

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4898

By Delegates Pinson and Burkhammer

[Introduced January 18, 2024; Referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §48-22-803 relating to adoptive or foster parents and prohibiting any
 3 government policy regarding sexual orientation or gender identity that conflicts with the
 4 parent’s sincerely held religious or moral beliefs.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22. ADOPTION.

§48-22-803. Government policy regarding sexual orientation or gender identity that conflicts with the parent’s sincerely held religious or moral beliefs.

1 (a) No current or prospective adoptive or foster parent (hereinafter sometimes "parent")
 2 shall, as a condition for eligibility to foster or adopt, be required by the West Virginia Department of
 3 Health and Human Services to affirm, accept or support any government policy regarding sexual
 4 orientation or gender identity that conflicts with the parent’s sincerely held religious or moral
 5 beliefs.

6 (b) The West Virginia Department of Health and Human Services may not deny a current or
 7 prospective adoptive or foster parent any authorization necessary to be eligible to foster or adopt
 8 based, in whole or in part, upon the parent’s sincerely held religious or moral beliefs regarding
 9 sexual orientation or gender identity.

10 (c) The West Virginia Department of Health and Human Services may not establish or
 11 enforce any per se standard, rule, or policy, that precludes consideration of a current or
 12 prospective adoptive or foster parent for any particular placement based, in whole or in part, upon
 13 the parent’s sincerely held religious beliefs regarding sexual orientation or gender identity. Such
 14 beliefs shall not create a per se presumption that any particular placement is contrary to the best
 15 interest of the child.

16 (d) Nothing in this section or under §49-2-101 et seq of this code may preclude the West
 17 Virginia Department of Health and Human Services from taking into account the religious beliefs of
 18 a particular adoptive or foster child, or their family of origin, when determining the most appropriate

19 placement for that particular child.

20 (e) This section shall be read in conjunction with the duty of the department to make
21 individual placements consistent with the best interests of the child, as otherwise provided for by
22 law.

23 (f) No action by a current or prospective adoptive or foster parent that is protected by this
24 section may give rise to any claim or cause of action against such parent. A current or prospective
25 adoptive or foster parent whose rights under this section have been or may be violated may raise
26 this section as a claim or defense in any judicial or administrative proceeding and may obtain
27 injunctive relief, compensatory damages, reasonable attorney fees, other appropriate relief.

NOTE: The purpose of this bill is to prohibit, as a condition for eligibility to foster or adopt, by the West Virginia Department of Health and Human Services, the requirement to affirm, accept or support any government policy regarding sexual orientation or gender identity that conflicts with the parent's sincerely held religious or moral beliefs.

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