

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5042

By Delegate Burkhammer

[Introduced February 02, 2026; referred to the
Committee on Health and Human Resources]

- 1 A BILL to amend and reenact the Code of West Virginia, 1931, as amended, by adding a new
2 section, designated §49-2-125a, relating to prohibiting a child in custody of the state from
3 being placed in a nonapproved facility; and providing for exceptions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-125a. Placement of children in approved facilities; exceptions.

- 1 (a) No child in the custody of the state shall be placed in a facility that has not been
2 approved by Department of Human Services.
- 3 (b) In extraordinary circumstances only, the Secretary of the Department of Human
4 Services may approve for a child to be placed in an unapproved facility.
- 5 (c) The Department of Human Services shall provide a list of approved out-of-state
6 placement facilities for children in the custody of the state.
- 7 (1) The Department of Human Services shall update this list at least annually.
- 8 (2) The Department of Human Services shall create a level of standards for out of state
9 facilities.
- 10 (3) The list shall include the location and the specialty of each facility.

NOTE: The purpose of this bill is to prohibit a child in the custody of the state from being placed in a nonapproved facility. The bill provides for exceptions.

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