

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5204**

By Delegate Lewis

[Introduced February 05, 2026; referred to the  
Committee on Education]

A BILL to amend and reenact the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-8-1b, relating to establishing the Child Captivity Prevention Act, to assure home schooled children moving to the state are not subject to abuse or neglect; providing for notice to Department of Human Services; providing for an in-home visit; and assuring confidentiality and due process.

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

**ARTICLE            8.            COMPULSORY            SCHOOL            ATTENDANCE.**  
**§18-8-1b.            Child            Captivity            Prevention            Act.**

(a) Legislative findings. The Legislature finds that attendance in public or private school provides an important and routine point of contact between children and mandatory reporters trained to identify signs of abuse or neglect. When families relocate to this state and do not enroll their children in public or private school, those children may have limited or no contact with educators, medical providers, or other mandatory reporters. In rare but severe cases, parents may relocate to states where home schooling is permitted to further isolate their children, and the absence of any school-based or community contact may allow abuse or neglect to remain undetected for extended periods. The purpose of this Act is to establish a narrow, nonpunitive mechanism to ensure that children relocating to this state who are not enrolled in public or private school are visible to appropriate support services to ensure these children are not being subject to abuse or neglect, while fully respecting parental rights and their pursuit of lawful home instruction.

(b) Notice of non-enrollment. When a child is being relocated to the state and has not previously enrolled in a public or private school in this state, and a child's parent or guardian legally responsible for the child makes application for home instruction pursuant to §18-8-1 of this code, the county school board shall provide notice to the Department of Human Services that a child has moved into the state and that the parent or guardian intends to home school the child. Upon receipt of this notice the Department of Human Services shall contact the parent or guardian of the child and schedule a student education and wellness assurance visit.

19 (c) Home visit. The Department of Human Services shall schedule and conduct a home  
20 visit which may include, with parental or guardian consent, a brief, age-appropriate private  
21 conversation with the child. This visit is conducted for the purpose of providing informational  
22 assistance and observing whether the home environment presents immediate and obvious safety  
23 concerns for the student. If the visiting representative identifies any neglect, abuse, or imminent  
24 risk of harm to the student, an appropriate investigative case action shall be initiated. Any  
25 investigation beyond this initial home visit shall be conducted only in accordance with the abuse  
26 and neglect provisions of Chapter 49 of this code following all applicable due process  
27 requirements.

28 (d) Confidentiality. All information collected pursuant to this section is confidential and  
29 exempt from disclosure under §29B-1-1, *et seq.* of this code. Information may be shared only as  
30 permitted under state or federal child welfare law.

31 (e) Construction and due process. Nothing in this section may be construed to:

32 (1) Require parental approval to relocate to this state;

33 (2) Interfere with lawful home instruction conducted pursuant to §18-8-1 of this code;

34 (3) Authorize routine or suspicion-less child abuse investigation; or

35 (4) Diminish the constitutional rights of parents or children.

NOTE: The purpose of this bill is to ensure that when a child moves to this state and the parents or guardians intend to home school, that a student education and wellness assurance visit to the residence be conducted to verify that the child is not being abused or neglected.

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