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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



E N R O L L E D

**COMMITTEE SUBSTITUTE
FOR**

House Bill No. 4259

(By Delegates Ennis, Hatfield, Iaquinta, Perdue,
Talbott, Yost and Leggett)



Passed March 13, 2004

In Effect from Passage

FILED

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H. B. 4259

(BY DELEGATES ENNIS, HATFIELD, IAQUINTA, PERDUE,
TALBOTT, YOST AND LEGGETT)

[Passed March 13, 2004; in effect from passage.]

AN ACT to repeal §5-26-7 and §5-26-9 of the code of West Virginia, 1931, as amended; to amend and reenact §5-26-1, §5-26-2, §5-26-3, §5-26-4 and §5-26-8 of said code; and to amend said code by adding thereto two new sections, designated §5-26-2a and §5-26-2b, all relating generally to the governor's cabinet on children and families; clarifying statement of purpose; revising membership of cabinet; establishing citizen advisory council; defining family resource networks; revising duties and powers of cabinet; requiring state plan; requiring annual reports; and providing for continuation of cabinet and council.

Be it enacted by the Legislature of West Virginia:

That §5-26-7 and §5-26-9 of the code of West Virginia, 1931, as amended, be repealed; that §5-26-1, §5-26-2, §5-26-3, §5-26-4 and §5-26-8 of said code be amended and reenacted; and that said code be

amended by adding thereto two new sections, designated §5-26-2a and §5-26-2b, all to read as follows:

ARTICLE 26. GOVERNOR'S CABINET ON CHILDREN AND FAMILIES.

§5-26-1. Legislative findings; statement of purpose.

1 (a) The Legislature finds that in order to avoid the human
2 and financial costs to the state of individual and family instabil-
3 ity, and to benefit the state and society as a whole, it is in the
4 best interests of the state to provide programs and services to
5 support children and families. The Legislature further finds that
6 children and families are best supported by programs and
7 services in or as close to the local community as possible.

8 The Legislature intends to accomplish its goals relating to
9 children and families through a family-centered, comprehen-
10 sive, community-based system for the provision of social
11 services, programs and facilities for children and families
12 overseen by the highest levels of state government.

13 (b) The Legislature hereby declares that one purpose of this
14 article and the policy of the state is to achieve the coordination
15 of programs and services to children and families through a
16 cabinet in the governor's office which is independent from any
17 state agency and which shall act as an interagency cabinet
18 created to nurture a flexible system for the comprehensive,
19 unified, effective and efficient administration of programs and
20 services to children and families which avoids fragmentation
21 and duplication of programs and services. For maximum
22 effectiveness, the Legislature intends to provide services in a
23 long-term manner with such intensity as the needs of the
24 particular situation require.

25 (c) The service delivery system shall be driven by the needs
26 and preferences of the child and family, shall reflect local
27 community characteristics and resources, shall allow for local

28 input, and shall focus on prevention, education and early
29 intervention.

30 The Legislature intends, by this article, to allow diversity
31 and regional, cultural and ethnic sensitivity in the development
32 of programs and services for children and families. To the
33 greatest extent possible, families and communities are to be
34 involved in all aspects of planning, delivery and evaluation of
35 services. This is intended to foster strong family and commu-
36 nity program ownership while maintaining clear parameters for
37 program goals and purposes through the governor's cabinet on
38 children and families.

§5-26-2. Cabinet established.

1 (a) There is hereby created the governor's cabinet on
2 children and families, hereinafter referred to as the "cabinet".
3 The cabinet shall include the secretary of health and human
4 resources or a designee; the secretary of military affairs and
5 public safety or a designee; the secretary of administration or a
6 designee; the state superintendent of schools or a designee; and
7 the attorney general or a designee; one member of the Senate,
8 to be appointed by the governor, and one member of the House
9 of Delegates, to be appointed by the governor, both of whom
10 shall serve in an advisory capacity only; and three members
11 selected by the governor from the citizens' advisory council as
12 set forth in section two-a of this article. The governor may
13 appoint other administrative heads of government who shall
14 serve in an advisory capacity only.

15 (b) In order to promote consistency and continuity in the
16 work of the cabinet, each cabinet member appointed by virtue
17 of his or her governmental office is encouraged to select a
18 primary designee and an alternate designee to serve in his or her
19 place when necessary.

20 (c) The cabinet shall be chaired by the governor and shall
21 convene at least monthly during the first year and thereafter
22 shall meet at least six times annually. The cabinet shall estab-
23 lish bylaws which govern its decision making.

24 (d) The governor shall appoint an executive director to
25 carry out its work and to oversee staff adequate to fulfill its
26 functions.

§5-26-2a. Citizen's advisory council.

1 (a) The governor shall appoint a citizens' advisory council
2 to assist the cabinet with the implementation of its mission and
3 policy objectives.

4 (b) The council shall be comprised of not fewer than twelve
5 nor more than thirty citizens who will serve terms of one, two
6 or three years as assigned at the time of appointment. The
7 council members will have knowledge and experience in
8 serving children and families in such areas as housing; Health
9 promotion and disease prevention; education; transportation;
10 reading and literacy; food and nutrition; clothing; utilities; job
11 training and employment; child care; child protection; early
12 intervention and crisis intervention; assessment and diagnosis;
13 home-based family development; preservation and reunifica-
14 tion; financial planning; mental health and counseling; sub-
15 stance abuse prevention counseling and treatment; addiction
16 awareness training; pregnancy prevention; and information,
17 referral and placement.

18 (c) The purpose of the council is to:

19 (1) Provide a forum for discussion of issues that affect the
20 state's children and families;

21 (2) Identify and promote best practices in the provision of
22 services to children and families;

23 (3) Review information and research that can inform state
24 policy;

25 (4) Make recommendations to the cabinet in areas of policy
26 and allocation of resources;

27 (5) Focus attention on accountability and results;

28 (6) Assist the cabinet in developing a cross-agency multi-
29 year state plan for improving the well being of children and
30 families;

31 (7) Connect government officials who make decisions with
32 the families affected by their decisions;

33 (8) Engage local communities through family resource
34 networks to work on local issues and statewide priorities;

35 (9) Assure that community and family voices are heard by
36 the cabinet; and

37 (10) Promote family support practices by all publicly
38 funded agencies.

39 (d) The governor shall select three members of the council
40 to serve on the cabinet, two of whom are family representatives
41 from families who have received or are receiving services
42 funded, in whole or in part, by federal, state or local govern-
43 ments, and one of whom is a community representative who is
44 not employed in a managerial or decision-making position of a
45 provider of services funded in whole or in part by federal, state
46 or local governments.

47 (e) The community representative initially appointed shall
48 serve for a term of one year and the family representatives
49 initially appointed shall serve for terms of two years and three
50 years respectively. If a member's term on the cabinet exceeds

51 his or her term on the council, his or her term on the council
52 will be extended automatically to coincide with his or her term
53 on the cabinet. Members appointed subsequent to the initial
54 appointments shall serve for terms of three years, and may
55 serve up to three consecutive full terms: *Provided*, That
56 members appointed under this section shall continue to serve
57 until their successors are appointed. An appointment to fill a
58 vacancy will be for the unexpired term.

59 (f) Citizen members may be reimbursed for actual and
60 necessary expenses incurred in the discharge of their official
61 duties in a manner consistent with guidelines of the travel
62 management office of the department of administration.

63 (g) The governor may remove any citizen member from the
64 council or the cabinet for neglect of duty, incompetency or
65 official misconduct.

§5-26-2b. Family resource networks.

1 (a) “Family resource network” means a local community
2 organization charged with service coordination, needs and
3 resource assessment, planning, community mobilization and
4 evaluation, and which has been recognized by the cabinet as
5 having met the following criteria:

6 (1) Agreeing to a single governing entity;

7 (2) Agreeing to engage in activities to improve service
8 systems for children and families within the community;

9 (3) Addressing a geographic area of a county or two or
10 more contiguous counties;

11 (4) Having nonproviders, which include family representa-
12 tives and other members who are not employees of publicly
13 funded agencies, as the majority of the members of the govern-

14 ing body, and having family representatives as the majority of
15 the nonproviders;

16 (5) Having representatives of local service agencies,
17 including, but not limited to, the public health department, the
18 behavioral health center, the local health and human resources
19 agency and the county school district, on the governing body;

20 (6) Accepting principles consistent with the cabinet's
21 mission as part of its philosophy.

22 (b) A family resource network may not provide direct
23 services, which means to provide programs or services directly
24 to children and families.

§5-26-3. Duties of cabinet generally.

1 In addition to all other duties and responsibilities assigned
2 to the cabinet in this article and elsewhere by law, the cabinet
3 shall:

4 (1) Establish, oversee, evaluate and provide technical
5 assistance, and such moneys as may be made available by
6 legislative appropriation to family resource networks, starting
7 points centers, early parent education programs and other
8 community based initiatives;

9 (2) Develop a cross-agency multi-year state plan consistent
10 with priorities established by local plans developed by family
11 resource networks, which includes provisions for regular
12 updates of the plan and which requires the cabinet to:

13 (A) Articulate core results desired by the state for its
14 children and families;

15 (B) Choose indicators to measure progress in reaching core
16 results;

17 (C) Establish baseline data for measuring progress by
18 examining current conditions and trends;

19 (D) Set targets and explore strategies for improving the
20 lives of children and families;

21 (E) Put selected strategies into action to achieve core
22 results;

23 (F) Monitor progress and make course corrections as
24 necessary; and

25 (G) Identify tools to achieve articulated goals, including:

26 (i) Shifting focus from process to core results;

27 (ii) Increasing flexibility to remove barriers, encourage
28 innovation and provide incentives for achieving results;

29 (iii) Providing flexible financing to reinvest savings and
30 decategorize, pool, redeploy or reinstate funding;

31 (iv) Employing results-based budgeting; and

32 (v) Improving accountability through results-based decision
33 making.

34 (3) Prepare a proposed budget for the operation of the
35 cabinet and recommend it to the governor for inclusion in the
36 executive budget to be submitted to the Legislature;

37 (4) Promote the work of the governor's cabinet on children
38 and families in order to engender strong support from the
39 community, the Legislature and business leaders;

40 (5) Report annually to the joint committee on government
41 and finance on its progress in implementing the comprehensive

42 multi-year state plan required under subdivision (2) of this
43 section; and

44 (6) Submit an annual electronic report before the first day
45 of January to the Legislature and a written copy of the report to
46 the legislative librarian on its financial transactions for the
47 preceding year, minutes of its meetings, narrative descriptions
48 of any training sessions, conferences or other events, and a
49 progress report on its implementation of the comprehensive
50 multi-year state plan required under subdivision (2) of this
51 section.

§5-26-4. Powers of cabinet generally.

1 In addition to all other powers granted to the cabinet in this
2 article and elsewhere by law, the cabinet may:

3 (1) Negotiate written agreements and procedures between
4 and among departments of state government which assure that
5 children and families are provided with health care, social
6 services, appropriate education and vocational training, and any
7 other services to which they may be entitled under state and
8 federal law;

9 (2) Provide or contract with any agencies or persons in this
10 state and other states for any facilities, equipment or service
11 necessary to achieve the purposes of this article, and hire staff
12 sufficient to carry out the duties and responsibilities of the
13 cabinet;

14 (3) In addition to the citizens' advisory council established
15 pursuant to section two-a of this article, form subcommittees,
16 convene task teams or consult experts to advise the cabinet
17 generally or on selected topics as necessary to accomplish its
18 goals or to otherwise carry out its duties under this article;

19 (4) Develop and implement rules, standards and policies
20 governing the internal operation and administration of the
21 cabinet;

22 (5) Delegate any of the cabinet's powers, duties or func-
23 tions as the cabinet may deem appropriate, expedient and
24 effective;

25 (6) Solicit and accept proposals in furtherance of any
26 program or service required by this article, especially for the
27 establishment of family resource networks at the regional or
28 local level and for the implementation of pilot programs;

29 (7) Waive rules that impede coordinated service delivery;

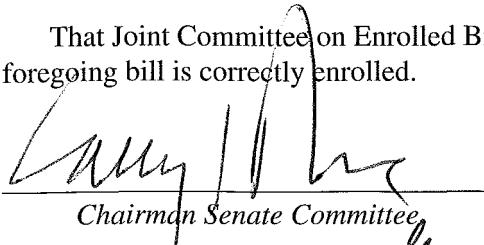
30 (8) Solicit, accept and expend grants, gifts, bequests,
31 donations and other funds made available to the cabinet:
32 *Provided*, That all unrestricted grants, gifts, bequests and
33 donations shall be deposited in the children's fund created
34 pursuant to section six of this article; and,

35 (9) Exercise any and all other powers, including the
36 adoption of an official seal and the chartering of public or
37 quasi-public corporations, necessary for the discharge of the
38 cabinet's duties and the implementation of the purposes of this
39 article.

§5-26-8. Continuation of cabinet and council.

1 The cabinet and the council shall continue to exist, pursuant
2 to the provisions of article ten, chapter four of this code, until
3 the first day of July, two thousand seven, unless sooner termi-
4 nated, continued or reestablished pursuant to the provisions of
5 that article.

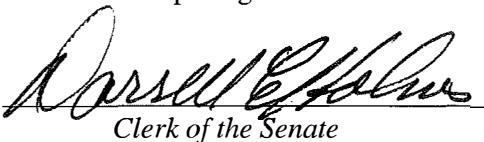
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Larry Miller
Chairman Senate Committee

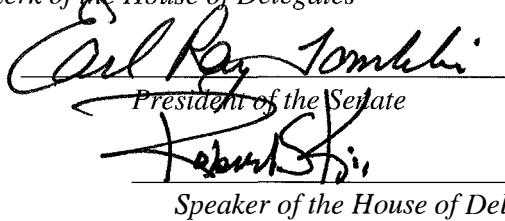
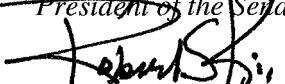

Greg Bulleit
Chairman House Committee

Originating in the House.

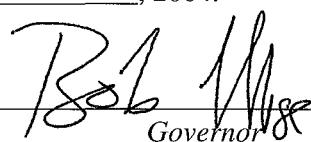
In effect from passage.


Russell E. Holmes
Clerk of the Senate


Bruce A. Saylor
Clerk of the House of Delegates


Earl Ray Tomblin
President of the Senate

Robert W. Skelton
Speaker of the House of Delegates

The within is Approved this the 16th
day of April, 2004.


Bob Higley
Governor

PRESNTED TO THE
GOVERNOR
DATE 4-1-04
TIME 4:35 PM