

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 3057

BY DELEGATE SHOTT

[Passed March 9, 2019; in effect ninety days from
passage.]

1 AN ACT to amend and reenact §62-15-9a of the Code of West Virginia, 1931, as amended; and
2 to amend said code by adding thereto a new article, designated §62-15B-1 and §62-15B-
3 2, all relating generally to drug courts; removing certain restrictions on Drug Court
4 Participation Fund expenditures; providing for disposition of moneys from said fund at the
5 end of a fiscal year; permitting the Supreme Court of Appeals of West Virginia to create a
6 family drug treatment court pilot program; permitting the implementation of a family drug
7 treatment court pilot program in at least four circuits; restricting family drug treatment
8 courts to individuals with substance use disorders who are involved in a child abuse and
9 neglect case; permitting the Supreme Court of Appeals of West Virginia provide oversight,
10 technical assistance and training; establishing a state family drug treatment court advisory
11 committee; establishing a local family drug treatment court advisory committee; requiring
12 each local family drug treatment court advisory committee to establish criteria for the
13 eligibility and participation of adult responders who have been adjudicated to be an
14 abusive or neglectful parent and who have been granted a post-adjudicatory improvement
15 period and who have a substance use disorder; prohibiting certain respondents from being
16 eligible for participation in a family drug treatment court; and providing that participation
17 by an adult respondent in a family drug treatment court shall be voluntary and made
18 pursuant only to a written agreement by and between the adult respondent and the
19 department with the concurrence of the court.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. DRUG OFFENDER ACCOUNTABILITY AND TREATMENT ACT.

§62-15-9a. Adult Drug Court Participation Fund.

1 (a) The special revenue fund created within the State Treasury designated the Adult Drug
2 Court Participation Fund to be administered by the West Virginia Supreme Court of Appeals is
3 hereby continued. The fund shall consist of moneys received from individuals participating in an
4 adult drug court program.

5 (b) All moneys collected by the Administrator of the Supreme Court of Appeals for
6 participation in the court's adult drug court program shall be deposited into the Adult Drug Court
7 Participation Fund. Any moneys remaining in the fund at the end of a fiscal year shall remain in
8 the fund and be available for expenditure during the ensuing fiscal year.

9 (c) All moneys deposited into the State Treasury and credited to the Adult Drug Court
10 Participation Fund shall be used to pay the costs associated with maintaining and administering
11 the court's adult drug court programs.

ARTICLE 15B. FAMILY DRUG TREATMENT COURT ACT.

§62-15B-1. Oversight and implementation of family drug treatment courts.

1 (a) The Supreme Court of Appeals of West Virginia may implement a Family Drug
2 Treatment Court pilot program in at least four circuits.

3 (b) Family drug treatment courts are specialized court dockets within the existing structure
4 of West Virginia's court system offering judicial monitoring of intensive treatment and strict
5 supervision of individuals with substance use disorder involved in a child abuse and neglect case
6 pursuant to §49-4-601, *et. seq.*

7 (c) The Supreme Court of Appeals of West Virginia may:

8 (1) Provide oversight for the distribution of funds for family drug treatment courts;

9 (2) Provide technical assistance to family drug treatment courts;

10 (3) Provide training for judges who preside over family drug treatment courts;

11 (4) Provide training to the providers of administrative, case management, and treatment
12 services to family drug treatment courts; and

13 (5) Monitor the completion of evaluations of the effectiveness and efficiency of family drug
14 treatment courts in the state.

15 (d) A state family drug treatment court advisory committee shall be established to:

16 (1) Evaluate and recommend standards for the planning and implementation of family drug
17 treatment courts;

18 (2) Assist in the evaluation of their effectiveness and efficiency;

19 (3) Encourage and enhance cooperation among agencies that participate in their planning
20 and implementation; and

21 (4) Report by January 1, annually, to the Legislative Oversight Commission on Health and
22 Human Resources Accountability regarding legislation to enhance family drug treatment courts.

23 (e) The committee shall be chaired by the Chief Justice of the Supreme Court of Appeals
24 of West Virginia or his or her designee and shall include a circuit court judge who presides over
25 a family drug treatment court; the Director of the Office of Drug Control Policy or the executive
26 assistant to the director; Cabinet Secretary of the Department of Health and Human Resources
27 or his or her designee; the commissioners or their designee of the following bureaus: the Bureau
28 for Children and Families; the Bureau for Public Health; and the Bureau for Behavioral Health;
29 the Executive Director of the West Virginia Prosecuting Attorneys Institute or his or her designee;
30 the Executive Director of the West Virginia Public Defender Services or his or her designee; and
31 the Executive Director of West Virginia CASA Association or his or her designee.

32 (f) Each circuit selected to establish a family drug treatment court shall establish and
33 maintain a local family drug treatment court advisory committee. Each advisory committee shall
34 ensure quality, efficiency, and fairness in the planning, implementation, and operation of the family
35 drug treatment court or courts that serve the jurisdiction or combination of jurisdictions. Advisory
36 committee membership shall include, but shall not be limited to the following people or their
37 designees:

38 (1) The family drug treatment court judge;

39 (2) The prosecuting attorney of the county;

40 (3) The public defender or a member of the county bar who represents individuals in child
41 abuse and neglect cases;

42 (4) The Community Service Manager of the Bureau of Children and Families of the
43 Department of Health and Human Resources;

44 (5) A court appointed special advocate, as applicable; and

45 (6) Any other individuals selected by the family drug treatment court advisory committee.

§62-15B-2. Establish eligibility and policies procedures.

1 (a) Each local family drug treatment court advisory committee shall establish criteria for
2 the eligibility and participation of adult respondents who have been adjudicated an abusing or
3 neglecting parent pursuant to §49-4-601(i) and who have been granted a post-adjudicatory
4 improvement period pursuant to §49-4-610(2) and who have a substance use disorder. Adult
5 respondents who have been adjudicated for such abuse that the department is not required to
6 make reasonable efforts to preserve the family as defined in §49-4-604(b)(7) shall not be eligible
7 for participation in any family drug treatment court.

8 (b) Participation by an adult respondent in a family drug treatment court shall be voluntary
9 and made pursuant only to a written agreement into by and between the adult respondent and
10 the department with concurrence of the court.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2019.

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Governor