

H. B. 2773

(By Delegates Ferns, Storch, Phillips, R., Stowers,
Skaff, Andes, Sponaugle, Marcum, Ferro,
White and O'Neal)

[Introduced March 1, 2013; referred to the
Committee on Health and Human Resources then the
Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, be
amended by adding thereto a new section, designated §49-2-4,
relating to state responsibilities for the protection and care
of children; requiring the West Virginia Department of Health
and Human Resources, Child Protective Services and the West
Virginia Division of Juvenile Services to develop, coordinate
and implement the Child and Adolescent Needs and Strengths"
(CANS), evaluation developed by the Buddin Praed Foundation
as the accepted system for outcomes evaluation in the State of
West Virginia; requiring the West Virginia Department of
Health and Human Services to adopt certain rules and
procedures to require staff members of residential and other
"out-of-home" child care programs to meet qualifications;
definitions; and requiring reports to the Governor and
Legislature.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended

1 by adding thereto a new section, designated §49-2-4, to read as
2 follows:

3 **ARTICLE 2. STATE RESPONSIBILITIES FOR THE PROTECTION AND CARE OF**
4 **CHILDREN.**

5 §49-2-4. Residential child care programs; out-of-home placement
6 standards for staff and system for outcomes
7 evaluation.

8 (a) In this article the following words have the meanings
9 indicated:

10 (1) "Cooperating Department" means a unit of government of the
11 State of West Virginia responsible for out-of-home placement of
12 children, including, but not limited to, the West Virginia
13 Department of Health and Human Services, Child Protective Services,
14 The West Virginia Division of Juvenile Justice, and the courts of
15 the State of West Virginia.

16 (2) "Direct Care Staff" means staff assigned to perform direct
17 responsibilities related to activities of daily living, self-help,
18 and socialization skills of children in a residential or other
19 out-of-home child care program.

20 (3) "Out-Of-Home Placement" means: (A) The removal of a child
21 from the child's family and the placement of the child by a
22 cooperating department or court in a public or private child care
23 program for more than twenty-four hours; or (B) when a child is

1 placed in a nonresidential treatment facility by a cooperating
2 department or court, for periods less than twenty-four hours a day,
3 when done as a prediversionary alternative to an adjudication and
4 placement.

5 (4) "System for Outcomes Evaluation" is an objective and
6 standardized method of measuring the effectiveness of residential
7 and other out-of-home child care programs. This shall be
8 satisfied at the outset by the adoption by the state department and
9 cooperating departments of the Child and Adolescent Needs and
10 Strengths" (CANS), evaluation developed by the Buddin Praed
11 Foundation.

12 (b) On or before January 2014, the state department and
13 cooperating departments shall develop, coordinate and implement a
14 system for outcomes evaluation for "out-of home" placement of the
15 children of the State of West Virginia and the system shall be the
16 Child and Adolescent Needs and Strengths" (CANS), evaluation
17 developed by the Buddin Praed Foundation.

18 (c) The system for outcomes evaluation shall be used to:

19 (1) Monitor the care, supervision, education and treatment
20 provided by residential and other out-of home child care programs
21 so that successful services can be expanded and services that do
22 not produce positive results can be identified;

23 (2) Assess the capacity of residential and other out-of-home
24 child care programs to meet the needs of a child requiring

1 out-of-home placement in the child's community;

2 (3) Effectively allocate resources based on demonstrated
3 outcomes;

4 (4) Establish an evaluation system for program performance,
5 including measures of safety, quality and effectiveness; and

6 (5) Complete an assessment of the state's residential and
7 other out-of-home child care program capacity that identifies
8 residential and other out-of-home child care programs in each
9 community to serve the needs of a family that resides in the
10 community.

11 (d) The system for outcomes evaluation shall use standardized
12 measures of function to evaluate the child's:

13 (1) Protection from harm while in out-of-home placement;

14 (2) Stability of living environment;

15 (3) Family situation and efforts to treat and counsel the
16 family unit;

17 (4) Educational and vocational development;

18 (5) Job skills and employment readiness;

19 (6) Cessation of drug and alcohol abuse;

20 (7) Learning positive, nonaggressive behavioral habits; and

21 (8) Post-discharge status.

22 (e) The measures of function to evaluate the child's
23 post-discharge transition include:

24 (1) Arrest;

- 1 (2) Rearrest;
- 2 (3) Rearrest with a charge of a serious or violent offense;
- 3 (4) Rearrest with a waiver to the adult justice system;
- 4 (5) Rereferral to the State of West Virginia, Department of
5 Health and Human Services or cooperating departments;
- 6 (6) Readjudication and recommitment; and
- 7 (7) Graduation from high school or successful completion of a
8 high school equivalency examination.
- 9 (f) The state department and cooperating departments shall
10 consult with West Virginia University in planning and implementing
11 CANS as the system for outcomes evaluation.
- 12 (g) The state department and the system for outcomes
13 evaluation shall ensure that collection and use of data in the
14 system maintain confidentiality of information on the children from
15 the cooperating departments.
- 16 (h) The system for outcomes evaluation shall ensure that a
17 cooperating department shall:
- 18 (1) Facilitate and require the participation of residential or
19 other out-of-home child care programs operated by the cooperating
20 department or private agencies with which the cooperating
21 department has a contract for the placement of children in
22 out-of-home care; and
- 23 (2) Include in the cooperating department's contract with a
24 private residential or other out-of home care program, provisions

1 requiring the program to collect and report to the cooperating
2 department:

3 (A) Child-specific demographic information; and

4 (B) Data necessary to evaluate changes in functioning of the
5 child.

6 (i) When reporting demographic information and data under a
7 cooperating department:

8 (1) May not disclose personal identifiers; and

9 (2) Shall ensure the confidentiality of the information about
10 the children under it responsibility.

11 (j) On or before October 1 of each year, the state department,
12 in coordination with the cooperating departments, shall submit a
13 report to the Governor, the West Virginia Legislature and the West
14 Virginia Supreme Court of Appeals on the progress of implementing
15 the system for outcomes valuation and its results.

16 (k) The Governor's office, the state department and the
17 departments that license residential and other out-of-home child
18 care programs in the State of West Virginia, in cooperation with
19 the West Virginia Childcare Association, representatives of
20 residential child care programs and other advocacy groups for
21 children shall:

22 (1) Develop the rules and procedures required to fully
23 implement the intent of the Legislature expressed in this section;

24 (2) Develop recommendations and any necessary changes for the

1 process and standards for certification of the direct care staff of
2 residential and other out-of-home child care programs, taking into
3 consideration the needs of children served by each licensing
4 agency;

5 (3) On or before January 1, 2015 report to the West Virginia
6 Legislature on any recommendations for the process and standards
7 for certification of direct care staff.

NOTE: The purpose of this bill is to require the West Virginia Department of Health and Human Resources, Child Protective Services and the West Virginia Division of Juvenile Services to develop, coordinate and implement the Child and Adolescent Needs and Strengths" (CANS), evaluation developed by the Buddin Praed Foundation as the accepted system for outcomes evaluation in the State of West Virginia.

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