

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Introduced**

## **House Bill 2367**

By Delegates Heckert, T. Clark, Sheedy, DeVault,

Jennings, Drennan, Horst, Willis, and Crouse

[Introduced February 13, 2025; Referred to the

Committee on Health and Human Resources]

1 A BILL to amend and reenact §49-2-111c and §49-2-127 of the Code of West Virginia, 1931, as  
2 amended; and to amend said Code by adding thereto new sections, designated §49-2-131  
3 and §49-2-132; all relating to providing foster families with better access to records, better  
4 representation in decision-making concerning the foster system, and changing drug  
5 screening procedures during improvement periods.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN**

### **Part I. General Authority and Duties of the Department of Health and Human Resources.**

#### **§49-2-111c. Priorities for use of funds.**

1 (a) Subject to appropriations by the Legislature, the department shall:  
2 (1) Enhance and increase efforts to provide services to prevent the removal of children  
3 from their homes;  
4 (2) Identify relatives and fictive kin of children in need of placement outside of the home;  
5 (3) Train kinship parents to become certified foster parents;  
6 (4) Expand a tiered foster care system that provides higher payments for foster parents  
7 providing care to, and child placing agencies providing services to, foster children who have  
8 severe emotional, behavioral, or intellectual problems or disabilities, with particular emphasis  
9 upon removing children in congregate care and placing them with suitable foster parents; and  
10 (b) (1) The department shall develop and implement a web-based communication system  
11 which shall either be incorporated into the existing child welfare information technology system or  
12 be developed and implemented through the purchase of additional products that can be used in  
13 conjunction with the existing child welfare technology system. The web-based communication  
14 system shall communicate with and pull information from the existing child welfare information  
15 technology system. The components of the system may be implemented incrementally, except

that §49-2-111c(b)(2)(B) of this code, shall be implemented on or before July 1, 2025, with the project completed on or before July 1, 2026.

(2) The system shall:

(A) Ensure that permission access to utilize the system about a foster child is granted to only those parties with legal responsibilities to care for and support the foster child;

(B) Facilitate communications between those individuals involved in the child welfare system, including, but not limited to, foster parent or kinship parent requests and responses to requests to staff of the Bureau for Social Services and their contractual designees;

(C) Provide information regarding visitation, appointments, travel, and other services available to the foster child;

(D) Provide information regarding court hearings, meetings with guardian ad litem, multidisciplinary team (MDT) meetings, and provide other communications that may improve care for the foster child amongst designated parties with legal responsibilities to care for the foster child;

(E) Provide health records for the foster child to the foster parent or kinship parent by connecting with existing health care systems;

(F) Have the capacity to archive communications for the purpose of running reports on responsiveness by parties in the child welfare system; and

(G) Be created to prevent the input of the redundant information.

(3) On or before July 1, 2026, and quarterly thereafter, the department shall analyze and evaluate the average time it takes a child protective service worker to update the web-based communication system with the information required in this section. The department shall also evaluate the child protective service worker's response time to requests made in the web-based communications system from foster parents and kinship parents. This analysis shall be shared with the Foster Care Ombudsman and presented to the Legislative Oversight Commission on Health and Human Resources Accountability on or before July 1, 2026, and annually thereafter.

(4) On or before December 31, 2024, the Department of Human Services shall submit a

report to the Legislative Oversight Commission on Health and Human Resources setting forth an overview of the status of implementation of the web-based communication system set forth in this section. The report shall contain, at a minimum, timelines for completion of the web-based communication system and projected expenditures.

(c) The Department of Human Services shall develop an independent advisory board with nontraditional partners. This board shall be composed of current foster parents, adults who were previously served by the foster care system as children, agencies, bodies, or organizations that work within the foster care system, pastors, lawyers, members of law enforcement, social workers, teachers, an official from the governor's office, and legislative representatives who report directly to the Legislative Oversight Commission on Health and Human Resources. The purpose of this board shall be to implement changes to the foster care system as they arise and as they are identified by the varied stakeholders.

**§49-2-127. The Foster and Kinship Parent Bill of Rights.**

(a) Foster parents and kinship parents play an integral, indispensable, and vital role in the state's effort to care for children displaced from their homes, and such parents and persons have the following rights:

(1) The right to be treated professionally and ethically as the primary provider of foster or kinship care in accordance with the terms of the agreement between the foster or kinship parent and the child placing agency and the department;

(2) The right to maintain the parent's or parents' own family values and beliefs, so long as the values and beliefs of the child are not infringed upon;

(3) The right to receive training, as provided in the agreement with the child placing agency and the department at appropriate intervals;

(4) The right to have an emergency contact 24 hours per day, seven days per week, as set forth in the agreement between the foster or kinship parent and the child placing agency and the department;

(5) The right, prior to the placement of a child, to be notified by the department and the child placing agency of any known issues relative to the child that may jeopardize the health and safety of the foster or kinship family or the child, or alter the manner in which foster or kinship care should be administered;

(6) The right to receive from the department and the child placing agency, prior to placement of a child, all known information relating to the child's behavior, family background, health, history, or special needs and to receive updates relevant to the care of the child as information becomes available;

(7) The right to be provided with a written copy of the individual treatment and service plan concerning the child in the foster or kinship parent's home and to discuss such plan with the case manager, and to receive reasonable notice of any changes to that plan, including timely notice of the need to remove a child from the foster or kinship home and the reasons for the removal;

(8) The right to timely and reasonable notice of the department's case planning and decision-making process regarding the child, as provided in §49-4-101 *et seq.* of this code, and the right to participate in such process, in the discretion of the court;

(9) The right to communicate with professionals who work with the child, including, but not limited to, therapists, physicians, and teachers, as permitted by the case plan or the court;

(10) The right to be notified, in advance, by the department or the court, of any hearing or review where the case plan or permanency of the child is an issue, including initial and periodic reviews held by the court and permanency plan hearings: *Provided*, That the right of a foster or kinship parent to attend any hearing is in the discretion of the court;

(11) The right to be provided information regarding the final outcome of an investigation of complaints concerning the operation of a foster or kinship home and to receive an explanation of a corrective action plan or policy violation relating to foster or kinship parents;

(12) The right to be provided with information on how to contact the foster care ombudsman, and to contact the foster care ombudsman's office, regarding alleged violations of

rights, to speak to representatives of these offices confidentially, and to be free from threats, retaliation, or punishment for making complaints;

(13) The right to write a letter or submit a report to the court regarding a violation of the rights provided in this section or §49-2-126 of this code, or any concerns over the conduct or performance of the guardian ad litem, a representative of the department, or a representative of the child placing agency, which the court may act upon as it deems in its discretion to be appropriate: *Provided*, That the court may require the clerk to send copies of a letter or report, submitted to the court pursuant to this subdivision, to the parties in the case prior to the court's review or consideration of such communications;

(14) The right to be considered, where appropriate and consistent with the best interests of the child, as a permanent parent or parents for a child who is available for adoption or legal guardianship;

(15) The right to move to intervene in the pending case, without fear of retaliation, once parental rights have been terminated; ~~and~~

(16) The right to receive, from the department and the child placing agency, a written copy of the rights set forth in this section and a copy of the contract between the department and the child placing agency; and

(17) The right to be made aware of and participate in the various record-keeping duties and review of relevant documents concerning the child. This shall include, but not be limited to, providing foster families with Journey Placement Notebooks and, at the time of providing said Journey Placement Notebook, providing said families with a thorough description of the purpose of the notebook, an explanation of how to use the book, and a description of how the Notebook will be used concerning the child in the future. Further, any documents the foster family maintains as a record of the progress of the child, including, but not limited to the Out-of-Home Observation Report for Child Safety, Well-Being, and Permanency, shall be attached to each summary report provided by service providers and uploaded or furnished along with any other pertinent documents

66 before each Multidisciplinary Team meeting or hearing concerning the child.

67 (b) The rights provided in this section do not create an independent cause of action.  
68 Violations of these rights may be reported to and investigated by the foster care ombudsman. On  
69 or before December 15, 2021 and on or before December 15 of every year thereafter, the foster  
70 care ombudsman shall submit a written summary of the number and nature of reports received,  
71 and investigations conducted in response to said reports, to the Joint Standing Committee on  
72 Government and Finance, the West Virginia Supreme Court of Appeals, and the Governor:  
73 *Provided*, That the summary required by this section may not include any personally identifying  
74 information of a person named in a report or a person submitting a report to the ombudsman.

**§49-2-131. Periodic Reviews of Foster Care Subsidy and additional assistance**

75 In order to better reflect the financial needs of foster care families, there shall be yearly  
76 reviews of the foster care subsidy and eligibility, as well as amount awarded, for programs like, but  
77 not limited to, the Supplemental Nutrition Assistance Program (SNAP). These yearly reviews shall  
78 take into account current financial trends and shall consider individual foster family testimony.

**§49-2-132. All drug screens used during improvement periods must be conducted in West**  
**Virginia; manner of drug screens.**

79 (a) All service providers that are contracted through the State of West Virginia for foster  
80 care services shall use in-state laboratories when drug screenings are completed.

81 (b) Any parent who has had a child removed from their home shall complete a random hair  
82 follicle drug screen before their improvement period can end.

NOTE: The purpose of this bill is to provide foster families with better access to records, better representation in decision-making concerning the foster system, and changing drug screening procedures during improvement periods.

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