

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5628**

By Delegates Fehrenbacher, Dittman, and Drennan

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

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
 2 designated §49-2-1101, relating to mitigating the abrupt loss of child care assistance  
 3 resulting from modest increases in family income; reciting legislative finding; authorizing  
 4 the development of policies and procedures; providing for promulgation of legislative rules;  
 5 listing permitted methods of mitigation; stating program objectives; and requiring  
 6 submission of annual reports.

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

**ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.**

Part XI. Child Care Subsidies

**§49-2-1101. Mitigation of child care subsidy cliff effect.**

1 (a) The Legislature finds that abrupt loss of child care assistance due to modest increases  
 2 in family income creates a benefits cliff that discourages wage growth, limits workforce  
 3 participation, and destabilizes child care arrangements for children and families.

4 (b) The Department of Human Services may adopt policies that reduce the child care  
 5 subsidy cliff effect by gradually phasing out assistance as family income increases. To implement  
 6 the provisions of this section, the department may propose rules, consistent with state and federal  
 7 law and with available funding, for legislative approval consistent with the provisions of §29A-3-1  
 8 et seq.

9 (c) In carrying out this section, the department may:

10 (1) Expand the sliding fee scale for family copayments so that contributions increase  
 11 progressively with income;

12 (2) Establish higher exit eligibility thresholds that allow families to maintain access to  
 13 assistance while transitioning toward self-sufficiency;

14 (3) Implement graduated phase-out structures that prevent sudden loss of benefits;

15 (4) Adjust copayment amounts based on household income as a percentage of income;

16 and

17 (5) Establish transitional eligibility periods or other mechanisms to support continuity of  
18 care.

19 (d) Policies adopted pursuant to this section shall be designed to encourage employment,  
20 wage growth, and career advancement while promoting stability for children and child care  
21 providers.

22 (e) The department shall implement cliff mitigation policies pursuant to this section no later  
23 than January 1, 2027.

24 (f) The department shall submit an annual written report, in electronic format, to the Joint  
25 Committee on Government and Finance on or before the first day of each regular session of the  
26 Legislature regarding the implementation and impact of cliff mitigation strategies implemented  
27 under the provisions of this statute.

NOTE: The purpose of this bill is to mitigate the abrupt effect of termination of child care assistance to needy families caused by modest increases in family income.

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