

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5497

By Delegates Mazzocchi, Burkhammer, Kimble, and

T. Howell

[Introduced February 13, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §49-3-101 of the Code of West Virginia, 1931, as amended, relating
 2 to providing immunity from liability for employees of a child advocacy center for actions
 3 taken in participation in the child abuse investigation process or services provided by the
 4 child advocacy center.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. SPECIALIZED ADVOCACY PROGRAMS.

§49-3-101. Child advocacy centers; services; requirements.

1 Child advocacy centers provide the following services to children in the child welfare
 2 program in West Virginia:

3 (1) Operation of a child-appropriate or child-friendly facility that provides a comfortable,
 4 private setting that is both physically and psychologically safe for clients.

5 (2) Participation in a multidisciplinary team for response to child abuse allegations.

6 (3) Operate a legal entity responsible for program and fiscal operations that has
 7 established and implemented basic sound administrative practices.

8 (4) Promote policies, practices and procedures that are culturally competent and diverse.
 9 Cultural competency is defined as the capacity to function in more than one culture, requiring the
 10 ability to appreciate, understand and interact with members of diverse populations within the local
 11 community.

12 (5) Conduct forensic interviews in a manner which is of a neutral, fact-finding nature and
 13 coordinated to avoid duplicative interviewing.

14 (6) Provide specialized medical evaluation and treatment made available to clients as part
 15 of the team response, either at the CAC or through coordination and referral with other specialized
 16 medical providers.

17 (7) Offer therapeutic intervention through specialized mental health services made
 18 available as part of the team response, either at the child advocacy center or through coordination
 19 and referral with other appropriate treatment providers.

20 (8) Victim support and advocacy as part of the team response, either at the child advocacy
21 center or through coordination with other providers, throughout the investigation and subsequent
22 legal proceedings.

23 (9) Conducting team discussions and providing information sharing regarding the
24 investigation, case status and services needed by the child and family are to occur on a routine
25 basis.

26 (10) Developing and implementing a system for monitoring case progress and tracking
27 case outcomes for team components.

28 (11) May establish a safe exchange location for children and families who have a parenting
29 agreement or an order providing for visitation or custody of the children that require a safe
30 exchange location.

31 (12) No employee of a child advocacy center, as defined in this section, may be held
32 personally liable for actions taken in participation in the child abuse investigation process or
33 services provided by the child advocacy center. However, nothing in this subsection protects any
34 employee of a child advocacy center from liability arising from loss caused by gross negligence,
35 willful and wanton misconduct, or intentional misconduct.

NOTE: The purpose of this bill is to provide immunity from liability for employees of a child advocacy center for actions taken in participation in the child abuse investigation process or services provided by the child advocacy center.

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