

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 404

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 the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §9-2-6b, relating to the authority of the Secretary of the Department of Human
3 Services to contract and collaborate with both secular and faith-based providers of child
4 welfare services; and permitting parent or legal guardian to object to placement at faith-
5 based service on religious expression grounds.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 2. COMMISSIONER OF HUMAN SERVICES; POWERS, DUTIES AND
RESPONSIBILITIES GENERALLY.**

§9-2-6b. Secretary to contract and collaborate with providers of child welfare services.

1 (a) In addition to the authority in §5F-2-2 and §9-2-6 of this code, the secretary is
2 authorized to contract and collaborate with providers of child welfare services to facilitate the
3 provisions of services required under §49-1-101 et seq. of this code. Both secular and faith-based
4 organizations may be considered appropriate providers of child welfare services.

5 (b) A faith-based organization may serve as a contractor in the delivery of services under
6 any program, on the same basis as any other nongovernmental provider, without impairing the
7 religious character of the faith-based organization. A faith-based organization which has entered
8 into a contract with the department shall retain its independence from state and local governments
9 with regard to control over the definition, development, practice, and expression of its religious
10 beliefs. The department may not require a faith-based organization to alter its form of internal
11 governance or remove religious art, icons, scripture, or other symbols in order to be eligible to
12 contract as a provider. When the department enters into a contract with a faith-based
13 organization, it does so upon the understanding that the organization will maintain its nonsecular
14 identity, without interference from the state.

15 (c) If the legal parent or guardian of a child objects to the placement of a child at a faith-
16 based organization, on the grounds of religious expression, then the department shall find an

17 alternative placement for the child, as soon as reasonably able, so long as the change in
18 placement does not violate a court order. If either the child or another legal parent or guardian
19 wants the child to remain in placement at a faith-based organization, then the matter shall be set
20 for hearing.