

# **WEST VIRGINIA LEGISLATURE**

**2026 REGULAR SESSION**

**ENGROSSED**

**Committee Substitute**

**for**

**Committee Substitute**

**for**

**House Bill 4390**

By Delegates Burkhammer, Moore, Heckert, Petitto,  
and Hott

[Originated in the Committee on Finance, February  
20, 2026]



1 A BILL to amend the Code of West Virginia, as amended, 1931, by adding a new section,  
2 designated §49-2-127b, relating to the making a temporary payment to a kinship parent of  
3 a subsidy equal to that of a foster parent.

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

**ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.**

**§49-2-127b. Temporary increase in kinship payment subsidy.**

1 (a) Temporary increase in payment amount. — Notwithstanding any other provision to the  
2 contrary, a kinship parent shall be eligible for a temporary increase in the payment paid by the  
3 Department equal to that paid to a foster parent if at the time of initial placement, the following  
4 conditions are satisfied:

5 (1) The kinship parent has submitted to state and national criminal history record checks  
6 which shall be submitted within five days of the initial date of placement;

7 (2) The Department is satisfied with the results of the state and national criminal history  
8 record checks; and

9 (3) The kinship parent has complied with the initial home screening to identify and to  
10 correct life safety issues.

11 (b) The Department of Human Services shall provide a list of available child placing  
12 agencies to the kinship parent that can assist them with obtaining certification as a foster parent  
13 and compliance with all other aspects of certification.

14 (c) Duration of temporary increase. — The temporary increase in payment amounts  
15 becomes payable to the kinship parent within 30 days of the initial kinship placement and will  
16 continue for a period of no more than six months at the temporary rate to allow the kinship parent  
17 to become certified as a foster parent. Payments required by this section shall be made each  
18 month on the first business day of the month. If the kinship parent is unable or unwilling to become  
19 certified as a foster parent at the end of the six-month period, the temporary increase will cease  
20 and is no longer payable to the kinship parent. All other resources available to a kinship parent

21 shall be available to a kinship parent regardless of the status of his or her certification as a foster  
22 parent.

23 (d) Authority to conduct background check.—The Department of Human Services is  
24 hereby authorized to conduct state and national criminal history record checks as set forth in this  
25 section, including:

26 (1) Submitting fingerprints for the purposes set forth in this subsection; and

27 (2) Authorizing the board, the West Virginia State Police, and the Federal Bureau of  
28 Investigation to use all records submitted and produced for the purpose of screening the applicant  
29 for the kinship placement.

30 (e) The results of the state and national criminal history record check may not be released  
31 to or by a private entity except;

32 (1) To the individual who is the subject of the criminal history record check;

33 (2) With the written authorization of the individual who is the subject of the criminal history  
34 record check; or

35 (3) Pursuant to a court order.

36 (f) The criminal history record check and related records are not public records for the  
37 purposes of §29B-1-1 et seq. of this code.

38 (g) The applicant shall ensure that the criminal history record check is completed as soon  
39 as possible after the date of the original placement for prompt processing of the temporary  
40 increase authorized by this section.

41 (h) The kinship parent shall pay the actual costs of the fingerprinting and criminal history  
42 record checks.