

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

Committee Substitute

for

House Bill 4390

BY DELEGATES BURKHAMMER, MOORE, HECKERT,

PETITTO, AND HOTT

[Passed March 11, 2026; in effect 90 days from

passage (June 9, 2026)]

1 AN ACT 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
3 of 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.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

.....
Clerk of the House of Delegates

.....
Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

.....
Speaker of the House of Delegates

.....
President of the Senate

The within is this the.....
Day of, 2026.

.....
Governor