to protect identities, these interviews were confidential, and the judges’ responses were non-attributed. To respect the participants’ time, the investigator confirmed with the participants that they had already answered the question while offering them the chance to add additional comments on the subject. Due to efforts of internal consistency, some questions became redundant towards the end of the interview.
Table 6

Interview Questions (Judges)

1. How would you define "effectiveness," as it relates to the Family Court System?

2. In DNA cases that involve substance misuse and/or mental health issues, how would you define the parent’s role?

3. Could you discuss what are successful behaviors of parental involvement towards the court that increase the likelihood of positive permanency?

4. Can you explain in detail what are some parental behaviors towards the court that decrease the likelihood of permanency?

5. Can you speak a little to the value of psychological evaluations of parents in cases where substance misuse and/or mental health issue were identified as a concern for the child?

6. In DNA cases where substance misuse was indicated as a factor, can you talk a little about how the type and/or schedule of drug impacts your decision making?

7. Can you expand upon how you determine the level of safety inside of a child’s home, specifically when looking at present concerns of substance abuse and/or mental health issues?

8. In what ways do you think parents and guardians could be more adequately prepared to engage in court proceedings and hearings?

9. From your perspective, what are the common characteristics of the parents who are properly prepared for court hearings?

10. From your perspective, what are common characteristics of the parents who are not properly prepared for court hearings?

11. In your experience, what role does a parent’s history of surviving dependency, neglect, and abuse as a child play in your assessment of their parenting?

12. In your opinion, what do you think is the most important quality a parent could exhibit that allows the court to be its most effective?

13. Could you describe any changes that you have seen in the court system that either encourages or discourages the parent’s role in maltreatment cases?

The interview questions are shown above in Table 6. The content analysis from the focus group interviews was done through narrative analysis. Most of the responses were anecdotal and highlighted personal experiences with parents in the Family Court System. These interviews were analyzed to see if the critical aspects of their experiences aligned with quantitatively recorded perceptions of attorneys.
The sample of judges for interviews was taken through connections with the Family Law unit with the Kentucky Bar Association. Moreover, snowball sampling was used to connect with other judges. Both methods allowed for connection establishment with the three willing participants. The interviews were completed in March and April 2022. One-on-one interviews lasting approximately 45 minutes were conducted with each participant.

**Attorneys**

An online survey was conducted of family law attorneys across Kentucky. Outreach to this population was done through connections with the Family Law unit with the Kentucky Bar Association and Bowling Green Bar Association. The survey included 15 items assessed on a seven-point Likert scale, with possible responses ranging from 1 (Completely Disagree) to 7 (Completely Agree) to gain attorneys’ perceptions of the Family Court System regarding parents. More specifically, the context of this survey was around specific attributes of parental involvement in the court system. The survey questions are shown below in Table 7. The data collected from this survey helped paint a picture of the administrative process from the perspective of an attorney who has firsthand account working with parents in the system.

**Table 7**

*Survey Questions (Attorneys)*

| 1. | Parents involved with child welfare understand the mission and goals of the Family Court System. |
| 2. | Parents generally understand their legal parental rights. |
| 3. | The involvement of a parent’s extended family in cases associated with substance misuse and/or mental health issues increases the likelihood of the child achieving positive permanency. |
| 4. | Across most cases, a parent has a positive attitude towards their relationship with their family’s lawyer. |
| 5. | Across most cases, a parent has a positive attitude towards child services caseworkers that are assigned to their Family Court Case. |
6. Across most cases, a parent has a positive attitude towards their relationship with Family Court Judges.

7. Parents understand what mental health services are available to them.

8. Parents understand what substance abuse treatment services are available to them.

9. Parents are adequately prepared to understand how the court assesses their role as a parent.

10. Parents understand how to provide the necessary documentation for court hearings.

11. A parent must receive treatment for all identified mental health issue(s) by the court before they can be reunited with the child.

12. We need more targeted efforts to improve mental health services offered by parents by the Family Court system.

13. We need more targeted efforts to improve substance abuse treatment services offered to parents by the Family Court system.

A survey is justified as it allowed for a quick collection of data and provided a way to synthesize the much larger population of attorneys involved with families and child welfare services in Kentucky. Each survey took participants approximately ten minutes to complete. This survey was administered using the Qualtrics Software system. The analysis of this data was also done using Qualtrics Software system tools. All responses (n = 43) were anonymous, as well as no demographic, personal, nor IP Address information was collected.
CHAPTER FOUR: FINDINGS

Section One: Judges (Interview)

Parent’s Role and Court Effectiveness. Each interview began by asking the participants to define the effectiveness related to the family court system. Collectively, the participants’ responses mentioned the social services mechanism of the court while also noting the importance of collective action between community resources and parties (i.e., DCBS, Attorneys, Parents, etc.) involved. The OFOJ court model's holistic approach was accepted as a vital part of the court’s effectiveness.

Some judges mentioned how the family court system is less adversarial. This response falls in line with the literature regarding the goals of a family court system. For example, Participant 3 expressed, “To me effectiveness is being able to have everyone work together, and by everyone, I mean the parents, the attorneys, the cabinet, the county attorney, having everyone, kind of, on the same page, and rather than being adversarial.” Moreover, similar language can be seen in Participant 1’s response, who noted the hybrid jurisdiction as crucial to the court’s effectiveness because this allows the “…. judge [to build] relationships with the attorneys for children, the cabinet, relationships that you [a Judge] would potentially not have time to build.” The literature also explains that the broad jurisdiction allows the court to be more holistic and better aid parents in creating a safe home for the child. In essence, Interview Participants 1 and 2 highlighted the importance of cooperation when defining the effectiveness of the family court system.
Interview Participant 2 explained that “effectiveness is the ability to aid and create a safe home for the child, regardless of the issues.” This statement, to some degree, expresses the importance of taking a general approach by mentioning aid and services to achieve a single goal: the safety of the child. Nonetheless, with this question, we can see that across the three interviews, all participants indicated the social services and broad jurisdiction of the court as essential factors to the effectiveness of the court.

The participants were then asked how they would define the parent’s role in DNA cases that involve substance misuse and/or mental health issues. All participants’ responses can be organized into two main themes: safety and compliance. Each of the themes was present in the participant’s responses. The participant’s description of a parent’s role allows for the assumption that judges perceive the role of parents to be about reducing safety concerns, so the child(ren) can be reunited with their home.

**Safety.** All judges highlighted the importance of creating a safe home when describing the role of the parent. For example, one participant shared, “The parent’s biggest role is to reduce safety concerns.” While another participant shared, “It is the responsibility of them to create the home.” The judges perceive the role of the parent as the responsible force for creating a safe home and reducing the safety concerns that brought their family to court.

The parent’s role in providing safety relates to the other dominant theme in the participants’ responses, the importance of compliance. The court, in reaching its goal of a safe home for the child, requires compliance on behalf of the parents with court services and requirements. This connection between safety and compliance is most present in the judges’ responses related to cases involving substance misuse.
Cooperation. The importance of cooperation can be seen in the responses that linked the parent’s risk to the child with the responsibility of reducing safety risks. In this regard, the role of the parent is to be cooperative with the court, precisely following their outlined procedures in the case plan to reduce safety concerns. Participant 3 mentioned, “… before I became a family court judge I was one of the attorneys appointed to represent parents or to represent children…. I always told my clients to do what the cabinet tells you to do.” The participant then further shared that she would say to her clients as an attorney, “You [parents] need to follow their [Cabinet] parameters and you got to show them you are no longer a safety risk for the child.” The parent's compliance and their responsibility to create a safe home align with the literature surrounding the rights and responsibilities of parents.

Specifically looking through the lens of substance misuse, there was a consensus among the participants that parents should be present and prepared for all drug screenings, indicating complete compliance with court requests. Participant 3 shared, “I think that all of the judges consistently, across the board, consider a missed test a positive test.” This response shows that maybe when there are concerns about substance misuse, the judges’ perception is influenced not only by the drug screen results but also by the effort to complete one. Regarding reducing safety risks with substances, Participant 3 also shared, “That's usually done by working a case plan, which is almost always involving drug testing.” The consensus across the participants’ answers suggests the importance of proving sobriety and showing complete sobriety through their cooperation with the case plans.
**Permanency.** After the participants set the scope for evaluating the effectiveness of the court and the role of the parent, in questions 3 and 4, the participants were asked to identify parental behaviors that increased or decreased the likelihood of positive permanency, respectively. Each judge took different approaches to this, suggesting possible differences in judicial decision-making. However, all of the participants generally agree that self-motivated efforts to engage with their case plan as a positive variable, as self-motivated efforts may help to improve parental cooperation. Moreover, all agreed that the continuance of safety concerns, such as substance use, is a negative variable for the likelihood of achieving positive permanency.

**Positive Qualities.** Participant 2 shared the following examples of qualities that could increase the likelihood of permanency, “Pay attention, stop pointing fingers, and take responsibility.” This response further supports the theme of cooperation, suggesting that parental compliance influences permanency, as expected. On the same topic of permanency likelihood, Participant 1 indicated the use of community services as essential, sharing “In my experience, in-patient rehab is more effective.” The judge further explained that it was healthy to remove the parent from the situation in order for them to gain control over their addiction. Though in addition to the benefits of sobriety, the judge shared that in-patient rehab can help identify hidden mental illness issues that may be present in the parent, concluding their response with, “We pump in efforts for substance abuse, but the mental health component is just not a strong focus in Kentucky.” This judge’s response shows that there may be a gap in mental health services, which creates concerns about parental cooperation when dealing with mental health issues.
However, all of the participants again mentioned the importance of cooperation to some degree. Specifically, Participant 3 identified cooperation as a behavior that increases the likelihood of permanency, “… would probably be cooperation, whenever someone is combative with the cabinet, the attorney, and/or with the court, it drags everything. I think that cooperative spirit goes a long way in getting a child returned quicker.” This was also supported by the claims of being present and active during the process. For example, Participant 1 shared, “Actually letting the desire to improve yourself goes a long way. If they show up every time, that at least shows me they want to make a difference.” Participant 2’s responded, “When a parent comes to court, the first time, and the second time, and show a general willingness to work with the program.” This falls in line with the literature that suggests parents are successful when they are active in court and cooperative with all parties involved in the case plan.

**Negative Qualities.** While there was some variation between the judges in providing what increased the likelihood of permanency, there were more apparent themes in their answers in response to what decreased the likelihood of permanency. Of course, the number one response was continuing the bad behavior that brought them to court. The second-most common quality was mistrust of the parent’s environment. One judge provided the following story:

“Well, even if mom’s boyfriend is not working a case plan and he uses drugs, even though mom is clean, but she hasn't broken up with her boyfriend, we run into that a lot. I have several cases a week where that is the situation, where a boyfriend is not working a plan, and is not cooperating with the cabinet, he's not doing well at all. Mom on the other hand is doing really well, except that she won't let boyfriend go, and her boyfriend sells drugs or uses drugs or has been accused of abusing her child, and so it's kind of a sink or swim mentality…we tell them at some point you got to choose your children coming back home or this boyfriend, because as well as you're doing if we don’t have eyes on you anymore, and
you go back to that person, then the chances that you relapse are very, very high. So, those things can decrease the likelihood of permanency and getting the child back home.”

Participant 1 shared a similar anecdote, that often substance users have relationships with others who also misuse substances. They further shared that if the parent is around those who misuse substances, it is hard for the judge trust the parent’s sobriety. This could be why two of three judges mentioned in their interviews the importance of not just “checking the boxes,” as one judge mentioned, but that they, as judges, focus on ensuring the parents have mitigated the cause of risk, not just completing the case plan.

This could explain why sobriety is such a common theme in the answer among the participants, further supporting the literature’s suggestion that a majority of child maltreatment events are related to substance misuse. For example, one participant shared, “I would also say it is a timing thing and a gut call from judges. What I mean by a gut call is that I take into consideration the child more than the parent.” This alludes to the assumption that judges are primarily focused on the child’s safety, reinforcing the judge’s perception that parents should cooperate. This would support the idea that in cases related to substance misuse, a parent is expected to achieve sobriety and trust with the judge in their sobriety.

Participant 2 hints at this understanding by sharing in his response, “People are going to raise their children the way they want; it is when it is not safe that we should step in.” This statement is significant because it shows the purpose of the courts being involved. It helps to set a framework for assessing the perceptions of judges about parents. In cases of substance misuse and mental illness resulting in child maltreatment, judges are focused
on sobriety and mental stability to a point where the parent can safely parent the child. This would fall directly in line with the literature.

Due to saturation in data from questions 1-4, when participants were asked question number five, the researcher asked if they had anything they would like to add. All declined or repeated information they had previously shared.

**Psychological Evaluations and Type of Drug and Home Safety.** During this section of the interview, participants were asked how the type of drug, psychological evaluations, and determinations of home safety impact their decision-making.

**Psychological Evaluations.** Participants were asked if they could speak to the value of psychological evaluations of parents in cases where substance misuse and/or mental health issue were identified as a concern for the child. Generally, all participants affirmed the importance of the psychological evaluation through case experiences while noting they are not used in all cases. Most notably, all mentioned psychological evaluations as necessary for providing the court with an understanding of mental health issues. Participant 1 shared, “I use them [psychological evaluations] all the time, and I need an expert. I don’t know how to diagnose, or how to treat them [mental health issues]. They [the psychologist] can help create a case plan that makes sense.”

There was a difference in how the evaluations are viewed between cases involving substance misuse and/or mental health issues. The participants explained that these evaluations are not always automatic in substance abuse cases. One participant noted, “There are not probably as prevalent as they should be in those type of cases [substance misuse].” Most significantly, another noted, “They're very helpful we don't use them in all of the cases. The vast majority of people that we see have just, straight up and down,
substance abuse problems. So, most of our services involve drug testing, monitoring substance abuse assessments.” This indicates that psychological evaluations may not be automatic in substance misuse cases and almost automatic in cases solely concerning mental health issues.

Another key theme to note, when discussing cases related to mental health issues, the participants noted the importance of identifying where the parent falls on the spectrum of mental illnesses in terms of potential parental capacity. One participant explained, “Some types of mental health issues are successfully treated and some you can only help them cope.” While another participant responded, “We use those psychological exams to actually give us some idea of what it is that we're looking at. I've always believed, if I know what it is, I'm looking at, we can almost always fix it, or at least provide some services to help.”

**Type of Drug.** In terms of types of drugs, it was made clear across all participants that the court requires sobriety; however, all participants also noted some differences when viewing safety concerns between the use of THC and opioids. For example, one participant explained, “I have concerns about marijuana, so if you show me clean screens, you are getting your kid back pretty quick. I take a hard nose position and if you have a DNA case with me from heroin, meth or opioid, you are going to need several months of sobriety before I will let you be alone with that child.” Which was followed by the response, “Society has become more accepting of THC, marijuana. However, in the state of Kentucky, it is illegal.” Whereas Participant 2 explained about drug schedule in general:

“It’s not about legality, it’s about decisions, and the decisions we have. The schedule of drug does play into the decisions made… Nevertheless, if they are still of the mindset that they need to alter their mind on a daily base, that is a concern to the judge’s viewpoint, particularly in cases, where they
fought to get off the hard stuff. It is more of making an impression on them, they are making a decision to alter themselves and that has an effect on their parenting.”

Here, we can understand that the drug schedule does impact the participant’s judgment about the parent’s safety with the child. While sobriety is the goal and expectation, there seems to be some understanding that the type of substance the parent uses alters the judge’s perception of the parent’s ability to parent the child safely. This would suggest that substance misuse has varying perceptions among the court but follows the legal doctrine and maintains the need for sobriety, even from recreational drugs such as marijuana.

*Home Safety.* An essential component of monitoring the parent’s substance use is the work done by social service workers doing home evaluations and following up on the parent’s drug screening. When asked how they, as a judge, determine the safety level inside a child’s home, the participants all directed the responsibility to the social service workers who are doing evaluations for the cabinet. A participant responded, “The social workers have boots on the ground and are checking on these people.” Participant 1 explained in their response that the court is concerned with two safety levels in these types of cases [cases resulting from substance misuse and/or mental health issues]. The two levels were 1) Safety of Home and 2) Protective Capacity. The participant explained:

“There are two levels of safety. The cabinet is usually the one in the home. They give the judge indication of what is happening in the home. Food, running water, heat, and a place to sleep are essential, baseline concerns. When we have substance abuse or mental health issues, until I am confident, they have the tools to stay on track, then my main thing for safety, is to make sure there is someone who can supervise the situation. There is also Protective Capacity, in DNA cases….. If the mother lets the father become drunk and violent, she can be charged for lack of parental capacity. Sometimes mental health issues or intelligence issue can impact parental capacity.”
Parental Preparedness and Family History. One of the key factors mentioned in the literature review related to parental success in family court is their level of preparedness. The next section of the interview looked at the perception judges may have about parents and their level of preparedness in family court.

Parental Preparedness. Throughout the participants' responses, the two major themes over characteristics of parental preparedness are 1) respect and 2) sincerity. All of the judges spoke to some degree about respect. Some regarded the importance of respect towards the court’s time and efforts, while some mentioned the importance of parents having respect for themselves. For example, one responded, “When they work their case plan sincerely and they can come to court with their head held high and are able to participate.” Another said, “The parents that take it seriously, are respectful, and can tell their responsive with their attorney.” Participant 3 specifically shared her experience as a family attorney:

“When I was in attorney practicing, I'm like I can almost guarantee you that I will get your child back, and I'll probably get your child back in your home in the next couple of months, if you drug screen and do not miss any screens, you work your case plan, show up in court every time, you know be engaged, and be open to hearing ideas that might be different than your own even if you disagree with them. Almost without exception of parents do that they'll get their children returned to them.”

On the other hand, Participant 1 shared a characteristic that shows unpreparedness when their “lawyer usually asks them to be silent, but their demeanor is usually pulled in, and they just want out of there.” This mentions a critical relationship between the lawyer and the parent. Much of the awareness of the court relies on the attorney, while the attorney’s ability to help the parent relies on the parent’s willingness to cooperate.
Question 9 asked participants how they thought parents and guardians could be more adequately prepared to engage in court proceedings and hearings. One participant explained, “It all goes over their head. I don’t know if I have ever had a parent understand a preliminary hearing. Some of the lawyers are quite good and some are not, the goods one will take the time with their clients and talk with them.” This response mentions an important finding that the parent might have some degree of misunderstanding due to a gap between attorneys and their client, the parent. This perception supports the judges’ explanation that cooperation is an essential quality in the parent’s role.

**Family History.** Question 13 asked about the influence of the parent’s history of surviving dependency, neglect, and abuse in their assessment of the parent. One just mentioned the importance of a trauma-informed court and highlighted their experience getting training on trauma. The participant said:

“All of us are trauma trained and ACEs (Adverse Childhood Experiences) and know we know a lot about trauma. All of these clinics that we refer people to that have mental health problems are all trauma informed and provide trauma informed therapy. We kind of look at it as what have you been through this caused you to get here and can we put you in a better place where you can function a little bit better. If we can help you get some therapy and treatment and we find that people who are in consistent, regular therapy, do much better.”

However, this response differed from the other two judges who did not allow it to influence their decision-making, with one participant sharing, “Zero, they do not get a pass to have an unsafe home because they do not have one. It may serve to tailor their case plan, there may be things they need to address from their childhood experience. I want a safe home.” This indicates a difference in opinion about weighing the trauma experience of parents into understanding their parenting skills and safety with the child.
Changes in the Court System. The final question asked judges to describe any changes in the court system they have encountered that encourage or discourage the parent’s role in maltreatment cases. Two judges shared the importance of seeing younger attorneys entering the field and willing to take on family law cases; as one participant described, “This is God’s work; this is about protecting someone’s human dignity in a grassroots format. I am impressed on the interest and care and focus on family court attorneys.”

There were also adverse changes noted. Two of the participants noted that the increase in drug usage was discouraging. One participant specifically mentioned the effect of the pandemic by explaining that many students lost the break of school they received from their abusive homes. They also indicated the gap in time when social service workers could not do home visits. As mentioned prior, these inspections are critical for determining the level of safety inside the home.

One participant responded, “There has not been much change, however, I think things could change, because the system is not perfect.” Upon clarification, the participant suggested that sometimes cabinet workers can be excessive in their item on a case plan and could be more understanding of what is doable in terms of the court. Specifically, “…you have nine things you want the parent to do. That is not feasible, let’s knock it down to the simple things. That is potentially an area where things could change.”

Section Two: Survey (Attorneys)

The respondents (i.e., attorneys) indicated how well they agreed with a series of statements using a seven-point Likert scale survey. Following the series of statements, the respondents then indicated whether or not they were active practitioners in the Kentucky
Family Court system and their year(s) of experience. Around 88% of the respondents \( (n = 38) \) were active practitioners in Kentucky’s Family Court system at the time of the survey. Furthermore, the most frequent response for years of experience was around 10 years; however, there was a wide range in the respondents’ length of experience (see Figure 2).

The survey’s statements were organized under three broad themes related to parents’ involvement in family court. Specifically, the themes were: 1) Parental Understanding and Awareness of Family Court; 2) Parental Attitudes Towards Judges, Attorneys, and Caseworkers; and 3) Substance Misuse and Mental Health Services. When assessing the responses, some key findings and patterns align with the findings of the case study interviews with judges. The raw counts from the survey are recorded in Table 8 (see next page) on a white-to-blue color scale, with blue indicating the highest number of responses and white indicating the lowest.

**Parents’ Understanding and Awareness of Family Court.** The questions that assessed the attorneys’ perceptions of parental understanding and awareness of Family Court were questions 1-3, 9, and 10. Specifically, each of these questions focused on the attorneys’ perceptions of parental understanding and their level of preparedness for court involvement. Below is a diverging color scale table comparing the attorneys’ responses
across all five questions. The color scale represents positive (agree) and negative (disagree) responses. A response indicating 1 (strongly disagree) is shaded dark orange.

Table 8

<table>
<thead>
<tr>
<th>Question #</th>
<th>Statement</th>
<th>Strongly Disagree (1)</th>
<th>Disagree (2)</th>
<th>Somewhat Disagree (3)</th>
<th>Neither Agree nor Disagree (4)</th>
<th>Somewhat Agree (5)</th>
<th>Agree (6)</th>
<th>Strongly Agree (7)</th>
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<tbody>
<tr>
<td>1</td>
<td>Parents involved with child welfare understand the mission and goals of the Family Court System.</td>
<td>4</td>
<td>11</td>
<td>15</td>
<td>3</td>
<td>0</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Parents generally understand their legal parental rights.</td>
<td>5</td>
<td>9</td>
<td>11</td>
<td>3</td>
<td>1</td>
<td>11</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>The involvement of a parent’s extended family in cases associated with substance misuse and/or mental health issues increases the likelihood of the child achieving positive permanency.</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>6</td>
<td>13</td>
<td>15</td>
<td>6</td>
</tr>
<tr>
<td>4</td>
<td>Across most cases, a parent has a positive attitude towards their relationship with their family’s lawyer.</td>
<td>1</td>
<td>5</td>
<td>8</td>
<td>6</td>
<td>9</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>5</td>
<td>Across most cases, a parent has a positive attitude towards child services caseworkers that are assigned to their Family Court Case.</td>
<td>8</td>
<td>19</td>
<td>10</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>Across most cases, a parent has a positive attitude towards their relationship with Family Court Judges.</td>
<td>2</td>
<td>8</td>
<td>13</td>
<td>7</td>
<td>8</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td>Parents understand what mental health services are available to them.</td>
<td>7</td>
<td>14</td>
<td>10</td>
<td>1</td>
<td>2</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>8</td>
<td>Parents understand what substance abuse treatment services are available to them.</td>
<td>6</td>
<td>11</td>
<td>10</td>
<td>0</td>
<td>1</td>
<td>14</td>
<td>1</td>
</tr>
<tr>
<td>9</td>
<td>Parents are adequately prepared to understand how the court assesses their role as a parent.</td>
<td>8</td>
<td>14</td>
<td>11</td>
<td>0</td>
<td>4</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>10</td>
<td>Parents understand how to provide the necessary documentation for court hearings.</td>
<td>9</td>
<td>10</td>
<td>14</td>
<td>1</td>
<td>5</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>11</td>
<td>A parent must receive treatment for all identified mental health issue(s) by the court before they can be reunited with the child.</td>
<td>1</td>
<td>6</td>
<td>10</td>
<td>8</td>
<td>13</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>12</td>
<td>We need more targeted efforts to improve mental health services offered by parents by the Family Court system.</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>11</td>
<td>14</td>
<td>15</td>
</tr>
<tr>
<td>13</td>
<td>We need more targeted efforts to improve substance abuse treatment services offered to parents by the Family Court system.</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>13</td>
<td>14</td>
<td>13</td>
</tr>
</tbody>
</table>
a response of 7 (strongly agree) is shaded dark green, and the yellow color indicates a neutral position. The mean response from each question was recorded and then assigned a color that matched appropriately (see Table 9).

Table 9

_Attorneys’ Perceptions of Parental Awareness and Understanding of Family Court_

<table>
<thead>
<tr>
<th>Question #</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statement</td>
<td>Parents involved with child welfare understand the mission and goals of the Family Court System.</td>
<td>Parents generally understand their legal parental rights.</td>
<td>The involvement of a parent’s extended family in cases associated with substance misuse and/or mental health issues increases the likelihood of the child achieving positive permanency.</td>
<td>Parents are adequately prepared to understand how the court assesses their role as a parent.</td>
<td>Parents understand how to provide the necessary documentation for court hearings.</td>
</tr>
<tr>
<td><strong>Mean</strong></td>
<td>2.35</td>
<td>2.72</td>
<td>5.28</td>
<td>1.93</td>
<td>1.93</td>
</tr>
</tbody>
</table>

The mean response from question one was 2.35, meaning that the average respondent disagreed with the statement that parents involved with child welfare understand the mission and goals of the family court system. This would suggest that some attorneys perceive parents as lacking in understanding and awareness of the court system. Here, the attorneys’ perceptions align with the findings in the interviews where one judge claimed there were gaps in parental understanding of the court, such as the commentary that Interview Participant 2 shared about preliminary court hearings.

The trend with question 1 falls in line with the attorneys’ perception of parents’ understandings of their parental rights. When given the statement, “parents generally understand their legal parental rights,” the average response was 2.72. The mean response
suggests that the average respondent disagreed with the statement. Such results support the assumption that some attorneys believe parents generally do not understand their parental rights. The attorneys’ perception that parents generally do not understand their parental rights supports the findings that parents lack an understanding of the court system.

The trend in attorneys’ responses indicating parents might lack understanding of the court system and their rights is also present in their responses to questions 9 and 10. The attorneys’ mean response when asked about whether parents understood how the court assessed their role as a parent, question 9, was 1.93. This average response explains that some attorneys do not believe parents understand how the court is making its assessments of their parenting. Moreover, the respondents had the same mean score of 1.93 when asked if parents understood how to provide the necessary documentation, question 10. Attorneys disagree that parents understand how to provide the necessary documentation for court (see Table 9).

When assessing the trends found in questions 1-3, 9, and 10, it is assumable that some attorneys perceive parents to lack understanding, preparedness, and awareness of the family court system. In terms of comparison with the judges’ responses, the attorneys’ perception of parents does not align with the judges’ perception of effective parental behavior for increasing the likelihood of permanency. Therefore, some evidence supports the argument that parents may be suffering from a lack of understanding, preparedness, and awareness of the family court system.

To some degree, the attorneys’ and judges’ perceptions of parents lacking understanding and awareness could help explain why extended family involvement received a more positive mean response of 5.28 (see Table 9). This shows that respondents
somewhat agreed that an extended family member’s presence helped increase the likelihood of permanency. Moreover, the generational impact of substance misuse mentioned in the literature review could explain the slight disagreement respondents had about the presence of extended family members. This response also falls in line with the mixed reactions of judges when asked if they considered the parent’s history of surviving maltreatment in their assessments.

Table 10

*Attorneys’ Perceptions of Parental Attitudes Towards Judges, Attorneys, and Caseworkers*

<table>
<thead>
<tr>
<th>Question #</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statement</td>
<td></td>
<td></td>
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<tr>
<td>Across most cases, a parent has a positive attitude towards their relationship with their family’s lawyer.</td>
<td></td>
<td></td>
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<tr>
<td>Across most cases, a parent has a positive attitude towards child services caseworkers that are assigned to their Family Court Case.</td>
<td></td>
<td></td>
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<tr>
<td>Across most cases, a parent has a positive attitude towards their relationship with Family Court Judges.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean</td>
<td>3.51</td>
<td>1.51</td>
<td>2.63</td>
</tr>
</tbody>
</table>

*Parental Attitudes Towards Judges, Attorneys, and Caseworkers.* This section focuses on how the attorneys perceive the parents’ attitudes towards parties involved in the family court system. When asked if, across most cases, a parent has a positive attitude towards their lawyer, the average response was 3.51. Such a response would suggest that the respondents somewhat disagree with the statement that parents have a positive attitude towards their lawyers. This close-to-neutral score might suggest some negative experiences between the attorney and parents. In essence, some attorneys may perceive that some parents do not have a positive attitude toward their lawyers (see Table 10).
A more negative trend is seen with the attorneys’ perceptions of parents’ attitudes towards caseworkers and judges. Both the literature and interview responses suggested that parents have a default bias against their caseworker, especially in instances of the child’s removal from the home. With a mean score of 1.51, the respondents strongly disagree that parents have a positive attitude towards their caseworkers. Though, from the perspective of attorneys, parents have a more positive attitude toward their judge. The mean response was 2.63, suggesting that attorneys somewhat disagree that parents have a positive attitude toward the judge. Collectively, it can be assumed that attorneys perceive parents to be more positive towards their judge than their relationship with caseworkers; however, parents are the most positive towards their attorney (see Table 10).

**Substance Misuse and Mental Health Services.** The final section of survey questions assessed the attorneys’ perceptions of substance misuse and mental health issues services. One noticeable trend is that attorneys disagree that parents understand the mental health and substance misuse treatment services. The most significant trend is that respondents, with a mean score of 5.91, somewhat agree with the assertion that we need more targeted efforts to improve mental health services. This average response was slightly higher than the attorneys’ responses about the need for improved substance misuse services, with an average response of 5.74. Therefore, it can be assumed that from the perspective of attorneys, parents lack an understanding of their services, necessitating more targeted efforts that improve substance misuse and mental health services.
In the interviews, judges noted the need for improved mental health services. Specifically, the need for improved mental health services was mentioned more than the need for improving substance misuse services. The judges also did indicate that both forms of services require improvements. However, both the judges and the attorneys also indicated a greater need for improvements in mental health services than substance misuse. Specifically, attorneys agreed by .17 more points that there is a need for more targeted efforts to improve mental health services.

Additionally, the judges in Kentucky have been through trauma-informed training. The survey results and the trainings mentioned in the interviews suggest a growing focus on the need for mental health improvements. This could be why question 11 had a more neutral mean response of 3.65. The average respondent either somewhat disagrees or takes a neutral position on whether the parent should receive treatment for all mental health issues before they can be reunited with the child (see Table 11).

Table 11

<table>
<thead>
<tr>
<th>Question</th>
<th>7</th>
<th>8</th>
<th>11</th>
<th>12</th>
<th>13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statement</td>
<td>Parents understand what mental health services are available to them.</td>
<td>Parents understand what substance abuse treatment services are available to them.</td>
<td>A parent must receive treatment for all identified mental health issue(s) by the court before they can be reunited with the child.</td>
<td>We need more targeted efforts to improve mental health services offered by parents by the Family Court system.</td>
<td>We need more targeted efforts to improve substance abuse treatment services offered to parents by the Family Court system.</td>
</tr>
<tr>
<td>Mean</td>
<td>2.14</td>
<td>2.58</td>
<td>3.65</td>
<td>5.91</td>
<td>5.74</td>
</tr>
</tbody>
</table>
CHAPTER FIVE: CONCLUSION

When comparing the responses from both judges and attorneys, we can see some similarities in their viewpoints. The similarities in viewpoints between judges and attorneys suggest they perceive parents involved in child welfare services due to substance misuse and/or mental health issues to be less effective in terms of cooperation, awareness, and preparedness. Moreover, there appears to be a gap between substance misuse and mental health services.

There appears to be a gap in perspective between judges and attorneys regarding the parent and their trust in the parties involved. Some judges and attorneys believe parents are lacking in their cooperation arguably because they are not adequately involved with community-based services. This mistrust is most striking when looking at social service workers. Both judges and attorneys perceive the parents’ attitudes toward social workers negatively. This could potentially suggest the bias parents have against social workers, which may be hindering their ability to cooperate with the court.

Secondly, some judges explained that the parent’s lack in cooperation might be causing them to be unaware or not focused during court hearings and procedures. In essence, parents lack awareness about what is going on inside the courtroom because they lack cooperation with the parties involved, evidenced by their relationship with social service workers. This, too, was verified by the interviews where cooperation was repeated several times and by the survey data showing parents lack awareness of their legal rights.
as a parent. Focusing on improving cooperation between the social service workers and the parents could help make the family court process more efficient and effective by fostering more parental awareness. The process of Family Court can be a nerving experience. Considering the complex trauma of child removal, it is vital that the parent build relationships with the system and trust the process.

Finally, parents are lacking in their preparedness. This is natural given the lack of cooperation and awareness. This is supported by the survey responses regarding their understanding of how the court assesses their role as a parent. During the interviews, judges also raised concerns about preparedness and even concern of parents’ attendance records for court meetings. All of the judges alluded that parents sometimes simply do not show up to court and do follow their case plans. A way to fix this inefficiency in our system would be to build a stronger relationship between attorneys and social service workers. By focusing greater attention on this relationship, we may be able to better understand the gap in parental preparedness.

In conclusion, the most significant point discovered in this study is the need for a better partnership between substance misuse treatment services and mental health services. These seem to operate separately, with greater attention towards substance misuse. However, we could potentially see a more effective court system by addressing the substance misuse issue with more mental health services. The survey data also suggest that a potential area for improvement could be in the services for substance misuse and mental health issues. Kentucky has made some great efforts to curb child abuse, but it will take reshaping and strengthening our community services to strengthen our family court and protect children better.
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