

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5498**

By Delegates Mazzocchi, Burkhammer, and T. Howell

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

1 A BILL to amend and reenact §49-4-402 of the Code of West Virginia, 1931, as amended, relating  
 2 to multidisciplinary investigative teams; and clarifying the liability of a member of a  
 3 multidisciplinary team member.

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

**ARTICLE 4. COURT ACTIONS.**

**§49-4-402. Multidisciplinary investigative teams; establishment; membership; procedures;  
 coordination among agencies; confidentiality; liability protection.**

1 (a) The prosecuting attorney of each county shall establish a multidisciplinary investigative  
 2 team in that county. The multidisciplinary team shall be headed and directed by the prosecuting  
 3 attorney, or his or her designee, and includes as permanent members:

- 4 (1) The prosecuting attorney, or his or her designee;
- 5 (2) A local child protective services caseworker from the Department of Human Services;
- 6 (3) A local law-enforcement officer employed by a law-enforcement agency in the county;
- 7 (4) A child advocacy center representative, where available;
- 8 (5) A health care provider with pediatric and child abuse expertise, where available;
- 9 (6) A mental health professional with pediatric and child abuse expertise, where available;
- 10 (7) An educator; and
- 11 (8) A representative from a licensed domestic violence program serving the county.

12 The Department of Human Services and any local law-enforcement agency or agencies  
 13 selected by the prosecuting attorney shall appoint their representatives to the team by submitting a  
 14 written designation of the team to the prosecuting attorney of each county within thirty days of the  
 15 prosecutor's request that the appointment be made. Within fifteen days of the appointment, the  
 16 prosecuting attorney shall notify the chief judge of each circuit within which the county is situated  
 17 of the names of the representatives so appointed. Any other person or any other appointee of an  
 18 agency who may contribute to the team's efforts to assist a minor child as may be determined by  
 19 the permanent members of the team may also be appointed as a member of the team by the

20 prosecutor with notification to the chief judge.

21 (b) Any permanent member of the multidisciplinary investigative team shall refer all cases  
22 of accidental death of any child reported to their agency and all cases when a child dies while in the  
23 custody of the state for investigation and review by the team. The multidisciplinary investigative  
24 team shall meet at regular intervals at least once every calendar month.

25 (c) The investigative team shall be responsible for coordinating or cooperating in the initial  
26 and ongoing investigation of all civil and criminal allegations pertinent to cases involving child  
27 sexual assault, child sexual abuse, child abuse and neglect and shall make a recommendation to  
28 the county prosecuting attorney as to the initiation or commencement of a civil petition and/or  
29 criminal prosecution.

30 (d) State, county and local agencies shall provide the multidisciplinary investigative team  
31 with any information requested in writing by the team as allowable by law or upon receipt of a  
32 certified copy of the circuit court's order directing the agencies to release information in its  
33 possession relating to the child. The team shall assure that all information received and developed  
34 in connection with this article remains confidential. For purposes of this section, the term  
35 "confidential" shall be construed in accordance with article five of this chapter.

36 (e) No member of the multidisciplinary team, as defined in this section, may be held  
37 personally liable for actions taken in participation in the child abuse investigation process or  
38 services provided as a part of the investigative process. However, nothing in this subsection  
39 protects any member of the multidisciplinary team from liability arising from loss caused by gross  
40 negligence, willful and wanton misconduct, or intentional misconduct.

NOTE: The purpose of this bill is to clarify the liability of a multidisciplinary team member.

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