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# Lawyers and Teen Substance Abuse

HOW TO DEAL WITH DRUG USE AND DRINKING

OFFICE OF NATIONAL DRUG CONTROL POLICY  
NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN

The Office of National Drug Control Policy and the American Bar Association are pleased to present a joint brochure, "Lawyers and Teen Substance Abuse." This document serves as a guide for addressing youth drug use and underage drinking.

Although drug use among young people has declined substantially over the past two years, youth substance abuse is still far too common. Teens report that they use drugs and alcohol because they want to:

- relieve boredom
- feel good
- forget their troubles and relax
- have fun
- satisfy their curiosity
- take risks
- ease their pain
- feel grown-up
- show their independence
- belong to a specific group
- look cool

Research shows that youth substance abuse can lead to a host of health consequences and poor decision-making that may jeopardize a young person's future. But lawyers and other legal professionals can make a difference. Before they come into contact with young substance abusers through the criminal justice system, lawyers can participate in substance abuse prevention programs and serve as positive role models. It is also imperative that lawyers intervene early when they know or suspect a young person is using drugs or alcohol. Knowing the signs and symptoms of drug and alcohol use will help you identify the problem. Knowing the resources in your community will help you refer the teen to experts for assistance.

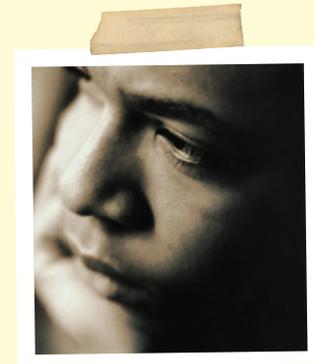
This brochure is designed to serve as a resource for lawyers who are willing to make a difference in their communities by working to ensure the health and safety of young people. Thank you for your leadership in reducing teen substance abuse even further.

Sincerely,

John Walters  
*Director*  
White House Office of National Drug Control Policy

Robert J. Grey, Esq.  
*President*  
The American Bar Association

The materials contained herein represent the opinions of the authors and editors and should not be construed to be those of either the American Bar Association or the Standing Committee on Substance Abuse unless adopted pursuant to the bylaws of the Association. Nothing contained herein is to be considered as the rendering of legal advice for specific cases, and readers are responsible for obtaining such advice from their own legal counsel. These materials and any forms and agreements herein are intended for educational and informational purposes only.



## Suspicion?

You are an attorney who has been retained by the parents of a young hockey star who has been arrested for shoplifting. This isn't your first interaction with this young man — he was sent home from school four years ago because he was caught smoking marijuana in the school bathroom. You were able to convince the school to place him on in-school suspension and serve 50 hours of community service. Now he's back in your office and the charges won't be dropped this time. Beyond the legal issues, you have a suspicion that this young man may have a problem with drugs. How do you handle this situation?

While the stories may vary from legal charges to school sanctions, the elements remain the same: you are faced with prosecuting or defending a teen whose alcohol or illicit drug use has caused him problems. You have no authority over the teen — that's his parents' job. How do you tell the parents about your suspicions? Or, do you ignore your gut feeling and just do the job for which you were hired?

One thing is certain: the influence you hold over this youth and his parents should not be underestimated. You can be a powerful positive force for change for kids, and in some cases, you could be the only person to whom the kid will listen.

## Why Should You Care?

Addiction is a public health issue that has many negative consequences. Whether you are providing pro bono services to the poor in a community,

or billing a highly paid corporate executive — neither person, nor their family, is immune from the disease of addiction. Kids are not spared the disease of addiction either. Often, children report that their alcohol and illicit drug use began at age 10 or 11 and frequently live in homes where illicit drug use and/or heavy drinking by adults is patently obvious. Parents sometimes forget that they are their child's role model. Adults can often keep their substance abuse under wraps for a period of time. But teenagers often exhibit destructive behaviors that reveal their alcohol or illicit drug use — truancy, poor grades, amotivational symptoms, belligerent and defiant attitudes, etc.



The following facts (based on the Substance Abuse and Mental Health Administration's (SAMHSA) National Survey on Drug Use & Health, 2002) are startling:

Almost 1.5 million youths ages 12 to 17 had been in a jail or a detention center at least once in their lifetime.

The percentages of youths engaging in delinquent behaviors rose with increasing frequency of marijuana use. In 2002, more than 5 million youths engaged in serious fighting at school or work and almost 4 million took part in a group-against-group fight in the past year. Over half (57 percent) of those who used marijuana 300 or more days in the past year reported that they also sold illegal drugs.

Among youths aged 12 to 17, those aged 14 or 15 reported higher rates of drug use than those younger or older for the following violent behaviors: serious fighting at school or work, group-against-group fights, and attacking others with the intent of seriously hurting them.

In 2001, more than 6 million children lived with at least one parent who abused or was dependent on alcohol or an illicit drug during the past year. This involved about 10 percent of children aged 5 or younger, 8 percent of children aged 6 to 11, and 9 percent of youths aged 12 to 17.

Other studies report that children who witness domestic violence are more likely to exhibit behavioral and physical health problems including depression, anxiety and violence towards peers. They are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teenage prostitution, and commit sexual assault crimes.

You will have clients whose experimentation or addiction will get them in trouble with the law. Research tells us that the earlier intervention occurs, the more effective treatment can be. You cannot let the opportunity to intervene pass by.

## The Science Is Clear

While we know that not all youthful alcohol or illicit drug use leads to addiction, no one can say how long it takes to develop an abuse problem or even who will develop a problem. What is known is that addiction is a process that begins with use, and continues with abuse before becoming a full-blown addiction. Alcohol and illicit drug use can lead to many negative consequences, including bad grades, broken friendships, family problems, physical violence and trouble with the law. Because of new scientific research, we know that addiction is not a matter of will — it is a disease of the brain. While addiction is treatable, we can also take steps to prevent it. And the sooner action is taken to stop abuse, the more likely are the chances of stopping the progression to abuse and addiction.

Research shows that kids start using alcohol and illicit drugs because they feel the need to take risks or they believe it will help them fit in or feel better. Sometimes they use them because they are seeking relief from stress or feelings of depression. They might even have an underlying mental disorder. And, it's important to remember that there is sometimes a genetic risk for addiction — just like heart disease, diabetes, cancer and other diseases.



## What Can You Do?

The most important thing you can do is to recognize that there may be a potential problem. Addiction is a process, not an event. It begins with use and proceeds to abuse before the addiction “switch” is flipped in the brain. To learn more about the different drugs of abuse, log on to [www.nida.nih.gov](http://www.nida.nih.gov). The National Institute on Drug Abuse (NIDA) is the world's premier drug research agency on the health aspects of drug abuse and addiction.

The next thing you can do is learn what to say to both the teen and his/her parents. The best approach is a direct one. The issue of substance abuse or addiction may not necessarily be part of the legal problem. However, there is an ethical consideration for not pointing out a possible need for help for a substance abuse problem. There is great information on [www.TheAntiDrug.com](http://www.TheAntiDrug.com), including a guide for adult influencers titled, “When It's Not Your Kid, How Do You Deal With Drug Use and Drinking?” Other Web-based information sites include:

“Talking With Kids About Tough Issues”  
by the Kaiser Family Foundation at  
<http://www.talkingwithkids.org/drugs.html>

National Crime Prevention Council at  
<http://www.ncpc.org/>

Partnership for a Drug-Free America at  
<http://www.drugfreeamerica.org>

“Talking with Kids About Drugs” at  
<http://www.prevent-crime.com/kids-drugs.html>

“A Family Guide to Keeping Kids Mentally Healthy  
and Drug Free” at <http://family.samhsa.gov>

Next, you can familiarize yourself with the resources in your community where you can get assistance. There are treatment centers as well as prevention and treatment specialists in your community that will provide clinical assessments and recommend treatment if necessary. SAMHSA has a treatment locator that can be found at <http://findtreatment.samhsa.gov/facilitylocator.doc.htm> or you may call the SAMHSA Referral Helpline at 1-800-662-HELP. Your state or local bar lawyer assistance's program will also be able to direct you to treatment resources.

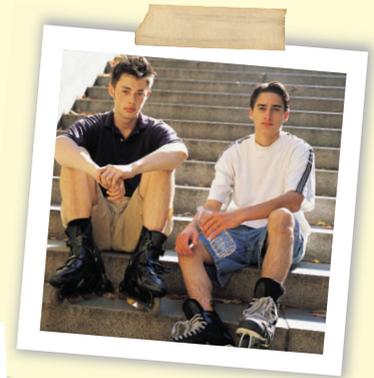
## Where Can You Turn?

After assessing what you can do, one thing is for sure — and that is you should learn as much as you can about youth and drugs. The National

Youth Anti-Drug Media Campaign offers two important Web sites. The first is primarily for parents and adult influencers, [www.TheAntiDrug.com](http://www.TheAntiDrug.com), and the second is for teens, [www.freevibe.com](http://www.freevibe.com).

The American Bar Association Standing Committee on Substance Abuse has worked since its inception in 1990 to integrate substance abuse treatment and prevention into our nation's justice system, the American workplace and social service programs throughout the country. In addition, the ABA has adopted several policies that are critical to any long-term solution to the drug problem. Those policies include favoring sentencing alternatives, adequate funding of defense services, treatment services for all drug-dependent persons processed through the criminal justice system, treatment in lieu of criminal prosecution in appropriate cases, and increased funding for education, prevention and treatment programs for children. More information can be found on their Web site, <http://www.abanet.org/subabuse/home.html>.

The National Association of Drug Court Professionals was founded in 1994 based on the need for professionals who worked in drug courts throughout the country to join together for education and advocacy on behalf of these new courts. They also recognized the need to alter the way that business is done in the criminal justice system arena in adjudicating offenders with drug and/or alcohol addictions. They believed that this challenge was best addressed through a therapeutic approach to criminal justice where offenders are required to undergo drug treatment, frequent drug testing and close monitoring, including regular court visits. This approach was designed to ensure short-term accountability in the criminal adjudication process and a long-term reduction in recidivism. More information can be found on their Web site, <http://www.nadcp.org>.



The Physicians and Lawyers for National Drug Policy: A Public Health Partnership (PLNDP) brings together our nation's leading physicians and attorneys to promote a public health approach to the country's substance abuse policies at both the federal and state levels. The initiative builds on the earlier work of Physician Leadership on National Drug Policy and is organized by the belief that effective policies for alcohol and other drugs must be grounded in science. The "new" PLNDP will advocate for evidence-based policy decisions and will encourage local innovation by establishing stable professional partnerships in every state and by supporting community coalitions. More information can be found on their Web site, [www.plndp.org](http://www.plndp.org).

The National Clearinghouse for Alcohol and Drug Information (NCADI) will send free pamphlets and fact sheets that will help you learn about alcohol and drug use by teens. More information can be found on their Web site, [www.health.org](http://www.health.org), or by calling 1-800-788-2800. Many children have parents with alcohol or illicit drug problems of their own. In situations like this, bringing the child's drug or alcohol use to a parent's attention isn't likely to get them the help they need. For more information about how to help children of substance abusers, call NCADI at 1-800-788-2800 or log on to: [www.health.org](http://www.health.org).



## What Do You Do About the Family?

While only one person may be using drugs, all family members are affected by it. Families don't want to believe

that one of their members could be involved in something illegal. Denial plays a big role in substance abuse and addiction. Parents are often defiant that their son or daughter is a good kid and just got "caught." And, in fact, many parents of troubled youth are abusers of alcohol or users of illicit drugs. They will often deflect responsibility for themselves onto their troubled children. No parent wants to face the fact that their child is using illicit drugs.



## Do You Tell the Parents or Caregivers? And, If So, How?

It is important that you express your concern for the teen both in and out of the courtroom.

Sit with the parents or caregivers and explain the facts, as you know them. Offer them information on teen drug use — the same information that you used to educate yourself. Suggest resources in the community where they can turn for help. Explain the consequences for using alcohol or illicit drugs to the parents, caregivers and the teen. Be there to answer questions or provide resources. Remember that some kids get introduced to drugs by family members. It's important that you recognize that relatives — even parents — may be enabling or even dealing or providing alcohol or illicit drugs. This won't be an easy conversation for you, or the teen, or the family. But, you may just help the teen to re-think his or her choices and stop drug use before the consequences become severe.

Remember to follow up. Your responsibility doesn't end with one conversation. Staying involved could be the most important thing you do for the teen.

## Resources for Legal Professionals

[www.abanet.org/legalservices/colap](http://www.abanet.org/legalservices/colap) is an online service for the ABA's Commission on Lawyer Assistance Programs.

[www.abanet.org/subabuse/home.html](http://www.abanet.org/subabuse/home.html) is an online service of the American Bar Association Standing Committee on Substance Abuse.

[www.nadcp.org](http://www.nadcp.org) is an online service of the National Association of Drug Court Professionals.

[www.plndp.org](http://www.plndp.org) is an online service of the Physicians and Lawyers for National Drug Policy.

### General Resources

National Clearinghouse for Alcohol and Drug Information (NCADI)  
Phone: 1-800-788-2800, Web: [www.health.org](http://www.health.org)

National Institute on Drug Abuse (NIDA) Web: [www.nida.nih.gov](http://www.nida.nih.gov)

National Institute on Alcohol Abuse and Alcoholism (NIAAA)  
Web: [www.niaaa.nih.gov](http://www.niaaa.nih.gov)

Substance Abuse and Mental Health Services Administration (SAMHSA)  
Web: [www.samhsa.gov](http://www.samhsa.gov)

### Especially for Teens

[www.freevibe.com](http://www.freevibe.com) is an online service of the National Youth Anti-Drug Media Campaign that offers information, fact sheets, games and posters for teens with a special section focusing on the importance of early intervention.

[www.checkyourself.org](http://www.checkyourself.org) is an online service of the Partnership for a Drug-Free America ([www.drugfreeamerica.org](http://www.drugfreeamerica.org)) that offers resources, information, quizzes, and videos for teens to question themselves about their drug use.

[www.thecoolspot.org](http://www.thecoolspot.org) is an online service of the National Institute on Alcohol, Alcohol Abuse and Alcoholism. It is a place for teens about "being yourself, thinking for yourself, and getting the facts about underage drinking."

National Association for Children of Alcoholics. NACoA's mission is to advocate for all children and families affected by alcoholism and other drug dependencies.  
Web: [www.nacoa.org](http://www.nacoa.org)

### Especially for Parents

[www.TheAntiDrug.com](http://www.TheAntiDrug.com) is an online service of the National Youth Anti-Drug Media Campaign that offers resources, information, and facts for parents and adult influencers.

[www.LaAntiDroga.com](http://www.LaAntiDroga.com) is the Spanish online service of the National Youth Anti-Drug Media Campaign that offers resources, information, and facts for parents and adult influencers.

[www.family.samhsa.gov](http://www.family.samhsa.gov) is an online service of the Substance Abuse and Mental Health Services Administration (SAMHSA) developed to support the efforts of parents and other caring adults to promote the mental health and prevent the use of alcohol, tobacco, and illegal drugs among 7-18-year-olds. SAMHSA also offers the publication "A Family Guide to Keeping Youth Mentally Healthy or Drug Free."

If you know anyone who is in need of alcohol or drug treatment, SAMHSA has a treatment locator that can be found at: <http://findtreatment.samhsa.gov/facilitylocator-doc.htm> or you may call the SAMHSA Referral Helpline at 1-800-662-HELP.

### Community Resources

[www.helpyourcommunity.org](http://www.helpyourcommunity.org) The Drug-Free Community Coalitions provide prevention information and intervention services in many communities throughout the U.S.

[www.dea.gov/concern/concern/htm](http://www.dea.gov/concern/concern/htm) is the Web site of the Drug Enforcement Administration (DEA) which helps identify drugs of abuse.

[www.cadca.org](http://www.cadca.org) The Community Anti-Drug Coalitions of America's mission is to build and strengthen the capacity of community coalitions to create safe, healthy and drug-free communities. CADCA supports its members with technical assistance and training, public policy, media strategies and marketing programs, conferences and special events.

