

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2538

By Delegates Summers, Shamblin, Forsht, Miller,

Hite, Heckert, Petitto, Pinson, Mazzocchi,

Burkhammer and Kimble

[Introduced January 13, 2023; Referred to the
Committee on Senior, Children, and Family Issues
then Health and Human Resources]

1 A BILL to amend and reenact §49-1-203 of the Code of West Virginia, 1931, as amended, to
2 amend and reenact §49-2-111c of said code, all relating to foster care.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§49-1-203. Definitions related, but not limited to, licensing and approval of programs.

1 When used in this chapter, terms defined in this section have the meanings ascribed to
2 them that relate to, but are not limited to, licensing and approval of programs, except in those
3 instances where a different meaning is provided or the context in which the word used clearly
4 indicates that a different meaning is intended.

5 "Approval" means a finding by the Secretary of the Department of Health and Human
6 Resources that a facility operated by the state has met the requirements of legislative rules
7 promulgated for operation of that facility and that a certificate of approval or a certificate of
8 operation has been issued.

9 "Certification of approval" or "certificate of operation" means a statement issued by the
10 Secretary of the Department of Health and Human Resources that a facility meets all of the
11 necessary requirements for operation.

12 "Certificate of license" means a statement issued by the Secretary of the Department of
13 Health and Human Resources authorizing an individual, corporation, partnership, voluntary
14 association, municipality, or county, or any agency thereof, to provide specified services for a
15 limited period of time in accordance with the terms of the certificate.

16 "Certificate of registration" means a statement issued by the Secretary of the Department
17 of Health and Human Resources to a family child care home, informal family child care home, or
18 relative family child care home to provide specified services for a limited period in accordance with
19 the terms of the certificate.

20 "License" means the grant of official permission to a facility to engage in an activity which
21 would otherwise be prohibited.

22 "Portal" means information drawn from various data sources and shared as needed with
23 individuals involved in a particular child's case.

24 "Registration" means the grant of official permission to a family child care home, informal
25 family child care home, or a relative family child care home determined to be in compliance with
26 the legislative rules promulgated pursuant to this chapter.

27 "Rule" means legislative rules promulgated by the Secretary of the Department of Health
28 and Human Resources or a statement issued by the Secretary of the Department of Health and
29 Human Resources of the standards to be applied in the various areas of child care.

30 "Variance" means a declaration that a rule may be accomplished in a manner different from
31 the manner set forth in the rule.

32 "Waiver" means a declaration that a certain legislative rule is inapplicable in a particular
33 circumstance.

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-111c. Priorities for use of funds.

1 (a) Subject to appropriations by the Legislature, the department is authorized and directed
2 to:

3 (1) Enhance and increase efforts to provide services to prevent the removal of children
4 from their homes;

5 (2) Identify relatives and fictive kin of children in need of placement outside of the home;

6 (3) Train kinship parents to become certified foster parents;

7 (4) Expand a tiered foster care system that provides higher payments for foster parents
8 providing care to, and child placing agencies providing services to, foster children who have
9 severe emotional, behavioral, or intellectual problems or disabilities, with particular emphasis
10 upon removing children in congregate care and placing them with suitable foster parents; ~~This~~
11 ~~program shall be operational no later than December 1, 2020 and~~

12 (5) Develop a pilot program to increase payment to uncertified kinship parents for the

13 purpose of further helping families who have accepted kinship placements.

14 (b) During fiscal year 2021, the department shall expend at least \$16,900,000 for the
15 purposes of implementing the priorities and objectives listed in this section.

16 (c) On or before July 1, 2022 and on or before July 1 of every year thereafter, the secretary
17 of the department shall present a report to the Joint Standing Committee on Government and
18 Finance regarding the expenditures made pursuant to subsection (b) of this section and the
19 department's progress in meeting the priorities and objectives listed in subsection (a) of this
20 section: *Provided*, That the secretary shall provide the information described in this subsection
21 and updates to previous reports at any time, upon request of the Joint Standing Committee on
22 Government and Finance.

23 (d) The bureau shall incorporate into the PATH system or through the purchase of
24 additional products an operational web-based portal. This purchase is exempt from §5-3A-1 et
25 seq. of this code.

NOTE: The purpose of this bill is to develop an online portal to support foster placements and kinship placements with the specific needs for their foster children.

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