

# **WEST VIRGINIA LEGISLATURE**

**2026 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 937**

BY SENATOR WILLIS

[Reported February 26, 2026, from the Committee on  
the Judiciary]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
2 designated §49-2-131, relating to community-based child welfare systems; providing  
3 legislative findings and purpose; establishing a community-based child welfare system  
4 pilot program in certain counties; providing dates for reporting, bidding, and  
5 implementation; identifying roles and responsibilities of bureau; providing for transfer of  
6 cases to community-based provider; creating guidelines for provider participation;  
7 establishing negotiated case-rate structure; permitting providers to retain savings;  
8 requiring providers to assume risks of increased costs; delegating rule-making authority;  
9 setting workforce and practice standards; providing bureau with oversight authority;  
10 limiting civil liability of providers in certain circumstances; establishing reporting  
11 requirements; and providing bureau with legislative and emergency rule-making authority.

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

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

### **§49-2-131. Community-based child welfare phased implementation.**

1 (a) Legislative findings and purpose. —  
2 The Legislature finds that:  
3 (1) Child Protective Services within the Bureau for Social Services performs a critical  
4 governmental function in receiving reports of abuse and neglect, conducting investigations, and  
5 determining immediate child safety.  
6 (2) Evidence from multiple states demonstrates that community-based child welfare  
7 systems improve child safety, permanency, and well-being by engaging local providers, reducing  
8 time in care, and maintaining children’s connections to families and communities.  
9 (3) A phased and geographically limited approach allows the state to evaluate outcomes,  
10 fiscal accountability, and operational readiness before broader implementation.  
11 (b) Initial implementation regions and future implementation. —

12 (1) The Bureau for Social Services shall request bids for a lead agency, as set forth in  
13 subsection (d) of this section, on or before January 1, 2027, with a contract awarded to a lead  
14 agency on or before July 1, 2027.

15 (2) On or before December 1, 2026, the Bureau for Social Services shall provide to the  
16 Legislative Oversight Commission on Health and Human Resources an implementation plan that  
17 sets forth in detail a plan to effectuate the obligations created by this section.

18 (3) The community-based child welfare phased implementation shall begin on or before  
19 January 1, 2028 in:

20 (1) Berkeley County and Jefferson County; and

21 (2) Summers County, Raleigh County, Fayette County, and Monroe County.

22 (3) Further expansion to all social services regions within the state shall occur on July 1,  
23 2029, absent prior legislation to the contrary.

24 (c) Roles and responsibilities. —

25 (1) The Bureau for Social Services shall retain exclusive authority for:

26 (A) Intake of abuse and neglect referrals;

27 (B) Child Protective Services investigations;

28 (C) Safety assessments and determinations;

29 (D) Emergency custody decisions during investigation; and

30 (E) Court responsibility during investigation and emergency removal.

31 (2) Case transfer. —

32 (A) Upon completion of the Child Protective Services intake investigation and a  
33 determination that a case requires removal of the child or children, ongoing court supervision, or  
34 services, the department shall transfer responsibility for case management, service coordination,  
35 and court-related functions to a contracted community-based provider.

36 (B) No case shall be transferred to a provider prior to the completion of the Child Protective  
37 Services intake investigation, and no case shall remain with the department solely by reason of  
38 removal or placement status once the case has been opened for ongoing services.

39 (3) Nothing in this section shall be construed to delegate, privatize, or otherwise modify  
40 Child Protective Services investigative authority.

41 (d) Contracted community-based providers. —

42 (1) Provider. — The Bureau for Social Services shall contract with one qualified private  
43 provider, as the lead or managing agency, to deliver community-based child welfare services  
44 within each implementation region.

45 (2) Provider qualifications. — Contracted providers shall:

46 (A) Be organizations in good standing with state and federal regulatory authorities;

47 (B) Hold relevant national accreditation or demonstrate equivalent capacity;

48 (C) Demonstrate financial solvency and operational readiness; and

49 (D) Demonstrate an ability to serve assigned cases.

50 (e) Subcontractors. — Providers shall deliver services directly or through the use of  
51 subcontractors.

52 (f) Contract Structure and Financing. —

53 (1) Case-rate payment model. — Contracts shall use a negotiated case-rate structure,  
54 including anticipated start-up costs covering the full continuum of care from case opening through  
55 permanency and aftercare. Rates shall reflect the provider's assumption of:

56 (A) Case management responsibilities;

57 (B) Court-related obligations after the preliminary hearing in an abuse and neglect  
58 proceeding; and

59 (C) Service coordination and placement oversight. Case rates shall be actuarially sound,  
60 fiscally responsible, and mutually agreed upon, and shall be reviewed periodically to ensure  
61 alignment with service utilization and outcomes.

62 (2) Risk-based contracting. — Contracts shall include shared-risk provisions whereby:

63 (A) Providers may retain savings achieved through improved outcomes; and

64 (B) Providers assume responsibility for costs exceeding the case rate, subject to defined  
65 risk corridors.

66 (g) Workforce and practice standards. — Contracts shall:

67 (1) Define required functions and outcomes, rather than prescriptive staffing models; and

68 (2) Establish caseload expectations consistent with best practices.

69 (h) Oversight and accountability. — The Bureau for Social Services shall retain oversight  
70 authority for:

71 (1) Contract compliance;

72 (2) Performance measurement;

73 (3) Fiscal accountability; and

74 (4) Data reporting and audits.

75 (i) A contracted community-based provider retained pursuant to this section, and its  
76 officers, employees, and agents, are not liable for civil damages arising from acts or omissions  
77 undertaken in good faith and within the scope of responsibilities delegated pursuant to this section  
78 and the applicable contract with the department, except in cases of gross negligence, intentional  
79 deception, or willful misconduct.

80 The Bureau for Social Services shall not assume day-to-day operational or court case  
81 management functions once a case has been transferred to a provider.

82 (j) Evaluation and reporting. — Within 12 months of implementation, the Bureau for Social  
83 Services shall submit a report to the Joint Committee on Government and Finance which shall  
84 contain evaluations on:

85 (1) Child safety, permanency, and well-being outcomes;

86 (2) Fiscal performance and cost trends;

87 (3) Provider performance and system capacity; and

88 (4) Recommendations for continuation or expansion.

89 (k) Funding. — The Bureau for Social Services shall pay for the costs associated with this  
90 implementation of this legislation out of its existing appropriation.

91 (l) Rules. — The Bureau for Social Services shall propose rules for legislative approval in  
92 accordance with §29A-3-1 et seq. of this code and procedural rules in accordance with the  
93 provisions of chapter 29A of this code in order to implement provisions of this section and to carry  
94 out the duties prescribed in this section. The Bureau for Social Services shall also promulgate  
95 emergency rules pursuant to §29A-3-15 of this code to effectuate the January 1, 2028,  
96 implementation of the program as set forth in subsection (b) of this section.