

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4354**

**FISCAL  
NOTE**

By Delegate Burkhammer

[Introduced January 15, 2026; referred to the  
Committee on Health and Human Resources then  
Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
2 designated §49-13-1, §49-13-2, §49-13-3, and §49-13-4, relating to necessity allowance;  
3 setting forth the purpose of the article, defining terms; setting forth the requirements to  
4 obtain funding from the Department of Social Services for approved necessities, an  
5 adequate wardrobe and any supplementary clothing assistance; and setting forth the  
6 amount and form of payment.

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

**ARTICLE 13. REQUIREMENTS FOR CLOTHING ALLOWANCE AND APPROVED  
NECESSITIES.**

**§49-13-1. Purpose.**

1 The purpose of this article is to establish requirements for an adequate wardrobe and  
2 approved necessities for children removed from their home and in the legal custody of the  
3 department and to set forth payment methods.

**§49-13-2. Definitions.**

1 For purposes of this article:

2 "Approved necessities" means items, other than clothes, necessary to care for the child.

3 "Adequate wardrobe" means clothes that are in good condition, appropriate for all  
4 seasons, and fit the child for the entirety of their time in foster care.

5 "Initial clothing allowance" means funding, from the Bureau of Social Services to the  
6 placement provider to cover expenses for an adequate wardrobe and to supply a child with  
7 approved necessities at the time of initial placement, if needed.

8 "Inventory" means a listing of the child's wardrobe and necessities when the child enters  
9 the placement and is required to be updated periodically throughout the placement period. This  
10 inventory shall follow the child throughout all placements.

11 "Department" means the Department of Human Services.

"Placement provider" means a foster parent, kinship/relative provider, or residential care provider.

"Supplementary clothing assistance" means a clothing allowance and approved necessity to meet extraordinary needs to the child such as necessity by illness or irreparable damage to clothing and necessities.

**§49-13-3. Requirements.**

(a) At the time of initial placement, a child shall be assessed, including but not limited to a review of the child's current clothing, necessities, and inventory, by the placement provider in conjunction with the child welfare worker to determine if:

(1) The child possesses an adequate wardrobe and approved necessities; or

(2) The child needs to be issued an initial clothing allowance to obtain an adequate wardrobe and approved necessities.

(b) If the child possesses an adequate wardrobe and approved necessities at the time of initial placement, no further action is needed at that time.

(c) If the child does not have an adequate wardrobe or approved necessities at the time of the initial placement, then the placement provider shall seek a clothing allowance to purchase an adequate wardrobe and approved necessities for the child.

(d) The initial clothing allowance is not intended to completely outfit the child but only to supply the child with immediate clothing and necessities.

(e) It is the obligation of the placement provider to supply the child with clothing and necessities for as long as the child remains in their care and to periodically update the clothing and necessity inventory.

**§49-13-4. Amount and form of payment.**

(a) The child's initial clothing allowance shall be issued for a minimum of \$375.

(b) The child's supplemental clothing allowance may be issued for a minimum of \$175 per each supplement allowance.

4           (c) The initial clothing allowance and any supplementary clothing allowance shall be paid  
5 through three separate avenues:

6           (1) The first and primary option for payment of the clothing allowance is a reloadable  
7 instant card;

8           (2) The second option for payment of the clothing allowance is for the child welfare worker  
9 or case aid to use their purchasing card;

10          (3) The third option is to provide reimbursement to a placement provider who purchases  
11 clothing allowance items using their own funds. This option is to only be utilized when no other  
12 options are feasible.

13          (d) With respect to the instant card:

14          (1) The instant card shall be issued to the placement provider or re-loaded with funding  
15 within 48 hours of the child being placed with the placement provider.

16          (2) The instant card may be used online or in any store that accepts an electronic payment  
17 transaction.

18          (3) The department shall create and adopt a policy for the use of the instant card which  
19 shall be provided to the placement provider upon issuance of the card, which shall include but not  
20 be limited to an explanation of proper purchases that may be made with the instant card, an  
21 explanation of how and when the card can be re-loaded, and the need to keep receipts for  
22 reconciliation of purchases.

23          (e) With respect to the purchasing card:

24          (1) If it is decided that the child welfare worker or case aid will purchase the items with their  
25 purchasing card, then the child welfare worker or case aid shall save the receipts; and

26          (2) The child welfare worker and case aid shall follow the reconciliation process as they  
27 normally would under the purchasing card program.

28          (f) With respect to demand payment or reimbursement to the placement provider:

29          (1) If it is decided that the kinship/relative placement provider is going to purchase the

30 child's clothing or approved necessities using their own funds with the expectation of  
31 reimbursement from the department, then a receipt from the kinship/relative provider shall be  
32 supplied to the child welfare worker in order to obtain reimbursement; or

33 (2) If a foster care provider chooses to purchase clothing or approved necessities, then all  
34 receipts for clothing items or approved necessities from the foster care provider shall be provided  
35 to their child placing agency in order for the child placing agency to invoice the department for  
36 reimbursement.

NOTE: The purpose of this bill is to set forth requirements for foster child clothing allowances.

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