WEST virginia legislature

**FISCAL NOTE**

2021 regular session

Introduced

House Bill 2885

By Delegate Higginbotham

[Introduced March 03, 2021; Referred to the Committee on Health and Human Resources then the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-110a, relating to the occurrence of the death of a child in foster care; requiring persons having custody of the child to immediately notify the Department of Health and Human Resources of the death; requiring that the department notify the parents and legal guardians of the death; and providing exceptions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-110a. Notification of parents and legal guardian upon the death of a child in foster care.

Upon the occurrence of the death of a child in foster care, the person having the legal or physical custody of the child shall immediately notify the department of the death and of the circumstances of the death of the child. Upon becoming aware of the death of a child in foster care, the department shall immediately, or as soon as reasonably possible, use all reasonable diligent efforts to notify the parents, both biological and adoptive, and legal guardians of the death of the child, unless:

(1) Prohibited by court order; or

(2) The department determines in its sole discretion that the notification would place another child in immediate danger of harm or would be highly detrimental to the welfare of another child.

NOTE: The purpose of this bill is to require persons having custody of a child in foster care to immediately notify the Department of Health and Human Resources of the occurrence of the death of the child; and requiring that the department notify the parents and legal guardians of the death.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.