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Jane's relapse sets her back

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A drug episode distances Jane from her son. She must work harder now to complete her case plan.

Ten weeks after Jane Doe was last in court, she is back in court for the first judicial review of her case. Twelve weeks ago Jane agreed to work on a case plan for reunification with her 21-month-old son who was removed from her custody by the Department of Children and Family Services for abuse and neglect. This will be her first report card since she decided to work with the child protection system to get her child back.

Jane finished residential drug treatment shortly after her last court appearance and moved into a half way house called Transitional Living Center operated by Southwest Florida Addiction Services. While there she works on maintaining sobriety and developing occupational and living skills in addition to working on her case plan: parenting classes, counseling for victims of domestic violence, finding a job and visiting her son.

Today Harry, her child welfare case manager, and Angela, Baby Doe's guardian ad litem, have bad news to report to the judge.

JANE goes AWOL

"Your honor," Harry speaks, "Jane was doing well up until 10 days ago. Then she relapsed. She was absent from TLC for five days. She reappeared last Friday. She reported using crack cocaine and non-prescription oxycontin."

"What happened," the judge asks Jane.

Jane, her face flushed, explains to the judge that 10 days ago was her 22nd birthday. Eight years ago she was sexually abused by her drunken step-father immediately

following her 14th birthday party. When her mother did not believe Jane and stood by her husband, she ran away from home. Soon she was smoking marijuana and abusing alcohol. Every year on her birthday since then she gets extremely depressed, and then she gets high.

"So your birthday memories triggered your relapse," said the judge.

"Yes, sir," Jane replied, beginning to cry. "I thought I could handle it this year. I thought this time it would be different."

"Where did you go and what did you do?" asked the judge.

"Mostly I was at crack houses or out on the street. But last Friday I began to realize what I was doing: I was losing my baby. So I went to Detox (SWFAS' drug detoxification unit) and checked in. Then I begged TLC to take me back."

"Jane, in any of your treatments did you ever talk to anyone about these events of eight years ago?"

"No, I was too ashamed. I just told them I ran away as a teenager and started using while on runaway. I thought I was strong enough this time, but . . ."

"Why are you talking about it now," asks Jackie, her court-appointed attorney.

"At Detox I talked to my TLC counselor. This time I told the complete story like I should have in my group sessions. I was too scared then but now I'm more scared of losing my baby, so I told the whole truth."

ANOTHER CHANCE

Relapse is part of recovery from drug addiction. A relapse will not automatically cause Jane to permanently lose custody of Baby Doe, although it is definitely a setback for Jane and a potential barrier to reunification.

The court does not take punitive action. A therapeutic court does not scold, demean or belittle the relapsing parent. Jane had held back important information, which if known, would have become part of her original relapse prevention plan. The proper response to Jane's relapse is to devise a strategic plan to improve her chances of remaining sober through this period of time next year and every year thereafter.

SWFAS reevaluated Jane and agreed to allow her to remain at TLC, provided she go back into TLC's residential drug treatment program for two weeks. Then she can go back to the half-way house. Jane accepted and she is now back in residential treatment where she will remain for nine more days.

Turning to Angela, the guardian ad litem, the judge asks, "How is Baby Doe doing?" "He's doing fine. His asthma is under control, and he is now hitting all of his developmental milestones. He's a happy, healthy baby. Because of Mom's relapse, she has missed three visits. She must resume her visits immediately. I don't like to say this in Jane's presence but it needs to be said: Baby Doe is becoming very attached to his foster parents and has become very comfortable in their home."

Jane reflexively wants to speak, but stops. It hurts to hear those words, but she knows Angela is only giving her fair warning.

"Ms. Doe," says the judge, "you have had a setback and you have lost some time, but you are not out of the ball game. You have a long way to go but there is still time. However, you cannot afford to waste any time. You must use these next six to seven months wisely. "We want you to recover and succeed on your case plan. Meanwhile, you need to remain closely bonded to Baby Doe. In a word, we want you to get your son back.

"The child will remain in his current foster placement, the case plan goal will remain reunification and we will have another judicial review in five and a half months."

Next Sunday: Jane's second report card.

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ABOUT THIS SERIES

This is the ninth in a series of columns by Dependency Court Judge James Seals on Lee County's child protection system. Recent columns have been tracking a fictional case through the system. Previous columns are available on www.news-press.com by clicking on the current column.

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