

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 399

**FISCAL
NOTE**

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;
and then to Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §49-13-101, §49-13-102, §49-13-103, and §49-13-104, relating to the creation
3 of the Bring Them Home Fund; guidelines to disburse moneys from the fund for the
4 purpose of renovating existing state properties to facilitate the expansion of West Virginia's
5 child welfare provider network; and authority to promulgate legislative rules.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. BRING THEM HOME FUND

§49-13-101. Legislative Findings.

1 When a child is in need of in-patient placement for acute psychiatric, neurodevelopmental,
2 or trauma services, that child should be able to receive adequate services within their home state.
3 Not only does an out-of-state placement in a residential childcare and treatment facility bear a
4 significantly higher cost than a similar in-state placement, but the distance may make it more
5 difficult for the department to have meaningful engagement with the child and their treatment
6 team. Most importantly, an out-of-state placement means that a child already in a crisis may lose
7 any family support they may have. Therefore, it is the finding the Legislature that there is a
8 valuable public need to create more quality in-state placement facilities able to provide necessary
9 residential treatment to the children who need it most.

§49-13-102. Creation of the Bring Them Home Fund.

1 (a) There is hereby created a special trust fund which shall be designated and known as
2 the "Bring Them Home Fund," to be administered by the Secretary of the Department of Human
3 Services. The fund shall consist of the following:

4 (1) Any appropriations made by the Legislature;

5 (2) Any grants, gifts, donations, contributions or revenues, received from any source, and
6 received in any form, including cash, property, or other resources;

7 (3) All income earned on moneys, properties, and assets held in the fund, or from any
8 investments; and

9 (4) Any funds generated through a revolving funding structure. The Secretary shall
10 reinvest savings from decreased numbers of out-of-state placements directly into the fund for
11 continued expansion of high-quality child welfare treatment facilities and services.

12 (b) Any funds received by the Secretary of the Department of Human Services for the
13 purpose of the Bring Them Home shall be paid into the Bring Them Home Fund, and shall be
14 disbursed and otherwise managed in the manner set forth in this article, unless such a transfer is
15 not allowable by law.

16 (c) The Bring Them Home Fund shall be treated by the Auditor and Treasurer as a special
17 revenue fund and not as part of the general revenues of the state. Any funds remaining in the
18 Bring Them Home Fund at the end of the fiscal year shall not revert to the General Revenue Fund.

§49-13-103. Disbursements from the Bring Them Home Fund.

1 (a) The Secretary of the Department of Human Services is authorized to disburse funds
2 from the Bring Them Home Fund, at his or her discretion, for any of the following purposes:

3 (1) To renovate existing state properties to expand high-acuity psychiatric,
4 neurodevelopmental, and trauma services for children residing in West Virginia;

5 (2) To develop treatment programs, including in-patient programs and aftercare programs,
6 that match clinical profiles of youth historically placed out-of-state;

7 (3) To expand the child welfare provider network in West Virginia and build a foundation for
8 high quality, specialty care; or

9 (4) To operate, or cause to be operated, an in-state in-patient childcare facility that is
10 owned by the state.

11 (b) The Secretary of the Department of Human Services is not limited to using state
12 properties which are already within the possession of the Department of Human Services.
13 Instead, the Secretary is authorized to coordinate with other state agencies and the State Board of
14 Education to determine what existing state properties could be used for a childcare facility.
15 Recognizing the social and economic value of placing children at in-state facilities, other state

16 agencies should act collaboratively with the Department of Human Services to identify what state
17 properties can serve a better public need through repurposing in accordance with this article.

18 (c) The Secretary of the Department of Human Services may enter into operating or
19 management agreements with private entities to effectuate the purposes of this section, and may
20 disburse funds to do so.

21 (1) An operating or management agreement may include a lease agreement for the
22 property. The Department may collaborate with a contracted operator or manager, or a
23 prospective operator or manager, during the rehabilitation phase.

24 (2) A third party contractually authorized to operate or manage an in-state facility at a
25 property owned by the state may not accept the placement of out-of-state children, unless the
26 Department affirms, in writing, that the placement needs for in-state children is presently satisfied.
27 The Department may require the private operator or manager to leave one or more beds
28 unassigned in the event that the need for placement of in-state children arises.

§49-13-104. Legislative Rulemaking.

1 The Secretary of the Department of Human Services is authorized to promulgate
2 legislative rules, emergency legislative rules, and procedural rules pursuant to the requirements of
3 §29A-3-1 et seq. of this code.

NOTE: The purpose of this bill is to provide for the renovation and repair of state-owned properties and buildings to expand high-acuity psychiatric, neurodevelopmental, and trauma services for children in West Virginia.

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