

Senate Bill No. 57

(By Senators Cookman, Miller, Laird, Plymale and Fitzsimmons)

[Introduced January 8, 2014; referred to the Committee on Health
and Human Resources; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as 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
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 Resources 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

1 requiring reports to the Governor and Legislature.

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

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

6 **ARTICLE 2. STATE RESPONSIBILITIES FOR THE PROTECTION AND CARE OF**
7 **CHILDREN.**

8 **§49-2-4. Residential child care programs; out of home placement**
9 **standards for staff and system for outcomes**
10 **evaluation.**

11 (a) In this article the following words have the meanings
12 indicated:

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

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

1 (3) "Out-of-home placement" means: (A) The removal of a child
2 from the child's family and the placement of the child by a
3 cooperating department or court in a public or private child care
4 program for more than twenty-four hours; or (B) when a child is
5 placed in a nonresidential treatment facility by a cooperating
6 department or court, for periods less than twenty-four hours a day,
7 when done as a prediversionary alternative to an adjudication and
8 placement.

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

16 (b) On or before January 2015, the state department and
17 cooperating departments shall develop, coordinate and implement a
18 system for outcomes evaluation for "out-of-home" placement of the
19 children of the State of West Virginia and the system shall be the
20 Child and Adolescent Needs and Strengths" (CANS), evaluation
21 developed by the Buddin Praed Foundation.

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

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

5 (2) Assess the capacity of residential and other out-of-home
6 child care programs to meet the needs of a child requiring
7 out-of-home placement in the child's community;

8 (3) Effectively allocate resources based on demonstrated
9 outcomes;

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

12 (5) Complete an assessment of the state's residential and
13 other out-of-home child care program capacity that identifies
14 residential and other out-of-home child care programs in each
15 community to serve the needs of a family that resides in the
16 community.

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

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

20 (2) Stability of living environment;

21 (3) Family situation and efforts to treat and counsel the
22 family unit;

1 (4) Educational and vocational development;

2 (5) Job skills and employment readiness;

3 (6) Cessation of drug and alcohol abuse;

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

5 (8) Post-discharge status.

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

8 (1) Arrest;

9 (2) Rearrest;

10 (3) Rearrest with a charge of a serious or violent offense;

11 (4) Rearrest with a waiver to the adult justice system;

12 (5) Rereferral to the State of West Virginia, Department of
13 Health and Human Services or cooperating departments;

14 (6) Readjudication and recommitment; and

15 (7) Graduation from high school or successful completion of a
16 high school equivalency examination.

17 (f) The state department and cooperating departments shall
18 consult with West Virginia University in planning and implementing
19 CANS as the system for outcomes evaluation.

20 (g) The state department and the system for outcomes
21 evaluation shall ensure that collection and use of data in the
22 system maintain confidentiality of information on the children from

1 the cooperating departments.

2 (h) The system for outcomes evaluation shall ensure that a
3 cooperating department shall:

4 (1) Facilitate and require the participation of residential or
5 other out-of-home child care programs operated by the cooperating
6 department or private agencies with which the cooperating
7 department has a contract for the placement of children in
8 out-of-home care; and

9 (2) Include in the cooperating department's contract with a
10 private residential or other out-of-home care program, provisions
11 requiring the program to collect and report to the cooperating
12 department:

13 (A) Child-specific demographic information; and

14 (B) Data necessary to evaluate changes in functioning of the
15 child.

16 (i) When reporting demographic information and data under a
17 cooperating department:

18 (1) May not disclose personal identifiers; and

19 (2) Shall ensure the confidentiality of the information about
20 the children under its responsibility.

21 (j) On or before October 1 of each year, the state department,
22 in coordination with the cooperating departments, shall submit a

1 report to the Governor, the West Virginia Legislature and the West
2 Virginia Supreme Court of Appeals on the progress of implementing
3 the system for outcomes valuation and its results.

4 (k) The Governor's office, the state department and the
5 departments that license residential and other out-of-home child
6 care programs in the state of West Virginia, in cooperation with
7 the West Virginia Childcare Association, representatives of
8 residential child care programs and other advocacy groups for
9 children shall:

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

12 (2) Develop recommendations and any necessary changes for the
13 process and standards for certification of the direct care staff of
14 residential and other out-of-home child care programs, taking into
15 consideration the needs of children served by each licensing
16 agency;

17 (3) On or before January 1, 2016 report to the West Virginia
18 Legislature on any recommendations for the process and standards
19 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, strike-throughs and underscoring have been omitted.