



GENERATION JUSTICE

(602) 710-1135 • info@genjustice.org • www.genjustice.org

Substance-Exposed Newborns Rocket Docket



1. **WHAT IS A ROCKET DOCKET?**

A Rocket Docket is a court that prioritizes the fair and speedy dispositions of matters before it.

2. **WHAT IS THE GOAL OF THE ROCKET DOCKET?**

The purpose of the Rocket Docket is to provide a framework to fairly and judiciously resolve the cases of infants in foster care within twelve months.

3. **WHAT HAPPENS TO SUBSTANCE-EXPOSED INFANTS NOW?**

A substance-exposed newborn is born every 19 minutes. The rising tide of drug-dependent infants has hospitals, social service agencies and courts scrambling. In the most dangerous situations, the state takes temporary custody of these infants (foster care) to ensure their safety. An estimated 90 percent of substance-exposed infants never come to the awareness of DCS.

4. **WHY DO NEWBORNS NEED A ROCKET DOCKET?**

Substance-exposed newborns have no right to have their cases adjudicated on a timely basis and frequently wait years for a final disposition. Consequently, some children will spend their entire lives in foster care. Foster care was intended to be temporary, not a life sentence. It is broadly agreed by all parties in child welfare matters that the speedy disposition of cases would better serve families.

5. **WHY IS IT IMPORTANT TO RESOLVE THESE CASES IN A YEAR'S TIME?**

The Rocket Docket recognizes the unique medical frailty of substance-exposed infants and their rapidly developing brains. Substance-exposed infants often suffer permanent brain damage from in-utero drug use, have multiple medical problems, and an increased risk for attachment disorders.

Moving infants after a year increases these already-heightened risks, frequently resulting in attachment disorders, lifelong anti-social behaviors, emotional disabilities and mental illness.

6. **IN EXPEDITING THESE CASES, IS THERE A RISK THAT JUSTICE WILL BE UNDERMINED?**

Our legal system is built on the assumption that justice delayed is justice denied. The United States Supreme Court has affirmed that criminals have a constitutional right to “a speedy and public trial.” Criminals typically have a right to have their cases adjudicated within 150 days.

The right to a speedy trial is so fundamental that in *Strunk v. United States*, the U.S.S.C. ruled that if a defendant’s right to a speedy trial is violated, the indictment must be dismissed or the conviction overturned. The Eastern District of Virginia has adopted a Rocket Docket for civil matters. The court requires that parties adhere to strict deadlines, rules on motions in a timely manner, and imposes sanctions for noncompliance. Federal courts in Texas, California, and Wisconsin also have adopted rocket dockets as have many state courts. These courts demonstrate that serialized delays do not need to be the norm.



Substance-Exposed Newborns Rocket Docket Q&A cont.

7. **WHAT ARE THE PRINCIPLES BEHIND THE ROCKET DOCKET?**

When it comes to child welfare, we believe “averages” don’t tell the whole story. We believe “every number has a name.” And we recognize the individual worth of every child. Because every child matters, the Rocket Docket has been designed to help ensure no child falls through the cracks.

8. **WHAT ARE THE KEY PROVISIONS OF THE ROCKET DOCKET?**

The Rocket Docket contains a timeline. In most cases, a substance-exposed infant will either reunify safely with his family or, in extreme cases, be safely adopted around his first birthday.

The Rocket Docket improves fairness for families by making sure services are provided as required by law, by clearly defining what is required to safely reunify, and by thoroughly and diligently searching for relatives. A parent has the right and the responsibility to care for his child.

The Rocket Docket respects the 2017 Arizona Court of Appeal’s finding in *Alma S. v. Department of Child Safety, J.R.*, I.R. that “A

parent’s right should be preserved, ‘when the parent grasps the opportunity [to reunify with a child] quickly, diligently, and persistently’ and without failure.”

The Rocket Docket improves justice for infants by making sure they have legal counsel and by recognizing their unique medical deficits and right to a family.

The Rocket Docket improves fairness for the public who pay for nearly all the costs associated with these infants, including the estimated \$95,000 in hospital and intensive care costs for the average birth. Current law requires the public pay for parents to become clean, including offering drug rehabilitation, psychological counseling, and taxis and transportation to those services, among other items.

Under the Rocket Docket, parents retain those “second chance” provisions provided by the public. However, if parents have a long-standing history of drug abuse and repeatedly give birth to substance-exposed infants, the public is no longer required to pay for all of those services. Parental due process and judicial discretion are retained.

¹ U.S. Department of Health and Human Services, “Substance-Exposed Infants: State Responses to the Problem,” HHS Pub. No. (SMA) 09-4369, p. 32. <https://ncsacw.samhsa.gov/files/substance-exposed-infants.pdf>

² See, for instance, https://www.pleegzorg.nl/media/uploads/artikel_strijker_knorth_knot_history_child_welfare_vol87.pdf;

<https://www.cambridge.org/core/journals/development-and-psychopathology/article/characteristics-of-attachment-organization-and-play-organization-in-prenatally-drugexposed-toddlers/6669C874EFD48DB1A3BE0D0B373068E3>;

https://www.ptsd.va.gov/professional/treatment/children/trauma_ptsd_attachment.asp; and Adoption studies regularly confirm that age at the time of placement is the key predictor of how well adopted children will do.” Rebecca Helgeson, “The Brain Game” *Adoptive Families*, July/Aug 1997



**GENERATION
JUSTICE**