



## DRUGS, ALCOHOL and CHILDREN

There has been extensive media coverage of the drug 'P'. Virtually unheard of only a few years ago, it has become an epidemic in our country. While the media has focussed mainly on the drug in relation to criminal offences, 'P' and other drugs (including alcohol) can have a significant impact on families, and particularly on children. Increasingly, our family law team are seeing cases where 'P' and other drugs are involved. There are two ways in which the law and Courts system may intervene – either through an agency involved with child welfare, or through a concerned parent or family member.

### Care and Protection Concerns

The issue is how the parent's drug or alcohol use is affecting any children of the family, and in all matters relating to the care and protection of children, the welfare and interests of the children come first.

Drug or alcohol use by a parent can have far reaching implications for children. For example, the parent may drive while under the influence; may have undesirable associates who are not safe to be around; may spend money on the drug habit before paying for necessities such as food and rent, or may become violent when taking drugs. Children may have violence directed against them or witness violence between family members.

The effect of drug use on children can include a lack of attention when the parent has a hangover, is 'coming down' from a drug or 'hanging out' for more. A parent sleeping all day and neglecting their children may mean, particularly for a very young child, that the children are not receiving adequate food and hydration, bonding time, or the stimulation needed to help develop their minds. An older child may end up 'parenting' a parent who is using drug, instead of the other way round. All of this can set children up for problems later in life.

### Dependency

When people find that using a drug becomes far more important than other activities in their lives, they are psychologically dependent on the drug. Physical dependence occurs when a person's body adapts to a drug and becomes used to functioning with the drug present. If a dependent person stops or reduces the amount of a drug they use, they may experience symptoms as they readjust to functioning without the drug. These symptoms may put a child in that person's care at risk during the withdrawal period.

### Child Youth and Family Services

Children at risk of abuse or neglect, or at risk of offending, are the primary service responsibility of Child, Youth and Family Services (CYFS). CYFS usually become involved with a family after receipt of a notification. This may come from a member of the public, an organisation involved with the family, the Courts, or a member of the family itself.

Most of the activities of CYFS are guided by the Children, Young Persons, and Their Families Act 1989. This Act emphasises the role and responsibilities of families and whanau in caring for their young and protecting them from harm.

Families having trouble caring adequately for their children or neglecting or abusing them are encouraged and supported to find their own solutions to the problems. Social workers assist the family group in reaching agreement on how to keep the child safe.

This may mean that children are removed from the parents care temporarily or, in some cases, permanently. Often grandparents, aunts, uncles or other family members will care for the children during this time. When there is no one available or suitable to care for the children, the social worker will place them with a CYFS foster family.

If the children are not able to return to the care of their parents, another family member may apply to the Court for custody and guardianship of them. 'Custody' means the right to care and possession of a child. 'Guardianship' means the custody of a child and the right of control and upbringing of a child, such as making decisions about the child's medical care, religion, and education.

For more information, please contact one of our offices.

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## Other Cases

CYFS don't become involved in all Court cases involving drugs and alcohol. Often a worried 'ex' or other family member will consult us wishing to obtain custody of the children. Or, a parent with the children in their care may want to put safeguards in place for access between the children and an 'ex' who is 'using'.

## Solutions

The solution often depends on whether the parent acknowledges the problem and is prepared to address it. There are a range of good treatment options available and many millions of dollars have been earmarked in the latest budget for fighting the "P" problem, some of which will go towards funding treatment.

But, if the parent remains "in denial", the options for all the family – but especially the children – are more limited.

The Courts may deal with the problem in a number of ways – ordering drug or alcohol testing, for example, making custody or access conditional on a parent completing an assessment or treatment programme, or making conditions on a parent not using when the children are in their care.

**If you have any queries or concerns, please contact a member of our family law team**

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