

# Mandatory drug treatment programs for children and young people

## Fact sheet: Controlled Substances (Youth Treatment Orders) Amendment Bill 2018

Drug dependency can have a devastating impact on young people, their futures and their families, and can have negative impacts on the broader community.

The Government of South Australia has introduced new laws into Parliament to provide the option of mandatory treatment for children and young people experiencing drug dependency.

The proposed changes recognise the importance of intervening effectively to address substance abuse before children reach adulthood. The changes offer parents an additional option when their child is unlikely to voluntarily seek treatment and may be a danger to themselves or others.

### About the changes

The Controlled Substances (Youth Treatment Orders) Amendment Bill 2018 proposes changes to the *Controlled Substances Act 1984*.

If it passes Parliament, family members will be able to ask the Youth Court to

order someone under 18 years old to complete a drug treatment program.

### **Assessment order**

The Youth Court would first make an assessment order to determine whether the young person is drug dependent, a danger to themselves or others and unlikely to voluntarily seek treatment.

### **Treatment order**

Once the medical assessment is complete, the Youth Court may make a treatment order requiring the young person to attend a treatment service.

The treatment provider will be required to report back to the applicant and the Youth Court.

### **Detention order**

If the young person does not follow the court's instructions, the court can have them detained for assessment and treatment.

### Who can apply to the court?

If the laws pass parliament, the people who could apply to the Youth Court would include:

- parents or guardians of the young person
- Aboriginal and Torres Strait Islander people related by kinship to the young person
- a medical practitioner treating the young person for their use of drugs
- a person who is prosecuting the young person for an offence
- youth corrections and child protection officers.

### How will the rights of young people be protected?

The mental, physical and social development of each young person remains the top priority, including protecting their autonomy and personal liberty as much as possible.

It is expected that these laws will be used after families have tried other interventions, to prevent the harmful impacts of drug dependency continuing into adulthood.

The Youth Court will oversee how the laws are implemented, with extensive experience weighing up all the various interests of children to determine the best way forward.

Court-ordered treatments will only be used where the young person is unlikely to seek treatment themselves, may be a danger to themselves or others and where a medical assessment suggests treatment is required.

Youth treatment orders will last up to 12 months. After 12 months, a new application would need to be made to the Youth Court, providing further oversight of the young person's ongoing treatment.

### What types of treatment programs will be used?

The types of treatment programs and a range of other implementation factors will be considered through consultation with the health, drug treatment, justice and child protection sectors, who are experts in this area.

A variety of treatment programs could be considered, including full-time residential, out-patient and day programs.

### When will youth treatment orders begin?

If the laws pass Parliament, they will not begin immediately.

The laws will only come into effect following consultation regarding implementation, and once all the necessary facilities and programs have been identified and established.

21 June 2018