

## Soberlink Best Practices: Based on an Expert Panel

When formulating a parenting agreement, courts follow the general principle that the best interests of the child should govern custody and parenting time. While the needs of the parents are also important, Family Law courts place a greater priority on the child's development and adjustment.

Many times, in Family Law cases, alcohol monitoring is ordered. In the past, random lab testing was the only way courts could test an individual's sobriety. However, random lab tests can only be ordered a few times a month, causing many drinking events to go undetected. Furthermore, lab test results are not in real-time, which means no immediate action can be taken if alcohol use occurs during parenting time. Fortunately, in 2011, Soberlink developed an innovative alcohol monitoring system that allows for real-time testing multiple times a day, either seven days a week or only during parenting time.

The new alcohol monitoring technology proved to be extremely advantageous for Family Law, where reliability and real-time results are key for child safety. However, as with any new technology, some confusion may occur during implementation. Many times, court orders for Soberlink monitoring are written with the same language as the older method of random lab tests, which would not be successful with the Soberlink system.

Understanding that guidance was needed, Soberlink brought together a group of Addiction Treatment experts who formed a panel to determine the most effective way to use Soberlink. The panel's results were published in the Mar/Apr 2017 issue of the [Journal of Addiction Medicine](#).

The purpose of this document is to provide Soberlink alcohol monitoring guidelines for Family Law, using the panel's expert insight on the following topics:

- Test Frequency and Program Duration
- Random vs. Scheduled Testing
- Responding to a Missed Test
- Responding to a Positive Test

### Test Frequency and Program Duration

#### The Myth

"The parent should be set up with as many tests per day as possible to ensure sobriety."

This is actually the most detrimental and common mistake professionals make when setting up testing schedules. While it seems like an individual should test as many times as possible, a schedule

that includes more than four tests per day can become a source of anxiety that negatively influences parenting time.

Soberlink's technology will help parents form healthy habits. Setting up a testing schedule is a good way to establish an accountability structure that will keep the parent on track. However, if a parent is overwhelmed with required tests, this accountability structure can start to feel more penalizing than helpful, which can be detrimental to the program.

Furthermore, because alcohol use disorder is most effectively treated with ongoing monitoring, the testing schedule needs to be sustainable over a long period of time. In fact, the consensus from the expert panel suggested that people should use Soberlink for a minimum of one-year when beginning recovery. The one-year baseline also applies to Family Law in that, typically, the person being mandated to use Soberlink is trying to manage or stop their drinking for the first time. Because this will be an ongoing process, requiring the parent to take an excessive number of tests is counterproductive and will be intrusive to their time with the child.

### **The Expert Panel's Recommendation**

The panel came to unanimous consensus, recommending three tests per day at the start of a Soberlink program. Furthermore, to promote progress and growth, the panel agreed that the number of daily tests could be reduced to two tests after a period of favorable results over a one-year period. The panel also noted that if a person's circumstances were more challenging, such as an increased exposure to environmental triggers, a maximum of four tests per day would be acceptable. However, this should also be reduced over time as attitudes and habits improve.

## **Random vs. Scheduled Testing**

### **The Myth**

"It is better to require random tests and surprise the parent instead of setting up a test schedule."

It is accepted that lab tests should be administered randomly and periodically. However, Soberlink testing should be viewed from a different perspective. Lab tests are random because there are only two to three tests required per month. Soberlink, which facilitates up to 120 tests per month, simply will not work if set up with random testing. Random tests that happen multiple times a day are overwhelming and will likely result in excessive missed tests and more anxiety for the parents.

The stress of random testing multiple times a day is dramatically more overwhelming than the stress of two or three random lab tests a month. While it might seem like a good strategy to attempt to catch the parent "off guard" with random tests, this type of scheduling will add more strain to the relationship between parents, which is not beneficial for the child.

### **The Expert Panel's Recommendation**

With regard to scheduling, the expert panel came to a unanimous consensus that scheduled testing at agreed upon times is the best method for alcohol monitoring. The panel agreed to a test schedule of two to three tests per day with a 2-hour and 15-minute test window. The panel

determined this type of scheduling to be the most convenient option for a parent who will be monitored during the recommended 12 months of use.

## Responding to a Missed Test

### The Myth

“Any instance of missing a test should be treated as a drinking event.”

A missed test is a scheduled test that is not submitted within the agreed upon timeframe. It is important to note that missed tests happen quite often and there can be a number of reasons to excuse a missed test. For example, a person may have simply forgotten their device at home or were unable to break away from their daily routine to submit a test.

The panel concluded that it may be more valuable to think of instances of missed tests as opportunities to reevaluate the schedule and program needs, request additional testing, or intervene before a full-blown relapse occurs. While a missed test event should be treated with concern, the approach for dealing with it should include some type of communication between the two parties instead of jumping to a hasty conclusion or consequence. The communication and decision on how to handle the missed test should always be in the best interest of the child.

However, if missing tests becomes a regular occurrence, this habit should not be ignored because it can be a serious challenge to any type of monitoring program. Holding someone accountable with agreed-upon consequences is the best way to manage missed tests. Consequences for missed tests may be harsher if there is an excessive number of missed tests in a given month, if the missed tests are back-to-back, or if there is a full day of missed tests without a legitimate excuse.

### The Expert Panel’s Recommendation

The panel came to a unanimous consensus that missed test events should be dealt with using a rational discussion rather than immediate consequences. The panel further recognized that, though these instances are serious and should be dealt with swiftly and thoroughly, they are not grounds for an immediate change to the parenting plan.

## Responding to Positive Tests

### The Myth

“Positive tests should result in immediate and harsh consequences.”

As serious as a positive test result may be, leading with punishment is not always the best path. In fact, the most beneficial response for the child may be an adjustment to the parenting plan that is appropriate for the situation. Just like with missed tests, using a system of punishment, rather than one of evaluation, will create the hostile environment that is toxic to a parenting plan. A positive test can be seen as an opportunity to reevaluate parenting for that day, request additional testing, or reduce

or eliminate parenting time in the worst-case scenario.

### **The Expert Panel's Recommendation**

The panel unanimously decided that positive test results should be followed by immediate action. In Family Law, it is important that the consequences are in the best interest of the child and decided upon before testing begins. Another factor to consider when establishing the consequences is the BAC levels of the positive events. For example, a .009 BAC is an extremely low threshold for alcohol consumption while a .09 BAC is considered a level in which behavior and judgment are affected. Each instance of a positive test result varies from person to person and, for this reason the panel stressed the importance of considering the prior history of the person, the point during monitoring when the positive tests occurred (early in the program or after a significant period of sustained sobriety), and whether the parent self-disclosed the drinking episode.

The first instance of a positive test is an opportunity to address the parenting plan and monitoring guidelines to ensure they are effectively meeting the parents' and, more importantly, the child's needs. If more than one positive test occurs, the situation may require more comprehensive intervention.

*Note: In cases where missed or positive tests result in the immediate and permanent removal of custody, Soberlink recommends additional resources to compliment the monitoring program such as an Addiction Professional and the inclusion of a blood test once or twice a month.*

### **About the Expert Panel & Consensus Paper**

The panel was comprised of physicians and experts with extensive experience and knowledge of alcohol use disorders and the addiction treatment industry. They assembled for a full day of collaborative meetings to reach a consensus on the best use of remote alcohol monitoring. A paper of their findings was written and published in the [Journal of Addiction Medicine](#).

All decisions made by the expert panel were reached by organic consensus and have been determined to be the absolute best practices when using Soberlink.

### **About Soberlink**

Soberlink supports accountability for sobriety through a comprehensive alcohol monitoring system. Combining a professional-grade breathalyzer with wireless connectivity, the portable design and state-of-the-art technology includes facial recognition, tamper detection and real-time reporting to designated monitoring parties. With FDA 510(k) medical clearance, Soberlink is the trusted tool in family law, addiction recovery and workplace compliance. Soberlink proves sobriety with the highest level of reliability and accuracy to foster trust and peace of mind.

To learn more about Soberlink, visit [www.soberlink.com](http://www.soberlink.com) or call **714.975.7200**.