

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 391**

By Senators Smith (Mr. President) and Woelfel

[By Request of the Executive]

[Introduced January 15, 2026; referred

to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §49-2-102 of the Code of West Virginia, 1931, as amended, relating  
2 to allocating and station of child protective services workers by county; and reporting any  
3 changes to the allocation and station of child protective services workers.

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

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

**§49-2-102. Staffing Allocation for Child Protective Services Workers.**

1 (a) Notwithstanding any other provision of this code to the contrary, effective July 1, 2024,  
2 the commissioner shall allocate and station child protective services workers by county based on  
3 population, referrals, and average caseload. Provided, That the commissioner may adjust the  
4 allocation and station of child protective services workers based on immediate needs of each  
5 county, as demonstrated by the present referrals and caseload.

6 (b) The allocation may not decrease below the bureau's allocation of January 1, 2023,  
7 when all positions for child protective workers by county are filled. If there are vacancies in any  
8 county in this state, then the department may adjust the allocation and station of child protective  
9 service workers based on actual need.

10 (c) The county population shall be based on the United States Census. The bureau shall  
11 report the allocation to the Legislative Oversight Commission on Health and Human Resources  
12 Accountability by July 1 of each year. The annual report on allocation shall reflect each change in  
13 allocation that occurred in the twelve months preceding July 1 and persisted for more than three  
14 weeks, along with a brief explanation justifying each change in allocation.

NOTE: The purpose of this bill is to clarify the application of the allocation formula for child protective services workers by county, and to set forth what information should be included in the annual report.

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