

Reasonable or Active Efforts - Drug Testing Prior to Overnight Visitation.

When a child in need of protection is removed from their home due to parental substance use and placed in out-of-home care by a public agency, the parent(s) may be subject to drug testing. When parental substance use is a primary factor in removal, custodial agency workers must consult with supervision to determine if substance use constitutes continued risk to safety and if there are adequate protective factors to mitigate safety concerns. Custodial agency workers must engage with the parent to identify family strengths, while partnering with the parent's SUD treatment provider, probation, drug court and other service providers to collectively evaluate areas of concern specific to parental substance use. Early identification and referral to SUD treatment are critical components for success in the case plan. Custodial case workers must engage in reasonable or active efforts to help the parent schedule required SUD evaluations, remind the parent of upcoming appointments, arrange transportation and support the parent in navigating the various systems.

Custodial agency workers must assess whether a drug test is required for the parent before any overnight visits, including trial home visits, or reunification can occur in the home. Drug testing applies when a child is removed from the parental home and any of the following are a contributing factor to the removal:

1. Use of a controlled substance, or
2. The presence of drug paraphernalia.

The drug testing is confidential and the requirement does not apply to marijuana.

Based on the details of the case, the custodial agency will determine how drug testing will be administered; including what type of test will be performed (Ex: sample of hair, sweat, urine, saliva or blood) and where the test will be conducted (Ex: agency office, local lab, third party provider). The parent must pass the drug test administered to them in order for overnight visits including trial home visit or reunification to occur. If the parent does not pass the drug test, unsupervised overnight visitation will be cancelled. The custodial agency must continue supervised visitation in efforts to strengthen and maintain relationships within the family. The custodial agency may require additional drug testing, at any time, to ensure safety and to facilitate safety planning for the child.

Drug testing only determines whether a person has used a particular substance during a specific period of time. Results are only as good as the timeframe in which they are administered and are one part of the ongoing assessment of a parent's substance use. Drug tests are used to monitor parental substance use and to encourage engagement in recovery, they are not used to punish parents. Custodial case workers are trained to recognize recovery is not linear. Like other chronic conditions, recurrence and relapse are often a part of the recovery process, which means that custodial case managers assess a broad range of considerations as they safety plan and engage with families. Custodial case workers are constantly re-evaluating when visits between parents and their children can occur, deciding if and when visits can transition from supervised to unsupervised, and considering if drug testing should be utilized to support case plan decisions. Through testing, treatment support systems, and comprehensive safety assessments, custodial agency case workers have various tools necessary to benefit both parents and children in efforts to safely reunify.