

92 L 95

RECEIVED  
98 MAR 19 PM 2:45  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998



## ENROLLED

SENATE BILL NO. 720

(By Senator Wootton et. al.)



PASSED March 10 1998

In Effect ninety days from Passage

RECEIVED

98 MAR 19 PM 2:45

OFFICE OF THE CLERK  
OF THE SENATE  
STATE OF WEST VIRGINIA

## ENROLLED

### Senate Bill No. 720

(BY SENATORS WOOTON, CRAIGO, JACKSON,  
WALKER, WHITE, BUCKALEW AND SCOTT)

---

[Passed March 10, 1998; in effect ninety days from passage.]

---

AN ACT to amend article five, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-one; and to amend and reenact sections one and three, article five-d of said chapter, all relating to providing for regular judicial review of certain juvenile proceedings.

*Be it enacted by the Legislature of West Virginia:*

That article five, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended, by adding thereto a new section, designated section twenty-one; and that sections one and three, article five-d of said chapter be amended and reenacted, all to read as follows:

**ARTICLE 5. JUVENILE PROCEEDINGS.**

**§49-5-21. Quarterly judicial review of juvenile proceedings.**

1 For cases under this article in which the provisions of  
2 section three, article five-d of this chapter apply, the court  
3 wherein the juvenile proceeding is pending shall conduct  
4 regular judicial review of the case with the multidisciplin-  
5 ary treatment team and a juvenile probation officer in  
6 attendance. Such judicial review may be conducted as  
7 often as is considered necessary by the court, but shall be  
8 conducted at least once every three calendar months until  
9 the case is wholly resolved and finally dismissed from the  
10 docket of the court.

11 In conducting the judicial review required by this  
12 section, the court shall address the extent of progress in  
13 the case, treatment and service needs, permanent place-  
14 ment planning for the juvenile any uncontested issues and  
15 any other matters that the court considers pertinent. An  
16 order reflecting the matters considered, any uncontested  
17 rulings and the scheduling of an evidentiary hearing on  
18 any contested issue shall be issued by the court within ten  
19 judicial days of the judicial review.

**ARTICLE 5D. MULTIDISCIPLINARY TEAMS.**

**§49-5D-1. Purpose; additional cases and teams.**

1 (a) The purpose of this article is to provide a system for  
2 evaluation of and coordinated service delivery for children  
3 who may be victims of abuse or neglect and children  
4 undergoing certain status offense and delinquency pro-  
5 ceedings. It is the further purpose of this article to  
6 establish, as a complement to other programs of the  
7 department of health and human resources, a multi-  
8 disciplinary screening, advisory and planning system to  
9 assist courts in facilitating permanency planning, follow-  
10 ing the initiation of judicial proceedings, to recommend  
11 alternatives and to coordinate evaluations and  
12 in-community services. It is the further purpose of this

13 article to ensure that children are safe from abuse and  
14 neglect and to coordinate investigation of alleged child  
15 abuse offenses and competent criminal prosecution of  
16 offenders to ensure that safety, as determined appropriate  
17 by the prosecuting attorney.

18 (b) Nothing in this article precludes any multidisciplin-  
19 ary team from considering any case upon the consent of  
20 the members of the team.

**§49-5D-3. Multidisciplinary treatment planning process.**

1 (a) (1) On or before the first day of January, one thou-  
2 sand nine hundred ninety-five, a multidisciplinary treat-  
3 ment planning process shall be established within each  
4 county of the state, either separately or in conjunction  
5 with a contiguous county by the secretary of the depart-  
6 ment with advice and assistance from the prosecutor's  
7 advisory council as set forth in section four, article four,  
8 chapter seven of this code.

9 (2) Treatment teams shall assess, plan and implement a  
10 comprehensive, individualized service plan for children  
11 who are victims of abuse or neglect and their families  
12 when a judicial proceeding has been initiated involving  
13 the child or children and for juveniles and their families  
14 involved in status offense or delinquency proceedings  
15 when, in a status offense proceeding, the court refers the  
16 juvenile for services pursuant to sections eleven and  
17 eleven-a, article five of this chapter, and when, in a  
18 delinquency proceeding, the court is considering placing  
19 the juvenile in the department's custody and/or placing  
20 the juvenile out-of-home at the department's expense,  
21 pursuant to section thirteen of said article.

22 (b) Each treatment team shall be convened and directed  
23 by the child's or family's case manager. The treatment  
24 team shall consist of the child's custodial parent(s) or  
25 guardian(s), other immediate family members, the attor-  
26 ney(s) representing the parent(s) of the child, if assigned

27 by a judge of the circuit court, the child, if the child is over  
28 the age of twelve, and if the child's participation is  
29 otherwise appropriate, the child, if under the age of twelve  
30 when the team determines that the child's participation is  
31 appropriate, the guardian ad litem, the prosecuting  
32 attorney or his or her designee, and any other agency,  
33 person or professional who may contribute to the team's  
34 efforts to assist the child and family.

35 (c) The treatment team shall coordinate their activities  
36 and membership with local family resource networks, and  
37 coordinate with other local and regional child and family  
38 service planning committees to assure the efficient  
39 planning and delivery of child and family services on a  
40 local and regional level.

41 (d) State, county and local agencies shall provide the  
42 multidisciplinary treatment teams with any information  
43 requested in writing by the team as allowable by law or  
44 upon receipt of a certified copy of the circuit court's order  
45 directing said agencies to release information in its  
46 possession relating to the child. The team shall assure  
47 that all information received and developed in connection  
48 with the provisions of this article remain confidential. For  
49 purposes of this section, the term "confidential" shall be  
50 construed in accordance with the provisions of section  
51 one, article seven of this chapter.

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

*Russell B. Hays*  
.....  
Chairman Senate Committee

*Neil Jentleson*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Russell B. Hays*  
.....  
Clerk of the Senate

*Suzanne M. Day*  
.....  
Clerk of the House of Delegates

*Earl Ray Jambli*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *approved* this the *19th*  
day of *March*, 1998.

*[Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/16/98

Time 10:45 am