

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 2033

By Delegates Pinson, Burkhammer, and Mazzocchi

[Originating in the Subcommittee on Human Services;

Reported on February 19, 2025]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §49-1-107, relating to prohibiting a government policy regarding sexual
3 orientation or gender identity that conflicts with the parent's sincerely held beliefs.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§49-1-107. 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, as a condition for eligibility to foster
2 or adopt, shall be required by the West Virginia Department of Human Services to affirm, accept or
3 support a government policy regarding sexual orientation or gender identity that conflicts with the
4 parent's sincerely held religious or moral beliefs.

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

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

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

18 Nothing in this section may preclude the West Virginia Department of Human Services
19 from taking into account the religious or moral beliefs of a particular adoptive or foster child, or his

or her family of origin, when determining the most appropriate placement for the child including, but not limited to, his or her religious or moral beliefs regarding sexual orientation and gender identify, considered in relation to the religious or moral beliefs of a prospective adoptive or foster parent. These factors, though not determinative, may be considered on a case by case basis as part of the evaluation of what placement is generally in the best interest of the child.

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

(f) An action by a current or prospective adoptive or foster parent that is protected by this section may not give rise to any claim or cause of action against the parent. A current or prospective adoptive or foster parent whose rights under this section have been or may be violated may raise this section as a claim or defense in any judicial or administrative proceeding and may obtain injunctive relief, compensatory damages, reasonable attorney fees, other appropriate relief.