

SB 420

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2002



ENROLLED

Committee Substitute for

SENATE BILL NO. 420

(By Senator Wootton, et al)



PASSED March 9, 2002

In Effect ninety days from Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 420

(SENATORS WOOTON, CRAIGO, MITCHELL, PREZIOSO,
REDD AND MCKENZIE, *original sponsors*)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section eight, article two-b, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to child welfare agencies; and requiring the commissioner of human services to prescribe certain licensing application procedures, including fingerprinting of applicants and other persons responsible for the care of children, for submission for criminal history record checks.

Be it enacted by the Legislature of West Virginia:

That section eight, article two-b, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 2B. DUTIES OF COMMISSIONER OF HUMAN SERVICES FOR
CHILD WELFARE.**

§49-2B-8. Application for license, certification or approval.

1 (a) Any person or corporation or any governmental
2 agency intending to act as a child welfare agency shall
3 apply for a license, statement of certification, approval or
4 registration certificate to operate child care facilities
5 regulated by this article. Applications for licensure,
6 certification, approval or registration shall be made
7 separately for each child care facility to be licensed,
8 approved, certified or registered.

9 (b) The commissioner shall prescribe forms and reason-
10 able application procedures including, but not limited to,
11 fingerprinting of applicants and other persons responsible
12 for the care of children for submission to the state police
13 and, if necessary, to the federal bureau of investigation for
14 criminal history record checks.

15 (c) Before issuing a license, certification or approval, the
16 commissioner shall investigate the facility, program and
17 persons responsible for the care of children. The investiga-
18 tion shall include, but not be limited to, review of resource
19 need, reputation, character and purposes of applicants, a
20 check of personnel criminal records, if any, and personnel
21 medical records, the financial records of applicants and
22 consideration of the proposed plan for child care from
23 intake to discharge.

24 (d) Before a family day care home registration is granted,
25 the commissioner shall make inquiry as to the facility,
26 program and persons responsible for the care of children.
27 The inquiry shall include self-certification by the prospec-
28 tive family day care home of compliance with standards
29 including, but not limited to:

30 (1) Physical and mental health of persons present in the
31 home while children are in care;

- 32 (2) Criminal and child abuse or neglect history of persons
33 present in the home while children are in care;
- 34 (3) Discipline;
- 35 (4) Fire and environmental safety;
- 36 (5) Equipment and program for the children in care;
- 37 (6) Health, sanitation and nutrition.
- 38 (e) Further inquiry and investigation may be made as the
39 commissioner may direct.
- 40 (f) The commissioner shall make a decision on each
41 application within sixty days of its receipt and shall
42 provide to unsuccessful applicants written reasons for the
43 decision.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
.....
Chairman Senate Committee

[Signature]
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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
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Clerk of the Senate

[Signature]
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Clerk of the House of Delegates

[Signature]
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President of the Senate

[Signature]
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Speaker House of Delegates

The within is approved this the 3rd
Day of April, 2002.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/2/02

Time 9:55 am