

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2934

By Delegates Pritt, Fehrenbacher, Barnhart, Dittman,
Chiarelli, Shamblin, D. Cannon, Hornbuckle, Holstein,
W. Clark, and Willis

[Introduced February 24, 2025; referred to the
Committee on Health and Human Resources]

1 A BILL to amend and reenact §49-2-129 of the Code of West Virginia, 1931, as amended, relating
2 to aftercare services for foster children; and requiring the department prioritize housing
3 applications for foster children who have turned 18 years of age.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-129. Transitional living services program supervised setting for children living independently; and eligibility criteria.

1 (a) The department shall establish minimum standards, by legislative rule, for transitional
2 living services, such as scattered-site living arrangements and supervised group settings, to which
3 all child placing agencies or child welfare agencies who provide this service must conform.

4 (b) Agencies shall establish eligibility criteria for serving transitioning children and adults
5 and shall require, at a minimum, the following:

6 (1) That a transitioning child or adult receiving a transitional living placement is between 16
7 and 26 years of age;

8 (2) Written permission from the child's parents or guardian for a child less than 18 years of
9 age to enter a scattered-site living arrangement;

10 (3) A written service agreement with a transitioning adult entering a transitional living
11 arrangement;

12 (4) A determination by an agency that a transitioning child or adult has shown that he or
13 she is stable, mature, and responsible enough for entry into the determined level of transitional
14 living arrangement;

15 (5) A life skills assessment by an agency of the transitioning child or adult, prior to placing
16 him or her in a transitional living arrangement, and an annual reassessment; and

17 (6) A written transition plan, developed with the transitioning child or adult, that provides an
18 educational, training, or employment program or a plan for the child or adult to pursue employment
19 while in transitional living.

(c) The agency and transitioning child or adult shall determine if a roommate is appropriate for the child or adult prior to placement in a transitional living setting. The roommate must be able to support himself or herself and contribute at least a pro rata share of the living expenses for the setting.

(d) An agency shall document face-to-face contact and hours spent with a transitioning child or adult in a transitional living setting in the service plan that meet the child's or adult's needs and program level.

(e) After a child or adult is in a transitional living placement, an agency shall assess the child's or adult's progress in acquiring basic living skills at a minimum of once every six months.

(f) An agency shall develop and implement policies and procedures to ensure that any child or adult in a transitional living setting receives training and guidance on appropriate health screening and services, including medical and dental screening and services.

(g) An agency shall develop policies and procedures for assisting a transitioning child or adult in searching for an appropriate dwelling that will be used as a scattered-site living setting, that meets the following criteria:

(1) The dwelling is safe and affordable;

(2) The dwelling has a working telephone or other means of communication in an emergency;

(3) The dwelling has appropriate equipment for indoor cooking; and

(4) The dwelling has an appropriate water source for cooking, cleaning, and bathing.

(h) The department shall prioritize any housing applications, such as HUD or any government assisted housing, for a child who has turned 18 years of age, does not qualify for transitional living under this section, and is transitioning from foster care.

~~(h)~~(i) The department shall promulgate legislative rules, including emergency rules if necessary, to implement the provisions of this section.

NOTE: The purpose of this bill is to require the department prioritize housing applications

for foster children who have turned 18 years of age and are transitioning from foster care.

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