

West Virginia State Report Card

Last Updated: January 1, 2024

Method and scoring: State involuntary civil commitment laws are evaluated using a 100-point grading scale. The scoring criteria are in accordance with the Treatment Advocacy Center's values and policy preferences. Up to 50 points are awarded to a state based on the quality of its inpatient commitment law, and up to 50 points are awarded based on the state's assisted outpatient treatment (AOT) law. Final letter grades are computed using the following scale:

97 or above	A+	87–89	B+	77–79	C+	67–69	D+	59 or below	F
93–96	A	83–86	B	73–76	C	63–66	D		
90–92	A-	80–82	B-	70–72	C-	60–62	D-		

PART ONE: Inpatient Commitment Statute (up to 50 points)

Criterion	Citation	Specifications	Points
1. Citizen access to court, emergency evaluation (5 pts)	W. Va. Code § 27-5-2(a)	<input checked="" type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input checked="" type="checkbox"/> Authorizes any responsible adult (2 pts)	5
2. Quality of emergency petition process (5 pts)	W. Va. Code § 27-5-2	<input checked="" type="checkbox"/> Process specified and reasonable (2 pts) <input checked="" type="checkbox"/> Timelines specified and reasonable (2 pts) <input checked="" type="checkbox"/> Responsible entities identified (1 pt) <input type="checkbox"/> Requires certification by more than one professional (-2 pts) <input type="checkbox"/> Emergency evaluation criteria inconsistent with inpatient commitment criteria (-5 pts)	5
3. Emergency hold duration (5 pts)	W. Va. Code § 27-5-2a(b)	<input checked="" type="checkbox"/> At least 48-hour hold allowed (3 pts) <input checked="" type="checkbox"/> At least 72-hour hold allowed (2 pts) 72 hours, examination required within 24 hours	5
4. Citizen access to court, inpatient petition (5 pts)	W. Va. Code § 27-5-4(b)	<input checked="" type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input checked="" type="checkbox"/> Authorizes any responsible adult (2 pts)	5
5. Quality of criteria for harm or violence to self or others (up to 10 pts)	W. Va. Code § 27-1-12(a)	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts) <input type="checkbox"/> Harm must be imminent (-3 pts)	10
6. Quality of criteria for grave disability/basic needs (up to 10 pts)	W. Va. Code § 27-1-12(a)(5)	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts) <input type="checkbox"/> Endangerment must be imminent (-3 pts) <input type="checkbox"/> Criteria require family to turn person out of home to receive treatment (-3 pts) <input type="checkbox"/> Unreasonably high risk of harm (-3 pts)	10
7. Quality of criteria for psychiatric deterioration (up to 10 pts)	W. Va. Code § 27-1-12(a)(5)	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts)	10
SUBTOTAL			50

PART ONE: Extra Credit

1. Specifies in which court a petition for inpatient commitment shall be filed (1 pt)	W. Va. Code § 27-5-2(c)	Circuit court	1
Extra Credit			1
PART ONE TOTAL			51

PART TWO: Outpatient Commitment Statute (up to 50 points)

Criterion	Citation	Specifications	Points
1. AOT explicitly authorized (5 pts)	W. Va. Code § 27-5-2(h)	<input type="checkbox"/> Requires local government to adopt (-3 pts)	5
2. Citizen access to court for AOT (5 pts)	W. Va. Code § 27-5-2(a)	<input checked="" type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input checked="" type="checkbox"/> Authorizes any responsible adult (2 pts) <input type="checkbox"/> Authorizes citizen petition to mental health system only (-2 pts)	5

3. Criteria sufficiently broad to provide actual access (up to 10 pts)	W. Va. Code § 27-1-12(a)(5)	<p>Evaluate applicable provision only:</p> <p><input checked="" type="checkbox"/> If inpatient/outpatient criteria are the same:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Inpatient criteria include psychiatric deterioration standard (10 pts) <u>or</u> <input type="checkbox"/> No psychiatric deterioration standard, adequate grave disability standard (5 pts) <p>or</p> <p><input type="checkbox"/> If outpatient criteria are distinct from inpatient criteria:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Allows consideration of length of treatment history \geq 36 months (2 pts) <ul style="list-style-type: none"> <input type="checkbox"/> Does not exclude periods of incarceration or hospitalization (-1 pt) <input type="checkbox"/> Does not limit application to those currently dangerous or unstable (4 pts) <input type="checkbox"/> Does not limit application to those refusing service or currently lacking insight (4 pts) 	10
4. Authorizes AOT directly from community (5 pts)	W. Va. Code § 27-5-2(h)	<i>After a period of short-term detention</i>	5
5. Procedures sufficiently detailed to guide practitioners (up to 5 pts)	W. Va. Code § 27-5-2(h)	<ul style="list-style-type: none"> <input type="checkbox"/> Process specified and reasonable (1 pt) <input checked="" type="checkbox"/> Timelines specified and reasonable (1 pt) <input checked="" type="checkbox"/> Responsible entities identified (1 pt) <input type="checkbox"/> Periodic reporting to court required (1 pt) <input type="checkbox"/> Renewal process expressly specified (1 pt) 	2
6. Procedures require the treatment plan to be shared with the court (5 pts)			0
7. Specifies procedures and consequences for nonadherence (5 pts)	W. Va. Code § 27-5-2(h)		5
8. Duration of initial order	W. Va. Code § 27-5-3(h)	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> = 90 days (2 pts) <u>or</u> <input checked="" type="checkbox"/> > 90 days (5 pts) <p><i>Six months if no commitments within two years, two years if prior commitments</i></p>	5
9. Duration of continued order	W. Va. Code § 27-5-4(l)(5)	<ul style="list-style-type: none"> <input type="checkbox"/> = 180 days (2 pts) <u>or</u> <input checked="" type="checkbox"/> > 180 days (5 pts) <p><i>Two years</i></p>	5
SUBTOTAL			42
PART TWO: Extra Credit			
1. Specifies court for AOT (1 pt)	W. Va. Code § 27-5-2(a)	<i>Circuit court</i>	1
2. Court monitoring of voluntary settlement agreements (5 pts)			
Extra Credit			1
PART TWO TOTAL			43

FINAL SCORE	
	PART ONE TOTAL
	51
	PART TWO TOTAL
	43
	TOTAL
	94
	GRADE
	A