

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

House Bill 2686

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[Originating in the Committee on Prevention and
Treatment of Substance Abuse; Reported on January
24, 2019.]

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

Be it enacted by the Legislature of West Virginia:

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.

NOTE: The purpose of this bill is to permit the Supreme Court of Appeals of West Virginia to start a pilot program implementing family drug courts.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.