

1 **H. B. 2431**

2
3 (By Delegates Cowles, C. Miller, Stowers, Mahan,
4 Hatfield and Hall)

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7 [Introduced January 12, 2011; referred to the
8 Committee on the Judiciary.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §49-2D-4a, relating
12 to the Home-Based Family Preservation Act; and requiring a
13 child to be placed with a relative, where possible, when
14 removed from the home of a parent.

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

16 That the Code of West Virginia, 1931, as amended, be amended
17 by adding thereto a new section, designated §49-2D-4a, to read as
18 follows:

19 **ARTICLE 2D. HOME-BASED FAMILY PRESERVATION ACT.**

20 **§49-2D-4a. Relative Placement Preference.**

21 When a child is removed from a parent's home, the department
22 shall place the child, in the absence of clear and convincing
23 evidence of good cause to the contrary:

24 (a) In the least restrictive setting that most closely
25 approximates a family and that meets the child's special needs, if

1 any;

2 (b) Within reasonable proximity to the child's home, taking
3 into account any special needs of the child and the preferences of
4 the child or parent; or

5 (c) With, in the following order of preference:

6 (1) An adult family member;

7 (2) A family friend who meets the foster care licensing
8 requirements established by the department;

9 (3) A licensed foster home that is not an adult family member
10 or family friend; or

11 (4) An institution for children that has a program suitable
12 to meet the child's needs.

NOTE: The purpose of this bill is to require a child to be placed with a relative, where possible, when removed from the home of a parent under the Home-Based Family Preservation Act.

§49-2D-4a is new; therefore it has been completely underscored.