

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2033**

By Delegates Pinson, Burkhammer, and Mazzocchi

[Introduced February 12, 2025; 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 Human Services to affirm, accept or support any government policy regarding sexual orientation  
4 or gender identity that conflicts with the 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 any 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 per  
10 se standard, rule, or policy, that precludes consideration of a current or prospective adoptive or  
11 foster parent for any particular placement based, in whole or in part, upon the parent's sincerely  
12 held religious beliefs regarding sexual orientation or gender identity. Such beliefs shall not create a  
13 per se presumption that any 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 (e) This section shall be read in conjunction with the duty of the department to make

19 individual placements consistent with the best interests of the child, as otherwise provided for by  
20 law.

21 (f) No action by a current or prospective adoptive or foster parent that is protected by this  
22 section may give rise to any claim or cause of action against such parent. A current or prospective  
23 adoptive or foster parent whose rights under this section have been or may be violated may raise  
24 this section as a claim or defense in any judicial or administrative proceeding and may obtain  
25 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.