

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5585

By Delegate Burkhammer

[Introduced February 12, 2024; Referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend and reenact §9-9-9 of the Code of West Virginia, 1931, as amended, relating to
 2 removing the requirement of seeking child support in cases of kinship placements for
 3 benefits under the Temporary Assistance for Needy Families program.

Be it enacted by the Legislature of West Virginia:

ARTICLE	9.	WV	WORKS	ACT.
§9-9-9.	Personal		responsibility	contract.

1 (a)(1) Every eligible adult beneficiary and work eligible individual shall participate in a
 2 program orientation, family assessments and in the development, and subsequent revisions, of a
 3 personal responsibility contract. The contract shall be defined based on the program time limits,
 4 support services available, work requirements and family assessments.

5 (2) The participant's contract shall include the following requirements:

6 (A) That the participant develop and maintain, with the appropriate health care provider, a
 7 schedule of preventive care for his or her dependent child or children, including routine
 8 examinations and immunizations;

9 (B) Assurance of school attendance for school-age children under his or her care;

10 (C) Assurance of properly supervised child care, including after-school care;

11 (D) Establishment of paternity or active pursuit of child support, or both, if applicable and if
 12 considered necessary: and *Provided*, That any person seeking benefits who is acting as a kinship
 13 or other relative placement shall not be required to seek child support for the child or children on
 14 whose behalf these benefits are sought: *Provided, however*, That nothing in this section prevents
 15 the West Virginia Department of Human Services or a person providing a kinship or other relative
 16 placement from seeking child support for children placed in a kinship or other relative placement;

17 (E) Nutrition or other counseling, parenting or family-planning classes.

18 (3) If the participant is a teenage parent, he or she may work, but the contract shall include
 19 the requirements that the participant:

20 (A) Remain in an educational activity to complete high school, obtain a general

21 equivalency diploma or obtain vocational training and make satisfactory scholastic progress;

22 (B) Attend parenting classes or participate in a mentorship program, or both, if appropriate;

23 and

24 (C) Live at home with his or her parent or guardian or in some other adult-supervised
25 arrangements if he or she is an unemancipated minor.

26 (4) If the participant is under the age of twenty years and does not have a high school
27 diploma or its equivalent, the contract shall include requirements to participate in mandatory
28 education or training which, if the participant is unemployed, may include a return to high school,
29 with satisfactory scholastic progress required.

30 (b) In order to receive cash assistance, the participant shall enter into a personal
31 responsibility contract. If the participant refuses to sign the personal responsibility contract, the
32 participant and family members are ineligible to receive cash assistance: *Provided*, That a
33 participant who alleges that the terms of a personal responsibility contract are inappropriate based
34 on his or her individual circumstances may request and shall be provided a fair and impartial
35 hearing in accordance with administrative procedures established by the department and due
36 process of law. A participant who signs a personal responsibility contract or complies with a
37 personal responsibility contract does not waive his or her right to request and receive a hearing
38 under this subsection.

39 (c) Personal responsibility contracts shall be drafted by the department on a case-by-case
40 basis; take into consideration the individual circumstances of each beneficiary; reviewed and
41 reevaluated periodically, but not less than on an annual basis; and, in the discretion of the
42 department, amended on a periodic basis.

NOTE: The purpose of this bill is to remove the requirement of seeking child support in cases of kinship placements for benefits under the Temporary Assistance for Needy Families program.

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