

FROM THE CHIEF

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2020: A YEAR OF CHALLENGES AND OPPORTUNITIES

A new year brings with it new opportunities to improve our state's court system, and I am looking forward to working with our talented judges, staff and attorneys throughout the state to continue the progress we made in 2019. I am honored to serve as Chief Justice in 2020 and am grateful to Justice Beth Walker for her work as Chief Justice in 2019 leading the Court's efforts to restore confidence in our Supreme Court and in our state's judiciary.

Benjamin Franklin once said, "It takes many deeds to build a good reputation and only one bad one to lose it." Our new Supreme Court has recognized that the task of rebuilding the honor and reputation of our Court is not one that can be accomplished overnight. In 2019, we rolled up our sleeves and, together, went to work on rebuilding the Court's standing in the hearts and minds of West Virginians.

We enacted policies to establish high ethical standards and expectations for our justices, judges and staff. We reduced the Court's budget to ensure that the taxpayers' hard-earned money is spent efficiently and responsibly. We reached out to our fellow citizens by visiting classrooms and civic groups to discuss the work of the Court. We heard oral arguments in locations across the state. As a result, our Court is more open and accessible than at any time in our history. We must continue this effort to provide the highest standards of honesty, integrity, accountability and openness in 2020. I am committed to ensuring this work remains a priority, and I am confident that our Court will, in fact, build upon this progress.

We also must direct our full attention and efforts to addressing one of the greatest challenges facing our Court, and indeed one of the

greatest challenges facing the state of West Virginia — the number of children who are facing abuse and neglect at home. On a large scale, this challenge must be addressed by cooperative efforts among all three branches of our government. As the legislative and executive branches work to establish sound laws and policies, our courts will continue to play a crucial role in ensuring that children have safe, healthy and loving homes.

This challenge is staggering, and the number of abuse and neglect filings in the Supreme Court rose 24% from 2011 to 2018 (229 to 284 cases).¹ On the circuit court level, there were 3,391 petitions filed in 2011 compared to 5,659 new petitions in 2018, a 67% increase. Abuse and neglect petitions now represent *over two-thirds* of all new juvenile cases filed in circuit courts.

The details of the abuse and

neglect endured by many of our children are harrowing and difficult for courts to read, but resolving these cases fairly and in a timely manner is one of our Court's most important and meaningful tasks. Fortunately, we have some important new tools to help in this effort, both on the state and federal level.

Nationally, the Family First Prevention Services Act allows states to redirect a portion of federal money previously earmarked only for foster care and adoption purposes for use in prevention services designed to keep families together. This program and accompanying funding will, under the appropriate circumstances, allow some children to maintain or re-establish residency in their own homes and provide families the help, guidance and services needed to ensure such homes are healthy and loving. There is no question there are circumstances that require children to be immediately and permanently removed from their homes to ensure their safety and well-being. However, recent studies have emphasized the tremendous trauma that children endure when they are removed from their homes. In those situations, where with the appropriate intervention and support we can ensure that homes are safe, healthy, loving homes, Family First seeks to provide the assistance needed to restore those homes and avoid such trauma.

On the state level, the Court has worked cooperatively with the Legislature to implement Family Drug Treatment Courts to identify and address certain cases in which substance abuse is a factor in parents being adjudged guilty of abuse and neglect. In such cases, Family Drug Treatment Courts will provide a collaborative effort involving the parents, a local advisory committee and DHHR Bureau of Children and Families and Child Protective Services representatives to provide the parents the assistance they need to overcome their substance abuse and, in the appropriate circumstances, regain and maintain custody of their children.

Based in part on the model employed in current drug courts throughout the state, the parents participating in Family Drug Treatment Courts will regularly appear before a court, allowing the court to track their progress, identify additional counseling needs and provide needed accountability as they progress through the program. The first three Family Drug Treatment Courts have already opened in Boone, Randolph and Ohio counties, and two more will open in 2020 in Roane and Nicholas counties. More than 400 Family Drug Treatment Courts currently operate in the United States. The addition of Family Drug Treatment Courts in West Virginia represents a promising

new approach to abuse and neglect cases involving parents suffering from addiction. If this approach is as successful as it is hoped and anticipated to be, it is likely that the program will be expanded to other areas of the state.

The Court is working to address several other issues relating to the well-being of our state's children. A working group made up of Supreme Court and circuit judges spent several months developing a number of recommendations to improve the adoption process in West Virginia and shared these recommendations with the Legislature's Joint Committee on Health for the Legislature's consideration during the 2020 Legislative Session.

The West Virginia Court Improvement Program (CIP) Board, staffed by the Supreme Court's Division of Children and Juvenile Services under the leadership of Cindy Largent-Hill, is working to improve the quality of multidisciplinary teamwork, enhance timeliness for permanency in child abuse and neglect cases and improve the quality of guardian *ad litem* services.

The Court is taking further steps, in cooperation with the effort of the CIP Board, to ensure that our state's guardians *ad litem* provide each child they serve with the highest quality of representation. To help address concerns voiced by individual citizens and legislators, and to ensure that circuit judges are apprised of concerns relating to the work of guardians *ad litem* in their respective courts, the Court has named a primary contact person to receive and log complaints and concerns received relating to guardians *ad litem*. The Court, along with the CIP, will be working in the coming months to emphasize, clarify and reiterate the role and expectations of guardians *ad litem*, as currently reflected in the *Rules of Procedure for Child Abuse & Neglect Proceedings*, and to provide more effective training opportunities for our state's guardians *ad litem*.

The new year of 2020 provides our state and our judiciary with challenges, but it also provides us with tremendous opportunities. As we continue to work together to restore the confidence of our citizens in their Court, we will also continue the efforts of our court system to ensure the fair and timely resolution of all matters relating to our state's most precious resource — our children — and rededicate our efforts to ensuring that each child can grow and succeed in a safe, healthy and loving home. **WVL**

Endnote

1. Supreme Court Annual Statistical Reports <http://www.courtswv.gov/supreme-court/clerk/clerks-office.html>.