

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2638

By Delegates Cooper, Heckert, and Toney

[Introduced February 20, 2025; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §49-4-609 of the Code of West Virginia, 1931, as amended, relating
2 to mandating that criminal charges be brought against parents when children are removed
3 from their custody due to abuse and neglect.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. COURT ACTIONS.

§49-4-609. Conviction for offenses against children.

1 (a) In any case where a person is convicted of an offense against a child described in
2 section twelve, article eight, chapter sixty-one of this code or articles eight-b or eight-d of that
3 chapter and the person has custodial, visitation or other parental rights to the child who is the
4 victim of the offense or to any child who resides in the same household as the victim, the court
5 shall, at the time of sentencing, find that the person is an abusing parent within the meaning of this
6 chapter as to the child victim, and may find that the person is an abusing parent as to any child who
7 resides in the same household as the victim, and the court shall take further steps as are required
8 by this article.

9 (b) Where a child has been removed from parental custody and the parent's rights to the
10 child have been terminated under the conditions of §49-4-604, the Court shall also cause the
11 instigation of criminal charges based on the circumstances of the case. The associated charges,
12 penalties, and fines shall be in accordance with §61-8D-3, §61-8D-4, and §61-8D-5 depending on
13 the circumstances. These charges shall be commenced at the time the child's custody
14 arrangement is changed.

NOTE: The purpose of this bill is to mandate that criminal charges be brought against parents when children are removed from their custody due to abuse and neglect.

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