



Supreme Court of Appeals State of West Virginia

News

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Juvenile Justice Commission to hold public forum on proposed DHHR changes

For immediate release

CHARLESTON, W.Va. – The Juvenile Justice Commission will hold a public forum at 9:30 a.m. Wednesday, July 27, to hear comments on the West Virginia Department of Health and Human Resources' plan to make significant systemic changes to child shelter care and residential services in West Virginia.

The forum will be held in the West Virginia Senate Judiciary Committee room, Room 208W, in the West wing of the Capitol.

"The DHHR is making contract changes involving the care and treatment of court-involved youth as if there is not a court system responsible to supervise this care, and the public should know," said the Commission's Chairman, Twenty-Ninth Judicial Circuit (Putnam County) Judge Phillip Stowers.

The DHHR has been working toward changing its contracts with child shelters and residential service providers for some time. The Juvenile Justice Commission became aware of the proposals in February but delayed holding a hearing because details of the draft contracts kept changing.

"The Commission is charged by the Supreme Court to look at all systemic issues for youth placed in residential care by circuit judges," Judge Stowers said. "The changes to the residential care model recently proposed by the state depart from the current model of care so dramatically that substantial unanswered questions exist, and the commission must make sure the proposed changes are in the best interest of West Virginia youth placed in residential care.

"We are holding this forum as an opportunity for comment and to answer these questions," Judge Stowers said.

Some providers have said the contracts offered by the DHHR's Bureau for Children and Families will make it difficult not only to adequately and appropriately serve youths but even to remain in business, said Cindy Largent-Hill, Commission Director. There is also a concern about maintaining the safety of the children with the proposed agreements. The Commission would like to gather information to ensure it and the public are fully informed, Ms. Largent-Hill said.

Judge Stowers recently learned that no providers have signed the proposed contracts, therefore all residential treatment and emergency shelter services could cease as early as September 1.

DHHR-BCF Commissioner Nancy Exline announced during the June Residential Commission to Study to the Placement of Children meeting that the final version of the contracts would be distributed in August, but just before the July 4 weekend the DHHR sent out what it said were final contracts and gave providers until July 25 to sign them or opt to no longer serve West Virginia children. Judge Stowers asked the DHHR to extend the deadline. The DHHR has refused.

“Providers need more than 14 working days to consider such major changes in how the state cares for our at-risk children,” Judge Stowers said.

The Juvenile Justice Commission supports the DHHR’s efforts to reduce the number of days youths spend in residential placements, and the effort to save money. “The goal of moving toward a community-based service model, however, does not justify the possible wholesale dismantling of the present residential model,” Judge Stowers said.

“The commission is impartial and does not intend to participate in negotiations. It is concerned at the lack of transparency in the contract procedure and wants to gather information,” Judge Stowers said.

While the DHHR received voluminous comments from providers, it is not clear if it addressed those comments. Of particular concern to the Juvenile Justice Commission are:

- A proposal to eliminate the three-level classification of children and whether that will lead to children with different treatment needs being placed in same facility;
- Confusion as to the role of the multidisciplinary team in determining the continued need for treatment while in placement;
- Limits on the amount of time some youths can spend at treatment centers that may be contrary to state law; and
- A requirement to send youths back to the same residential placements they left if a court determines they need additional services.

“You can’t pick a day a child is ready, and no judge would send someone back to a placement they just left that didn’t work,” Judge Stowers said. “In hearing about these changes the public may be concerned about reductions in treatment options as well as the safety of children.

“Circuit Judges are required every day to decide how our children in crisis get appropriate and effective services from the state. If possible these services should first be provided in the child’s community. In many judicial circuits, however, necessary and effective community-based services for youth in the court system are non-existent,” Judge Stowers said.

Courts can order children to foster care, residential treatment centers, or emergency shelters, depending on the case.

West Virginia’s foster care system is at capacity. Courts continue to request community-based interventions and options; however, they are not available or accessible. With no foster care placements available and basically non-existent local services, judges must place children in residential treatment centers or

shelters. Judges are responsible for making sure that the children under court orders are getting appropriate and adequate care, no matter where they are.

Those who wish to speak at the forum should call Lorri Stotler at 304-267-3730. Speakers also can sign up from 8:30 a.m. to 9:15 a.m. on July 27. The length of time allotted for comments will be determined by the number of speakers.

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