

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

ENROLLED

House Bill 2918

BY DELEGATES D. KELLY, HANNA, WALKER, PUSHKIN,
ELLINGTON, HOLSTEIN, KESSINGER, MANDT, REED, ROHRBACH
AND L. PACK

[Passed April 8, 2021; in effect ninety days from passage.]

1 AN ACT to amend and reenact §62-15B-1 and §61-15B-2 of the Code of West Virginia, 1931,
2 relating to family drug treatment court; making permanent the pilot program; eliminating a
3 report to the Legislative Oversight Commission on Health and Human Resources
4 Accountability; and eliminating the ineligibility barrier for parents with a prior involuntary
5 termination of parental rights of another child.

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 program.

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; and

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

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

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

36 (1) The family drug treatment court judge;

37 (2) The prosecuting attorney of the county;

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

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

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

43 (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(c)(7) shall not be eligible
7 for participation in any family drug treatment court: *Provided*, That if the court determines that the
8 parental rights of the parent to another child have been terminated involuntarily, the court, in its
9 sole discretion and subject to other eligibility criteria as established by the local family drug
10 treatment court advisory committee, may admit the parent to family drug treatment court.

11 (b) Participation by an adult respondent in a family drug treatment court shall be voluntary
12 and made pursuant only to a written agreement into by and between the adult respondent and
13 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, 2021.

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Governor