

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5530

By Delegate Burkhammer

[Introduced February 16, 2026; referred to the
Committee on Health and Human Resources]

1 A BILL to amend and reenact §61-12B-1 and §61-12B-3 of the Code of West Virginia, 1931, as
 2 amended, relating to moving the Critical Incident Review Team from the Department of
 3 Human Services to the Office of Inspector General; and modifying the composition of the
 4 Critical Incident Review Team.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12B. CRITICAL INCIDENT REVIEW TEAM.

§61-12B-1.

Purpose.

1 The Critical Incident Review Team is created under the ~~Department of Human Services~~
 2 Office of Inspector General for the purpose of reviewing fatalities and near fatalities involving
 3 children involved in the child welfare system and making recommendations to identify effective
 4 prevention and intervention processes to decrease preventable child fatalities and near fatalities in
 5 the child welfare system.

§61-12B-3. Creation of the Critical Incident Review Team and composition of members.

1 (a) The Critical Incident Review Team is created under the Office of the Inspector General
 2 and is a multidisciplinary team created to oversee and coordinate the examination, review, and
 3 assessment of:

4 (1) The fatality or near fatality of a child in the custody of the Department of Human
 5 Services;

6 (2) The fatality or near fatality of a child who has a known case with the Department of
 7 Human Services or who is the immediate family member or a member of a household of a person
 8 with a known case with the Department of Human Services; and

9 (3) The fatality or near fatality of a child whose identity has been brought to the attention of
 10 the Department of Human Services through a centralized intake report, regardless of whether the
 11 report was accepted for an investigation.

12 (b) The Critical Incident Review Team shall consist of the following members:

13 (1) ~~The Commissioner of the Bureau for Social Services~~ The Foster Care Ombudsman, or

14 his or her designee, who is to serve as the chairperson, and is responsible for calling and
15 coordinating meetings of the Critical Incident Review Team;

16 (2) The Commissioner of the Bureau for Social Services, or his or her designee;

17 ~~(2)~~ (3) The Director of the Division of Planning and Quality Improvement;

18 ~~(3)~~ (4) The Deputy Commissioner of the Bureau for Social Services;

19 ~~(4)~~ (5) A representative from the Office of Field Support, Programs and Resource
20 Development, Planning and Research, or the Office of Field Operations;

21 ~~(5)~~ (6) The social services manager for any district having a history with the child or his or
22 her family or any household member that is the subject of the critical incident review;

23 ~~(6) The Foster Care Ombudsman, or his or her designee;~~

24 (7) A representative of the West Virginia Supreme Court of Appeals, Division of Children
25 Services;

26 (8) A representative from the Prosecuting Attorney's Institute;

27 (9) The Superintendent of the West Virginia State Police or his or her designee;

28 (10) A member of the West Virginia Senate, appointed by the President of the Senate,
29 who shall serve as an ex officio member; and

30 (11) A member of the West Virginia House of Delegates, appointed by the Speaker of the
31 House, who shall serve as an ex officio member.

32 (c) Each member shall serve without additional compensation and may not be reimbursed
33 for any expenses incurred in the discharge of his or her duties under the provisions of this article.

34 (d) The Critical Incident Review Team may seek guidance and opinion regarding any
35 matter under review from outside experts in any related field. At any such time, the Critical Incident
36 Review Team shall require that all appropriate privacy requirements required in this article are in
37 place.

NOTE: The purpose of this bill is to move the Critical Incident Review Team from the

Department of Human Services to the Office of Inspector General. The bill also modifies the composition of the Critical Incident Review Team.

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