

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 813

By Senator Chapman

[Introduced March 19, 2025; referred
to the Committee on the Judiciary]

A BILL to amend and reenact §49-4-601a of the Code of West Virginia, 1931, as amended, relating to extending the time frame for the Department of Human Services to identify relatives and fictive kin of the child.

Be it enacted by the Legislature of West Virginia:

ARTICLE	4.	COURT	ACTIONS.
§49-4-601a.	Preference	of	child
			placement.

When a child is removed from his or her home, placement preference is to be given to relatives or fictive kin of the child. If a child requires out-of-home care, placement of a child with a relative is the least restrictive alternative living arrangement. The department must diligently search for relatives of the child and fictive kin within the first days of a child's removal and must identify and provide notice of the child's need for a placement to relatives and fictive kin who are willing to act as a foster or kinship parent.

(1) After a petition alleging abuse and neglect of a child is filed, the department shall commence a search for every relative and fictive kin of the child.

(2) No later than ~~seven~~ 21 calendar days after the petition for removal has been filed, the department shall file, with the court, a list of all of the relatives and fictive kin of the child known to the department at the time of the filing, whether or not those persons have expressed a willingness to take custody of the child.

(3) Within ~~seven~~ 21 days after the department files the list described in subdivision (2) of this subsection, any party to the case may file, with the court, his or her own list containing names and addresses of relatives and fictive kin of the child.

(4) The department shall investigate and determine whether any of the persons identified in the lists filed pursuant to this section are willing and able to act as foster or kinship parents to the child. The department shall file its determinations with the court within ~~45~~ 60 days from the filing of the petition alleging abuse or neglect of a child.

NOTE: The purpose of this bill is to extend the timeframe for the department to identify relatives and fictive kin of the child.

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