

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 399**

By Senators smith (Mr. President) and Woelfel

[By Request of the Executive]

[Reported February 24, 2026, from the Committee on  
the Judiciary]

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 creating the  
3 Bring Them Home Fund; providing legislative findings and purpose; establishing criteria for  
4 receipt and disbursement of moneys; requiring certain coordination and cooperation  
5 among state agencies; authorizing certain agreements to fulfill the purpose of the fund; and  
6 granting authority to promulgate legislative, procedural, and emergency rules.

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

**ARTICLE 13. BRING THEM HOME FUND.**

**§49-13-101. Legislative findings and purpose.**

1 (a) The Legislature finds as follows:

2 (1) When a child is in need of in-patient placement for acute psychiatric,  
3 neurodevelopmental, or trauma services, that child should be able to receive adequate services  
4 within their home state;

5 (2) Placement in an out-of-state residential childcare and treatment facility not only bears a  
6 significantly higher cost than a similar in-state placement, but the distance can make it more  
7 difficult for the department to have meaningful engagement with the child and his or her treatment  
8 team; and

9 (3) Most importantly, an out-of-state placement means that a child who is already in a crisis  
10 situation may lose any family support he or she might have.

11 (b) The purpose of this article is to address a valuable public need to create more quality,  
12 in-state placement facilities that are able to provide necessary residential treatment to the children  
13 who need it most.

**§49-13-102. Bring Them Home Fund created.**

1 (a) A special revenue fund is created and designated the "Bring Them Home Fund" to be  
2 administered by the Secretary of the Department of Human Services. As used in this article,  
3 "fund" means the Bring Them Home Fund. The fund consists 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 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;

9           (4) Any moneys generated through a revolving funding structure; and

10          (5) Any moneys reinvested pursuant to subsection (b) of this section.

11          (b) The secretary shall reinvest savings from decreased numbers of out-of-state  
12 placements directly into the fund for continued expansion of high-quality child welfare treatment  
13 facilities and services.

14          (c) Any moneys received by the secretary for the purpose of the fund shall be paid into the  
15 fund and managed and disbursed as set forth in this article, unless such a transfer is not allowable  
16 by law.

17          (d) Any moneys remaining in the fund at the end of a fiscal year do not revert to the General  
18 Revenue Fund but remain in the fund to be expended pursuant to this article.

**§49-13-103. Disbursement.**

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

3           (1) To renovate existing state properties for the purpose of expanding high-acuity  
4 psychiatric, neurodevelopmental, or 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 children 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, a state-owned, in-state, in-patient, childcare  
10 facility.

11           (b) The secretary is not limited to using state properties which are already within the  
12 possession of the Department of Human Services. The secretary may coordinate with other state  
13 agencies and the State Board of Education to determine any existing state properties that could be  
14 used for a childcare facility. Recognizing the social and economic value of placing children at in-  
15 state facilities, other state agencies shall act collaboratively with the Department of Human  
16 Services to identify any state properties that can better serve a public need through repurposing in  
17 accordance with this article.

18           (c) The secretary may enter into operating or management agreements with private  
19 entities to fulfill the purposes of this section and may disburse funds to do so.

20           (1) An operating or management agreement may include, without limitation, a lease  
21 agreement for real property. The Department may collaborate with a contracted operator or  
22 manager, or a prospective operator or manager, during the rehabilitation phase.

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

**§49-13-104. Rules; emergency rules.**

1           (a) The Secretary of the Department of Human Services may promulgate legislative and  
2 procedural rules pursuant to the provisions of §29A-3-1 et seq. of this code.

3           (b) The Legislature finds that an emergency exists and, therefore, on or before September  
4 1, 2026, the secretary may promulgate an emergency rule to implement the provisions of this  
5 article in accordance with §29A-3-15 of this code.