



An Invitation to Success:

Creighton Alumnus Douglas Johnson Helps Families Reunite with Zero to Five Family Drug Treatment Court

By Eugene Curtin

Watching five or so young mothers stand one by one before Judge Douglas F. Johnson is a bit like watching a teenager face dad after wrecking the family car.

The relief is palpable. Dad turns out to be far more concerned about you than about your transgression, more worried about how you are handling the situation than the situation itself. Dad's not mad. Phew!

Of course, it's all slightly illusory, because after dad has reassured you that you are still loved and valued, and that there remain plenty of reasons to believe in you, the hammer is coming down. Driving privileges will be suspended, courses in safe driving required, and a lengthy period of responsible behavior demonstrated. Only then, and only incrementally, will privileges be restored.

So it goes in Judge Johnson's Zero to Five Douglas County (Nebraska) Family Drug Treatment Court where Johnson deals not with wrecked cars, but wrecked lives — lives wrecked usually by drug addiction and damaged further by child neglect.

Johnson has served with Douglas County's juvenile court since January 1994, where the bulk of his judicial workload still lies. Two years ago, however, he founded the Zero to Five Family Drug Treatment Court, an additional duty that permits

him to specialize in cases involving children from newborns through age five. His project was approved by the Nebraska Supreme Court and was the first of its kind in the state and in the country. He partnered with the National Council of Juvenile and Family Court Judges; Zero to Three, the National Center for Infants, Toddlers, and Families, a nonprofit multidisciplinary organization dedicated to the health development of infants and toddlers; and the National Drug Center Institute for evidence-based best practices.

Johnson says he did this to create an effective response for the one-fourth of all children who are placed in foster care — birth to five years old. Once in foster care, these children stay the longest and suffer trauma from multiple foster placements and lack of attachments. These children have poor social interactions, underachieve in school, and usually wind up in trouble as delinquents. As parents, they replicate the pattern of abuse and neglect since they were not properly parented.

Early childhood science shows that a child's greatest brain development is from



Judge Douglas Johnson, JD'87

birth to age three. To achieve healthy brain development, a child requires a consistent nurturing caregiver. Only then will a child be cognitively and emotionally prepared for healthy social relationships and school. Since the main reason children enter foster care is parental substance abuse, and since babies and toddlers need a permanent loving caregiver quickly, Johnson thought why not help the youngest of the young and their parents through a unique problem-solving drug court for their issues and needs. Eventually, he expanded the project to include four and five year olds.

A 1987 graduate of the Creighton University School of Law, Johnson now teaches juvenile law at Creighton and is the recipient of several awards for his work with children, including recognition by the Nebraska Supreme Court in 2001 when he received the Distinguished Judge Award for Service to the Community.

Behind the bio, though, and beyond the awards, lies an upbeat and engaging man who is determined to "break the cycle" that too often sees the children of offenders eventually falling into the court system.

“I set the tone for civility,” Johnson said. “Parents are going to get a fair shake. Mine is not a criminal court, so parents are not sent to jail as a consequence. I have some coercive powers, but it’s for true contempt of court, which is rare. Studies show that affirmation, encouragement and rewards work better to motivate change in behavior than a jail sanction. What parents also need to know is that they have my respect, that they will be treated with dignity, that they are being offered an invitation to success, and they are accountable for their actions.”

Success, in the context of Johnson’s court, has much to do with benchmarks and milestones. Frequently, the first consequence for a young mother or father found to be involved with illicit drugs is removal of their children and the placement of those children in foster care. For those involved in Zero to Five, this suspension of parenting privileges begins a lengthy journey involving drug and mental health evaluations, parenting education, anger management courses, unannounced home inspections, a job search and a gradual reintroduction of privileges. Failure to meet the benchmarks can mean permanent legal severance of parental rights and the child being put up for adoption.

But, Johnson said, he does not like to stress such bleak consequences when dealing with young mothers and fathers. They are in the Zero to Five program voluntarily after all, thus demonstrating a desire to get back on track and recover their children. Rather than asking whether they have met this or that benchmark (the team can handle such things), Johnson begins with questions about the relationship of the parent and child, which is very personal and takes time.

“How did it feel to visit with your child, to feel how your child clung to you? That’s what I ask,” he said. “Did you read to your child? Did you sing to your child? How does your baby react? How does that make you feel? How does parenting sober feel?” Johnson has developed a series of questions with therapists that helps the parent reflect on his or her relationship with the child. Recognizing and strengthening that relationship brings about parental pride and change.

“This court is about restoring the relationship of a parent with a child, and a child with a parent. People often think that a successful outcome is when parents get their children back. But we are trying to help children get their parents back. If that can’t happen, then the child should be adopted in a timely fashion.”

Zero to Five Family Drug Treatment Court helps parents improve through holistic interventions including: mental health and substance treatment, parenting assessment, training and skills development, early childhood evaluations,

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dyadic therapeutic parenting time, domestic violence programs, housing, diet, exercise, smoking cessation, frequent drug tests, dental care, jobs, time management,

mediation and family group conferences — always with the child’s best interest and timely permanency in mind.

A Day at Court

It’s 10:15 a.m. on a Tuesday at the Douglas County Hall of Justice on Farnam Street. The spacious first-floor Jury Assembly Room has been transformed into a Family Drug Treatment Court by virtue of a sign temporarily attached to the judge’s podium. Judge Johnson is scheduled to arrive at 10:30 a.m. In the meantime, the Zero to Five Family Drug Court team staffs cases and prepares to report on the progress of each parent and each child’s well-being. The program participants sit quietly in a waiting area.

Johnson arrives in shirt and tie, cheerful as ever, five minutes early. He banter a little, slips on the black robe, takes his seat and calls the first case.

It’s a young girl, late teens perhaps, in trouble with the law for drug use. She wants to be admitted to the program,

hoping that its five stages will enable her to get her children back. She’s admitted.

Next up is a mom who apparently has an

anger problem with her son since Johnson is eager to know how she handles things when her son is crying. “Do you take a break?” he asks. She does. Her social workers report significant progress. Johnson is pleased. He jokes. He tells her she is doing well and invites her to take a toy or a children’s book from a “treasure chest” stocked by donations from companies and individuals who value the program.

Next up is another burgeoning success story, a mom with a young son. She is 27 days into the course but has had a run of bad luck lately. The latest stumble occurred when her car broke down in the middle of Interstate 80. But she stayed calm.

“I didn’t get irate like usual,” she told the judge.

Yes, she tells Johnson, she has been exercising and swimming, and is counting the days as she advances through the program toward full reunification with her child.

“It feels good to come in here and not feel scared,” she tells Johnson. She gets to dip into the treasure chest.

The next participant does not.

Possibly the youngest of this morning’s moms, she is already the mother of three children, has a meth and alcohol problem, is not adapting well to the program and is in danger of losing social services from private agencies whose rules she also is not respecting.

She is 33 days into Phase 2 of the program. She’s not doing well, but she’s here, and she takes the time to apologize to everyone — two good signs. Johnson



Judge Douglas Johnson conducts a session of the Zero to Five Drug Court at the Hall of Justice in downtown Omaha.

wants to reinforce her determination to succeed. He orders her to write a letter to her kids explaining why it is important for them to have a sober, caring mom and stating her intention to become that mom. No treasure chest, but a round of applause.

A very chatty mom is next up, with 28 days in Phase 4 of the program, and obviously comfortable with the judge. The social workers are effusive about her progress and she talks about her son, how he just started walking and how he has to be restrained by gates. A definite trip to the treasure chest.

Not so for the next and final participant this Tuesday morning. Three weeks after verbally blasting a substitute judge, this 20-something has obvious rage problems and is accompanied by her mom. Her social workers tactfully let her know that

her previous behavior was upsetting not only to the judge and other Family Drug Treatment Court team members, but also to her “peers,” those taking part in the program along with her.

She refuses to apologize.

Judge Johnson steps in to warn her that her meth use could cause her to lose her kids permanently. He warns that meth is so powerful a drug that addicted parents often abandon their kids for days on end in its pursuit. She can’t count on her mom to clean up her mess forever, Johnson warns. She must take an anger management course.

“This is a lifelong issue for you,” he says. “We want you to succeed.”

There is a commencement at the end of

the session, a low-key event at the request of the mom graduating. She is back in full possession of her three children, the youngest dozing on her shoulder. There is a cake and punch to mark the occasion.

“Eighteen months ago I was pregnant and using,” she told the gathering. “I was a terrible housekeeper. I couldn’t pay the utilities. My kids were taken away. I am so grateful for this past year and a half. I have all three of my kids back.”

Johnson is beaming. This, he said, is why he conducts the Zero to Five court, why he signed on to this early intervention concept that is gaining advocates across the nation.

“The heart of this program is about being a mom, being a dad,” he told the gathering. “When you know what you want, and you want it badly enough, you will find a way to get it.”

Johnson, 53, who is married with two children, long ago considered becoming a Jesuit priest and had been a member of the order from 1978-84. He had been in the Novitiate for two years where he took his first vows and then studied humanities and philosophy for three years. He taught English at Marquette High School as a Scholastic before deciding the nomadic nature of Jesuit life was too much at odds with his desire for roots and a family, which he could affect over the long term.

More than 20 years after his release from his vows, however, Johnson said the Jesuit imperative — service to others — remains vital.

“I do feel my Jesuit training and experiences shape how I act as a judge,” he said. “It’s the ongoing desire to be in the service of others. It’s about finding God in all things and all people. That’s what St. Ignatius always spoke of. If you are willing and observant, you can find and encourage that spark in others, and that is the road to improvement.”

About the author: Eugene Curtin is a freelance writer in Bellevue, Neb.

Current Outcomes for Zero to Five Family Drug Treatment Court (FDTC)

- Four graduations with eight graduates since May 2005
- Average length of time in FDTC 12 months
- Twelve children have received permanency
- One graduate has given birth to a healthy baby with no drugs in the baby’s system
- 31 out of 39 children have placement with a relative
- Eight cases were dismissed from FDTC
- Two parents have relinquished their rights
- There has been one case where the child’s parent relinquished rights. The child was adopted by a placement family.
- FDTC has worked with 30 families and 41 children

A Success Story: Andrew Mitchell’s Fight Back



Andrew Mitchell with his sons Adam, left, and Alex, right. Mitchell is a graduate of the Zero to Five Family Drug Treatment Court.

Mist still shrouds the past two or so years in the life of Andrew Mitchell. Events, especially their chronology, are something of a jumble to him. Still, his continuing emergence from addiction to meth and marijuana permits him to speak fluently as he describes his descent into a chemical hell.

It began for Mitchell at age 12 after the death of his father, when he made friends with a student three years his senior. To Mitchell, now 25 years old, it seemed his friend lived a life of utter freedom.

He not only smoked cigarettes at home, and drank, but did so in his mother’s presence and usually at her expense. Within a week of their friendship, Mitchell had been introduced to meth.

And so began a six-year descent into drug addiction which left him in a state of mental, spiritual and functional paralysis. The descent was complete, but the day did not pass that Mitchell failed to tell himself he could quit whenever he wanted. Of course, he never wanted. He partied, drank and filled his craving body with chemicals. Nothing else mattered. When high school graduation rolled around, he found himself at least two years behind the curve with no chance of walking across that stage.

His girlfriend did, though, and the sight of her accepting her diploma brought Mitchell to his senses.

“I thought, ‘This really sucks,’” he said, recalling that moment. “I thought I should be graduating, too.”

For the better part of two years he fought back, earned his GED, but fell back in the pit after his girlfriend left him. In short order he was arrested for driving under the influence, and got his new girlfriend pregnant.

In time, he said, he and his equally addicted girlfriend had two children, were utterly incapable of caring for them, and basically abandoned them to his mother’s care. Eventually, the state moved in and placed the two infant boys in foster care.

Today, Mitchell has his children back. He is employed at Wal-Mart, is no longer together with his girlfriend and lives with his mother in west Omaha. He has a new set of friends. He is two years clean. And counting.

And he is grateful that two years ago he was given a chance to enter Judge Douglas Johnson’s Zero to Five Family Drug Treatment Court. There, he said, he found a little point of light, a lodestar that gave him direction in his battle against the darkness.

“I was bound and determined to let those people help me,” he said. “I wanted to know what I had to do to get over this, to get our kids back. So I entered the program.

“I loved it, and I hated it, all at the same time. When it first started, they had me doing so many things when I was used to doing nothing. I met with counselors, drug counselors, parenting teams. They helped me find a job at Wal-Mart, which I’ve held.

There was no time to even think about drugs. I was a human being again, a human being who had to relearn how to live life.”

He stumbled twice as he advanced through the course. He was admonished, lost some ground in the program, but he was not abandoned. The court felt he could succeed, and so Mitchell persevered.

“Judge Johnson encouraged me every single step along the way,” he said. “I have so much respect for that man and his upbeat, positive approach.”

Mitchell said he knows he has been given a second chance, a great gift. His kids, he acknowledged, are so young that they might never remember this difficult chapter. He has a chance, against the odds, at a full and useful life.

“It’s a miracle to think of that,” he said. “When I think of where I was, how completely lost I was, and where I am today, it’s just pretty amazing.”