

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute for House Bill 4354

By Delegate Burkhammer

[Originating in the Standing Committee on Health and
Human Resources; Reported on January 20, 2026]

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 Bureau of Social Services for approved necessities; and setting
5 forth the 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.

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

§49-13-3. Requirements.

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

4 (1) The child possesses an adequate wardrobe and approved necessities; or
5 (2) The child needs to be issued an initial clothing allowance to obtain an adequate
6 wardrobe and approved necessities.

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

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

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

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

§49-13-4. Amount and form of payment.

1 (a) The child's initial clothing allowance shall be issued for a minimum of \$375.
2 (b) The initial clothing allowance and any supplementary clothing allowance shall be paid
3 through three separate avenues:

4 (1) The primary option for payment of the clothing allowance is a reloadable instant card;
5 (2) The second option for payment of the clothing allowance is for the child welfare worker
6 or case aid to use their purchasing card; or

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

10 (c) With respect to the instant card:

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

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

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

20 (d) With respect to the purchasing card:

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

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

25 (e) With respect to demand payment or reimbursement to the placement provider:

26 (1) If it is decided that the kinship placement provider is going to purchase the child's
27 clothing or approved necessities using their own funds with the expectation of reimbursement from
28 the department, then a receipt from the kinship provider shall be supplied to the child welfare
29 worker in order to obtain reimbursement; or

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