

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5568

By Delegate Akers

[Introduced February 16, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §49-4-108 of the Code of West Virginia, 1931, as amended, relating
2 to the payment of services rendered in proceedings under Chapter 49.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. COURT ACTIONS

§49-4-108. Payment of services.

1 (a) At any time during any proceedings brought pursuant to this chapter, the court may
2 upon its own motion, or upon a motion of any party, order ~~the Department of Human Services to~~
3 ~~pay the Medicaid rates for~~ professional services be rendered by a health care professional to a
4 child or other party to the proceedings at the Medicaid rates for any such services. Professional
5 services include, but are not limited to, treatment, therapy, counseling, evaluation, report
6 preparation, consultation and preparation of expert testimony. A health care professional shall be
7 paid ~~by the Department of Human Services~~ upon completion of services and submission of a final
8 report or other information and documentation as required by the agency obligated by the court's
9 order policies implemented by the Department of Human Services: *Provided*, That if the service is
10 covered by Medicaid, being rendered to a child, is not provided within 30 days, the court may order
11 the service to be provided by a provider at a rate higher than the Medicaid rate. The agency
12 obligated to pay for services rendered pursuant to an order under this subsection shall be the
13 agency with legal custody of the child or children who are a party to the subject proceedings under
14 Chapter 49. The ~~department~~ obligated agency may object and request to be heard, after which the
15 court shall issue findings of fact and conclusions of law supporting its decision.

16 (b) At any time during any proceeding brought pursuant to this chapter, the court may upon
17 its own motion, or upon a motion of any party, order ~~the Department of Human Services to pay for~~
18 socially necessary services be rendered by an entity who has agreed to comply with §9-2-6(21) of
19 this code. The Department of Human Services shall set the reimbursement rates for the socially
20 necessary services: *Provided*, That if services being rendered to a child are not provided within 30
21 days, the court may order a service to be provided to be provided to the child by a provider at a rate

22 higher than the department established rate. The agency obligated to pay for services rendered
23 pursuant to an order under this subsection shall be the agency with legal custody of the child or
24 children who are a party to the subject proceedings under Chapter 49. ~~The department~~ An agency
25 obligated by an order under this subsection may object and request to be heard, after which the
26 court shall issue findings of fact and conclusions of law supporting its decision.

NOTE: The purpose of this bill is to promote the efficient and effective use of state funds allocated to the Department of Human Services by requiring there be a reasonable nexus between the actual work of the Department and the legal proceedings at issue before the Department can be court-ordered to pay for services.

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