

1 reports to the Governor and Legislature; requiring this
2 comprehensive assessment tool to be a free copyrighted
3 instrument that has acceptable proven reliability and
4 validity, national creditability and proven demonstration for
5 using the assessed needs and strengths of children and
6 families to guide decisionmaking at the individual child and
7 family level, agency level and system level; and requiring it
8 to be an acceptable total clinical outcome measurement system
9 tool that lends itself to evaluation as well as be respectful
10 to and accepted by children and families, be reliable at the
11 item level, be customizable at the state and/or program level,
12 be free, be easy to train and use as well as work as a
13 communication tool across child serving systems.

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

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

18 **ARTICLE 2. STATE RESPONSIBILITIES FOR THE PROTECTION AND CARE OF**
19 **CHILDREN.**

20 **§49-2-4. Residential child care programs; out-of-home placement**
21 **standards for staff and system for outcomes**
22 **evaluation.**

23 (a) In this article the following words have the meanings

1 indicated:

2 (1) "Cooperating department" means a unit of government of the
3 State of West Virginia responsible for out-of-home placement of
4 children, including, but not limited to, the West Virginia
5 Department of Health and Human Resources, Child Protective
6 Services, Youth Services, The West Virginia Division of Juvenile
7 Justice, and the courts of the State of West Virginia.

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

12 (3) "Out-of-home placement" means: (A) The removal of a child
13 from the child's family and the placement of the child, by a
14 cooperating department or court, in a public or private child-care
15 program for more than twenty-four hours; or (B) when a child is
16 placed in a nonresidential treatment facility by a cooperating
17 department or court, for periods less than twenty-four hours a day,
18 when done as a prediversionary alternative to an adjudication and
19 placement.

20 (4) "System for total clinical outcomes management" is an
21 objective and standardized method of measuring the effectiveness of
22 residential and other out-of-home child care programs at the
23 individual child and family level, the program level and the system

1 level. This shall be satisfied at the outset by the adoption of a
2 comprehensive universal assessment that will be used for total
3 clinical outcomes management. Total clinical outcomes management
4 will provide for decision support, quality improvement and outcomes
5 monitoring at the individual child and family level, program level
6 and system level. The overall long range objective is to use a
7 common comprehensive universal assessment tool across child serving
8 agencies for the purpose of improving the quality and cost
9 effectiveness of services for children and adolescents. This
10 objective will be achieved by implementation of a standardized
11 comprehensive assessment that will inform individualized care plans
12 and level of care decisions based on assessed needs and strengths.
13 This assessment will also provide a means for quality improvement
14 through the aggregation of data into a centralized location for
15 analysis. This assessment tool will be used to assist in the
16 management and planning of services to children and adolescents and
17 their families with the primary objectives of meeting the assessed
18 needs of West Virginia's youth through cost-effective services.

19 "Total" means that it is embedded in all activities with
20 families as full partners.

21 "Clinical" means the focus is on child and family health,
22 well-being, and functioning.

23 "Outcomes" means the measures are relevant to decisions about

1 approach or proposed impact of interventions.

2 "Management" means that this information is used in all
3 aspects of managing the system from individual family planning to
4 supervision to program and system operations by the Department of
5 Health and Human Resources, the Division of Juvenile Services and
6 the Courts.

7 (b) On or before January 2015, the state department and
8 cooperating departments shall develop, coordinate and implement a
9 system for outcomes evaluation for "out-of-home" placement of the
10 children of the State of West Virginia and the system shall be
11 total clinical outcomes management.

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

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

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

20 (3) Effectively allocate resources based on demonstrated
21 outcomes and assessed needs;

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

1 (5) Complete an assessment of the state's residential and
2 other out-of-home child care program capacity that identifies
3 residential and other out-of-home child care programs in each
4 community to serve the needs of a family that resides in the
5 community.

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

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

9 (2) Stability of living environment;

10 (3) Assessed needs of family and interventions/supports to
11 address assessed need;

12 (4) Educational and vocational development;

13 (5) Job skills and employment readiness;

14 (6) Cessation of drug and alcohol abuse;

15 (7) Post-discharge status;

16 (8) Increase in assessed functionality;

17 (9) Decrease in assessed risk factors;

18 (10) Decrease in assessed behavioral and emotional needs; and

19 (11) Increase in assessed strengths.

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

22 (1) Arrest;

23 (2) Rearrest;

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

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

3 (5) Rereferral to the State of West Virginia, Department of
4 Health and Human Resources or cooperating departments;

5 (6) Readjudication and recommitment; and

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

8 (f) The state department and cooperating departments shall
9 consult with a state university partner in planning and
10 implementing a comprehensive universal assessment and system of
11 Total Clinical Outcomes Management.

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

1 private residential or other out-of-home care program, provisions
2 requiring the program to collect and report to the cooperating
3 department:

4 (A) Child-specific demographic information; and

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

7 (I) When reporting demographic information and data under a
8 cooperating department:

9 (1) May not disclose personal identifiers; and

10 (2) Shall ensure the confidentiality of the information about
11 the children under its responsibility.

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

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

23 (1) Develop the rules and procedures required to fully

1 implement the intent of the Legislature expressed in this section;

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

7 (3) On or before January 1, 2016 report to the West Virginia
8 Legislature on any recommendations for the process and standards
9 for certification of direct care staff.

NOTE: The purpose of this legislation is to result in a fundamental shift in how child serving systems use assessment information to guide decision making by requiring the West Virginia Department of Health and Human Resources, Child Protective Services, Youth Services and the West Virginia Division of Juvenile Services to develop, coordinate and implement a standardized comprehensive universal assessment that will assess the needs and strengths of children as well as their caregivers 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.