

FAMILY TREATMENT COURT

● Informational Presentation
for Attorneys/GALs
July 17, 2025

SUPREME COURT OF APPEALS OF WV



Welcome to this short, informational presentation for attorneys and GALs regarding West Virginia Family Treatment Courts. The information in this presentation is brought to you by the Supreme Court of Appeals of WV and its Division of Probation Services.



SUPREME COURT OF APPEALS
OF WV

AGENDA



- 01** WHAT IS FTC?
- 02** WHAT ARE FTC MILESTONES?
- 03** WHAT IS 'TREATMENT TEAM' & WHO IS ON IT?
- 04** WHAT ARE THE ATTORNEY/JUDGE'S ROLES IN FTC?
- 05** WHY SHOULD A RESPONDENT CONSIDER FTC?
- 06** WHAT WILL THE RESPONDENT DO DURING FTC?
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- 10** HOW AM I UPDATED ON A RESPONDENT'S PROGRESS?

In this presentation, common questions that are asked by attorneys will be answered. We explain what FTC is, detail the phase structure of the court program, identify the members of the treatment team, explain attorney and judge roles, talk about the referral and court processes, and why respondents should consider FTC as an option during their post-adjudicatory improvement periods.



WHAT IS FTC?

- Specialized, problem-solving court,
- Multidisciplinary, collaborative approach,
- Parental substance use & involvement in child abuse/neglect proceedings,
- Non-adversarial (work together),
- Uses Behavioral Modification Techniques,
- Designed to return children to a safer home environment & achieve permanency faster and more effectively than traditional methods.



Photo Credit: J. Alex Wilson, Supreme Court of Appeals of WV

One of the main questions we get is "What is FTC?"

Family Treatment Court (FTC) is a specialized docket, problem-solving court that utilizes a multidisciplinary, collaborative approach to serve families affected by parental substance use who are involved with the child welfare system.

Team members of FTC along with the participant, their family, and the parties of the child abuse/neglect case work together as a team, operating in a non-adversarial approach, to better address issues and modify behavior.

Family Treatment Courts use behavioral modification to improve parent, child, and family functioning, to ensure the safety, permanency, and well-being of children, and help support behavioral change, promoting accountability in the parents.

Family Treatment Courts are designed to return children to a safer home environment and achieve permanency faster and more effectively than traditional methods utilized in regular improvement periods in child abuse/neglect cases.



WHAT IS 'TREATMENT TEAM' & WHO IS ON IT?



- FTC JUDGE
- GAL REP.
- PRSS
- FTC CASE COORDINATOR
- LEO REP.
- CASA
- FTC CHILD WELFARE WORKER
- PROBATION REP.
- COMMUNITY MEMBERS
- PROSECUTING ATT. REP.
- TREATMENT PROVIDER
- RESPONDENT ATT. REP.
- SNS PROVIDER



The FTC treatment team consists of a group of professionals and community members who handle the day-to-day operations of Family Treatment Court and work closely with the participants and their families.

Members of the treatment team **MUST** include the FTC Judge, a prosecuting attorney representative, a representative of the defense bar, a Guardian Ad Litem representative, a law enforcement officer representative, a substance use treatment provider, the local FTC Case Coordinator, and a Child Welfare worker.

Other members listed on this slide are optional members.



WHAT ARE THE ATTORNEY ROLES IN FTC?



● PROSECUTING ATTORNEY REPRESENTATIVE

- Be mindful of their obligations to promote public safety and advocate for the Department's interests.
- Collaborate with the JA MDTs to ensure proper legal procedures and ASFA timelines are being followed.

● RESPONDENT ATTORNEY REPRESENTATIVE

- Ensure the constitutional rights of the participants are protected, in particular, due process rights.

● GAL REPRESENTATIVE

- Contribute meaningful insight to the FTC treatment team about the children's interests and well-being.
- Maintain contact with the FTC-CWW and JA GAL to collaborate on the welfare of the children.
- Conduct visits with the children as requested.

Firstly, the prosecuting attorney representative on treatment team remains mindful of their obligations to promote public safety. Also, with them representing the Department in JA matters, they continue to advocate for their interests. The prosecuting attorney plays an important role, as they collaborate with the JA MDT to ensure that legal procedures in both courts and timeframes (such as ASFA) are being recognized and followed.

The respondent attorney representative ensures that FTC participants' constitutional rights are protected. Lastly, the GAL representative maintains close contact with the GAL and Child Welfare Worker in the underlying cases, can conduct home visits on the children as requested by the FTC Judge, and contributes insight as to the children's interests on matters. It is important to note that the attorneys involved in the FTC treatment team may or may not represent the state, parents, or children in the underlying cases.



WHAT IS THE ROLE OF THE FTC JUDGE?



● ROLE OF THE JUDGE

- Preside over FTC hearings & team meetings.
- Ensure members understand FTC policies, procedures, & best practice standards.
- Make all final decisions on behavioral modification, including termination from FTC.
- Adhere & follow all judicial, ethical, & legal requirements related to interactions w/ participants.
- Reviews relevant facts & applicable laws exercise independent decision-making.
- May make decisions on parenting time.

The Judge has an important role in FTC. They preside over both treatment team meetings and the FTC hearings.

To promote best practices and smooth operations, the FTC Judge ensures all treatment team members understand policies, procedures, and the national best practice standards. The Judge, after reviewing relevant facts and applicable laws, exercises independent decision-making. The FTC Judge has final decision-making authority on behavioral modification, including termination from FTC. Judges, however, rely on the treatment provider for recommendations regarding substance use treatment.

The FTC Judge must adhere and follow all judicial, ethical, and legal requirements related to their interactions with participants. Lastly, if the JA and FTC Judge are the same or an agreement between judges within a circuit has been entered, the FTC Judge may make decisions on parenting time regarding the FTC participants and their children.



WHY SHOULD A RESPONDENT CONSIDER FTC?

01

● INTENSIVE CASE COORDINATION

FTC employs a Case Coordinator that regularly and frequently briefs the treatment team and JA MDT on progress & compliance of respondents.

02

● FREQUENT VISITATION & REUNIFICATION SUPPORTS

FTC participants are given frequent parenting time, regardless of drug screening results (as long as the children are safe). FTC has resources that help parents purchase items they need to aid in reunification.

03

● TREATMENT & RECOVERY SUPPORTS

FTC participants access treatment quickly, gain a large recovery support system, and learn skills for long-term sobriety.

04

● FASTER DECISIONS MADE

Treatment team meets regularly & frequently to discuss the participants' cases, which results in faster decisions being made and the FTC Judge/JA Judge being up to date with the participants' progress.

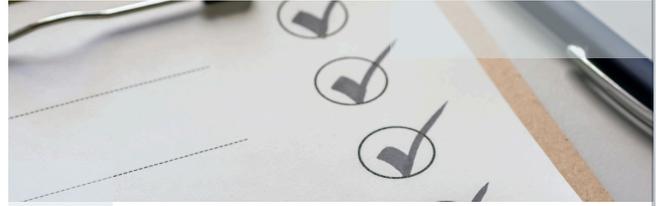
Attorneys have often asked us "Why Should a Respondent Consider FTC?"

With FTC, a parent is able to receive: One-on-one case management with the FTC Case Coordinator and Child Welfare Worker, and their attorneys are notified regularly of their progress. Secondly, FTC cares about the relationship and bond between the parents and children, so parenting time is of the utmost importance. Parents receive frequent visitation, regardless of drug screen results (as long as the children are safe). Also, FTC can help purchase individual and family needs that promote reunification (e.g., beds, clothing, paying deposits, help get driver's license, etc.),

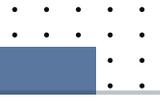
Thirdly, parents will learn skills for long-term sobriety, they receive quicker access to treatment and gain a large support system. Lastly, due to frequent treatment team meetings and intensive case coordination, decisions about their case(s) occur at a quicker pace.



WHAT WILL THE RESPONDENT DO DURING FTC?



- CASE PLANNING
- OBTAIN VALID ID
- MEDICATION COORDINATION
- RANDOM DRUG SCREENS
- STABLE JOB/INCOME
- COMMUNITY SERVICE
- HOME & OFFICE VISITS
- STABLE HOUSING
- PEER-LEAD GROUPS
- TREATMENT & SERVICES
- ATTEND CHILD VISITS
- CURFEW
- FTC HEARINGS
- MEDICAL/DENTAL
- BE HONEST!!



Next, another common question we receive is "What will the Respondent do during FTC?"

On this slide, you will see common requirements of our participants. Aside from random drug screening, treatment participation, and attending FTC hearings, participants also work on life enhancement tasks, such as obtaining stable income and housing, educational and employment growth, and ensuring medical/dental issues are managed.

Local FTCs may have additional requirements, such as peer-lead support group attendance or community service.



HOW DOES A RESPONDENT GET REFERRED TO FTC?

Respondent _____ JA Judge: _____

FAMILY TREATMENT COURT REFERRAL FORM

Respondent Information:

Full Name: _____ Phone: _____

Address: _____

Social Security No. _____ Referral Date: ____/____/____

Date of Birth: ____/____/____ Next JA Hearing Date: ____/____/____

Race: _____ Gender: _____ Gender Identity: _____

Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____

Ethnicity: Non-Hispanic Hispanic Unknown Refused to Answer

Is the respondent homeless? Yes No Unknown

Is the respondent indigent (no money/income or financial support)? Yes No Unknown

Is the respondent on Probation Parole? (check mark all that apply) Yes No Unknown

Reason for Referral/Nature of Petition: (please state the reason you are referring the above individual)

CPS Worker: _____ Prosecuting Attorney: _____

Guardian of Litem: _____ Defense Attorney: _____

Has the respondent or a member of their immediate family ever served in the military regardless of discharge? Yes No Unknown. If yes, which military branch? _____

Specific year(s) served: _____ Type of discharge: _____

● SUBMIT FTC REFERRAL FORM

The FTC Referral Form is a one-page document with basic information about the respondent. It does not need to be signed by the respondent. For respondents who are interested in FTC, another form (Request to Participate) will be signed later by the respondent & their attorney.

● JA JUDGE'S REFERRAL FROM BENCH

The Circuit Court Judge presiding over the JA case may order a respondent to be referred to FTC. The FTC Case Coordinator will then contact the respondent to begin the referral & screening process.

● VERBAL REFERRAL DURING JA HEARING

An attorney in the JA case may verbally request, during a JA hearing, that the respondent be referred to FTC. The FTC Case Coordinator will then contact the respondent to begin the referral & screening process.

You may ask "How does a Respondent get referred to FTC?"

There are three ways a respondent can be referred to FTC. Firstly, we utilize a one-page referral form that includes basic information about the respondent. At this stage, the respondent does not need to sign the referral form. The Case Coordinator will contact the respondent to gauge their intent and begin the referral and screening process.

Family Treatment Court is voluntary in WV; meaning, every participant must consent to participate. However, Circuit Judges can order a referral be made from the bench and JA attorneys may verbally request a respondent be referred to FTC during JA Hearings. For these two scenarios, we ask that the verbal referral be documented in that hearing's order and the Case Coordinator be aware of the referral.



WHO IS ELIGIBLE FOR FTC?

- **JA RESPONDENT/VOL. PARTICIPATION** FTC Participants are parents involved in child abuse/neglect proceedings.
- **ADJUDICATED** FTC Participant must be adjudicated an abusing/neglectful parent pursuant to W.Va. Code §49-4-601(i) with their substance use being a contributing factor to the abuse/neglect.
- **POST-ADJUDICATORY IMPROVEMENT PERIOD** FTC Participants must be placed on a post-adjudicatory improvement period, pursuant to W.Va. Code §49-4-610(2) prior to starting FTC participation.
- **SUBSTANCE USE DISORDER** FTC Participants must meet the clinical criteria of a substance use disorder.

For FTCs statewide, our eligibility criteria for participation are prescribed in W.Va. Code 62-15B-2(a). The four main components of eligibility are: they must be a respondent in an active JA proceeding; they must be adjudicated an abusing/neglectful parent pursuant to W.Va. Code §49-4-601(i) with their substance use being a contributing factor to the abuse/neglect; they must be granted a post-adjudicatory improvement period, pursuant to W.Va. Code §49-4-610(2) prior to starting FTC participation, and they must meet the clinical criteria of a substance use disorder. We can determine this during the screening process.

Additionally, participation in FTC is also subjected to the respondent's participation being voluntary, made pursuant only to a written agreement by and between the adult respondent and the department with concurrence of the court. Please note that local FTCs may have additional eligibility criteria.



WHO IS INELIGIBLE FOR FTC?

- **AGGRAVATING CIRCUMSTANCES**

Respondents who have been adjudicated for such abuse that the department is not required to make reasonable efforts to preserve the family as defined in §49-4-604(c)(7) shall not be eligible for participation in FTC. *Prior involuntary termination is at the Court's discretion.*

- **MEDICAL CANNABIS**

Respondents who have a medical cannabis card may not utilize said card during FTC participation.

- **CRIMINAL/CONFIDENTIAL INFORMANTS**

Respondents cannot be an active criminal/confidential informant nor perform informant work during FTC participation.

However, there are three things that would deem a respondent ineligible for FTC participation statewide. Firstly, Respondents who have been adjudicated for such abuse that the department is not required to make reasonable efforts to preserve the family as defined in §49-4-604(c)(7) shall not be eligible for participation in FTC. However, there is an exception to the aggravated circumstances prohibition for prior involuntary terminations. Code states that if the court determines that the parental rights of the parent to another child have been terminated involuntarily, the court, in its sole discretion and subject to other eligibility criteria as established by the local level, may admit the parent to FTC. Additionally, due to Medical Cannabis not being FDA approved, respondents who have and actively utilize their WV medical cannabis card/certificate, may not participate. Having a medical cannabis card does not exclude a respondent, but the use of medical cannabis during FTC participation does. Lastly, due to FTC's mission of distancing parents from the people, places, and things that contribute to their substance use, and the potential impact it could have on other participants, individuals that are active criminal/confidential informants cannot participate in FTC.



WHAT HAPPENS TO THE JA CASE AFTER FTC ACCEPTANCE?

- The JA proceedings will continue, including MDT meetings & JA review hearings.
- FTC does not stop or pause the JA proceedings.
- FTC is an extension/ addition to the JA proceeding.



In short, the JA case will continue as prescribed in code, meaning, MDT meetings and status/review hearings will continue to be held.

Since FTC is an extension/addition to the underlying case, FTC does not stop nor pause any JA proceeding.



HOW AM I UPDATED ABOUT THE RESPONDENT'S PROGRESS?



- **WRITTEN UPDATES**

The FTC Case Coordinator will provide you weekly to twice a month written updates about the respondent's compliance, progress, and upcoming decisions that may impact the JA case (e.g., change in visitation).

- **COURT REPORTS**

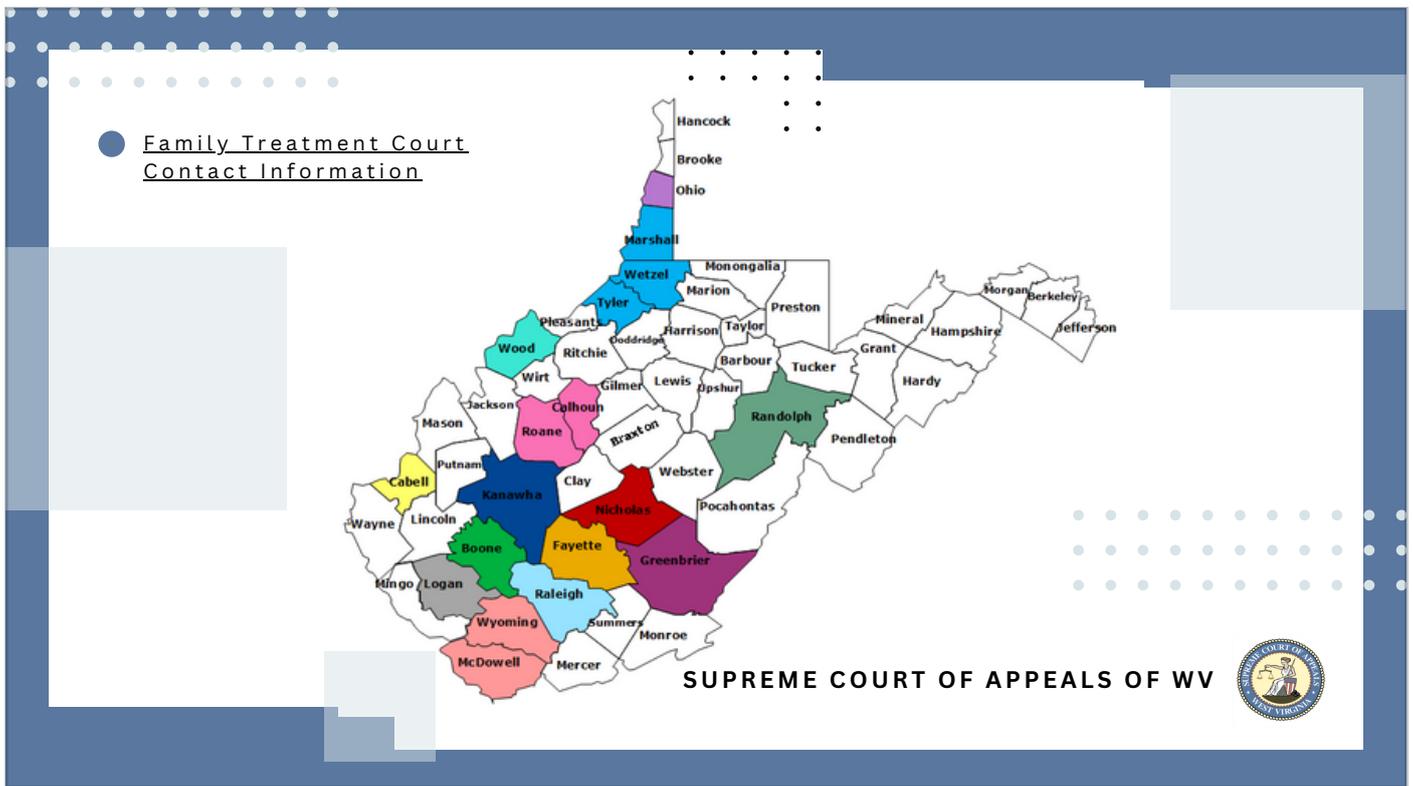
The FTC Case Coordinator will submit court reports prior to review/status hearings in the JA case.

- **MDT & HEARING ATTENDANCE**

The FTC Case Coordinator will attend any MDTs and JA Hearings during the course of the respondent's participation with FTC.

As attorneys, it is important for you to know whether your client is complying and progressing in FTC.

Our Case Coordinators will provide to you written updates and court reports that will regularly update you on achievements and any issues occurring with your client. Additionally, the FTC Case Coordinators will be active members of the MDT and attend these meeting and necessary JA court hearings to provide verbal updates.



As of July 2025, there are 14 FTCs in WV, serving 18 counties. Please click the link in the top, left-hand corner for Case Coordinator and Judges’ contact information for each FTC.

2nd Circuit (Marshall, Tyler, & Wetzel)

- Boone
- Cabell
- Fayette
- Greenbrier
- Kanawha
- Logan
- McDowell-Wyoming
- Nicholas
- Ohio
- Raleigh
- Randolph
- Roane-Calhoun
- Wood

THANK YOU

- [FY 2025-2026 FTC Fact Sheet](#)
- [WV Family Treatment Court Website](#)

SUPREME COURT OF APPEALS OF WV



For more information regarding WV Family Treatment Courts, please view the 2025-2026 FTC Fact Sheet and visit our website!