

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 99**

**FISCAL  
NOTE**

By Senator Woelfel

[Introduced January 14, 2026; referred  
to the Committee on Health and Human Resources;  
and then to the Committee on the Judiciary]

1 A BILL to amend and reenact §49-1-201, §49-2-101, §49-2-809, §49-2-813, and §49-11-101 of the  
2 Code of West Virginia, 1931, as amended, relating to child welfare; defining terms; stating  
3 that protective services include both an investigative track and a family assessment track;  
4 requiring the Bureau for Social Services to establish a system of differential response and  
5 use appropriate screening tools to respond to reports received by centralized intake that  
6 complies with relevant law; and clarifying statistical index data and data retention  
7 requirements.

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

**ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**

**§49-1-201. Definitions related, but not limited, to child abuse and neglect.**

1 When used in this chapter, terms defined in this section have the meanings ascribed to  
2 them that relate to, but are not limited to, child abuse and neglect, except in those instances where  
3 a different meaning is provided or the context in which the word is used clearly indicates that a  
4 different meaning is intended.

5 "Abandonment" means any conduct that demonstrates the settled purpose to forego the  
6 duties and parental responsibilities to the child:

7 "Abused child" means:

8 (1) A child whose health or welfare is being harmed or threatened by:

9 (A) A parent, guardian, or custodian who knowingly or intentionally inflicts, attempts to  
10 inflict, or knowingly allows another person to inflict, physical injury or mental or emotional injury,  
11 upon the child or another child in the home. Physical injury may include an injury to the child as a  
12 result of excessive corporal punishment;

13 (B) Sexual abuse or sexual exploitation;

14 (C) The sale or attempted sale of a child by a parent, guardian, or custodian in violation of  
15 §61-2-14h of this code;

16 (D) Domestic violence as defined in §48-27-202 of this code; or

(E) Human trafficking or attempted human trafficking, in violation of §61-14-2 of this code.

(2) A child conceived as a result of sexual assault, as that term is defined in this section, or as a result of the violation of a criminal law of another jurisdiction which has the same essential elements: *Provided*, That no victim of sexual assault may be determined to be an abusive parent, as that term is defined in this section, based upon being a victim of sexual assault.

"Abusing parent" means a parent, guardian, or other custodian, regardless of his or her age, whose conduct has been adjudicated by the court to constitute child abuse or neglect as alleged in the petition charging child abuse or neglect.

"Battered parent" for the purposes of §49-4-601 *et seq.* of this code means a respondent parent, guardian, or other custodian who has been adjudicated by the court to have not condoned the abuse or neglect and has not been able to stop the abuse or neglect of the child or children due to being the victim of domestic violence as defined by §48-27-202 of this code, which was perpetrated by the same person or persons determined to have abused or neglected the child or children.

"Child abuse and neglect" or "child abuse or neglect" means any act or omission that creates an abused child or a neglected child as those terms are defined in this section.

"Child abuse and neglect services" means social services which are directed toward:

~~(A)~~ (1) Protecting and promoting the welfare of children who are abused or neglected;

~~(B)~~ (2) Identifying, preventing, and remedying conditions which cause child abuse and neglect;

~~(C)~~ (3) Preventing the unnecessary removal of children from their families by identifying family problems and assisting families in resolving problems which could lead to a removal of children and a breakup of the family;

~~(D)~~ (4) In cases where children have been removed from their families, providing time-limited reunification services to the children and the families so as to reunify those children with their families, or some portion of the families;

43           ~~(E)~~ (5) Placing children in suitable adoptive homes when reunifying the children with their  
44 families, or some portion of the families, is not possible or appropriate; and

45           ~~(F)~~ (6) Assuring the adequate care of children or juveniles who have been placed in the  
46 custody of the department or third parties.

47           "Condition requiring emergency medical treatment" means a condition which, if left  
48 untreated for a period of a few hours, may result in permanent physical damage; that condition  
49 includes, but is not limited to, profuse or arterial bleeding, dislocation or fracture,  
50 unconsciousness, and evidence of ingestion of significant amounts of a poisonous substance.

51           "Family assessment response" means a response to selected reports of child abuse and  
52 neglect using a family-centered approach that is protection- and prevention-oriented and that  
53 evaluates the strengths and needs of the child's family, as well as the conditions of the child. These  
54 cases may be staffed by socially necessary service providers or other providers contracted by the  
55 Department of Human Services to conduct this assessment. Any external service providers  
56 contracted by the Department of Human Services to conduct a family assessment response shall  
57 be trained to recognize signs of abuse and neglect.

58           "Imminent danger to the physical well-being of the child" means an emergency situation in  
59 which the welfare or the life of the child is threatened. These conditions may include an emergency  
60 situation when there is reasonable cause to believe that any child in the home is or has been  
61 sexually abused or sexually exploited, or reasonable cause to believe that the following conditions  
62 threaten the health, life, or safety of any child in the home:

63           ~~(A)~~ (1) Nonaccidental trauma inflicted by a parent, guardian, custodian, sibling, babysitter,  
64 or other caretaker;

65           ~~(B)~~ (2) A combination of physical and other signs indicating a pattern of abuse which may  
66 be medically diagnosed as battered child syndrome;

67           ~~(C)~~ (3) Nutritional deprivation;

68           ~~(D)~~ (4) Abandonment by the parent, guardian, or custodian;

~~(E)~~ (5) Inadequate treatment of serious illness or disease;

~~(F)~~ (6) Substantial emotional injury inflicted by a parent, guardian, or custodian;

~~(G)~~ (7) Sale or attempted sale of the child by the parent, guardian, or custodian;

~~(H)~~ (8) The parent, guardian, or custodian's abuse of alcohol or drugs or other controlled substance as defined in §60A-1-101 of this code, has impaired his or her parenting skills to a degree as to pose an imminent risk to a child's health or safety; or

~~(I)~~ (9) Any other condition that threatens the health, life, or safety of any child in the home.

"Investigative assessment response" means a response to reports of child abuse and neglect using a formal information gathering process to determine whether a child is abused, neglected, or neglected and abused.

"Neglected child" means a child:

~~(A)~~ (1) Whose physical or mental health is harmed or threatened by a present refusal, failure, or inability of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care, or education, when that refusal, failure, or inability is not due primarily to a lack of financial means on the part of the parent, guardian, or custodian;

~~(B)~~ (2) Who is presently without necessary food, clothing, shelter, medical care, education, or supervision because of the disappearance or absence of the child's parent or custodian; or

~~(C)~~ (3) "Neglected child" does not mean a child whose education is conducted within the provisions of §18-8-1 *et seq.* of this code.

"Petitioner or copetitioner" means the department or any reputable person who files a child abuse or neglect petition pursuant to §49-4-601 *et seq.* of this code.

"Permanency plan" means the part of the case plan which is designed to achieve a permanent home for the child in the least restrictive setting available.

"Respondent" means all parents, guardians, and custodians identified in the child abuse and neglect petition who are not petitioners or copetitioners.

95 "Sexual abuse" means:

96 ~~(A)~~ (1) Sexual intercourse, sexual intrusion, sexual contact, or conduct proscribed by §61-  
97 8c-3 of this code, which a parent, guardian, or custodian engages in, attempts to engage in, or  
98 knowingly procures another person to engage in, with a child notwithstanding the fact that for a  
99 child who is less than 16 years of age, the child may have willingly participated in that conduct or  
100 the child may have suffered no apparent physical, mental, or emotional injury as a result of that  
101 conduct or, for a child 16 years of age or older, the child may have consented to that conduct or the  
102 child may have suffered no apparent physical injury or mental or emotional injury as a result of that  
103 conduct;

104 ~~(B)~~ (2) Any conduct where a parent, guardian, or custodian displays his or her sex organs  
105 to a child, or procures another person to display his or her sex organs to a child, for the purpose of  
106 gratifying the sexual desire of the parent, guardian, or custodian, of the person making that  
107 display, or of the child, or for the purpose of affronting or alarming the child; or

108 ~~(C)~~ (3) Any of the offenses proscribed in §61-8b-7, §61-8b-8, or §61-8b-9 of this code.

109 "Sexual assault" means any of the offenses proscribed in §61-8b-3, §61-8b-4, or §61-8b-5  
110 of this code.

111 "Sexual contact" means sexual contact as that term is defined in §61-8b-1 of this code.

112 "Sexual exploitation" means an act where:

113 ~~(A)~~ (1) A parent, custodian, or guardian, whether for financial gain or not, persuades,  
114 induces, entices, or coerces a child to engage in sexually explicit conduct as that term is defined in  
115 §61-8c-1 of this code;

116 ~~(B)~~ (2) A parent, guardian, or custodian persuades, induces, entices, or coerces a child to  
117 display his or her sex organs for the sexual gratification of the parent, guardian, custodian, or a  
118 third person, or to display his or her sex organs under circumstances in which the parent,  
119 guardian, or custodian knows that the display is likely to be observed by others who would be  
120 affronted or alarmed; or

(C) (3) A parent, guardian, or custodian knowingly maintains or makes available a child for the purpose of engaging the child in commercial sexual activity in violation of §61-14-5 of this code.

"Sexual intercourse" means sexual intercourse as that term is defined in §61-8b-1 of this code.

"Sexual intrusion" means sexual intrusion as that term is defined in §61-8b-1 of this code.

"Serious physical abuse" means bodily injury which creates a substantial risk of death, causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

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

### **§49-2-101. Authorization and responsibility; Bureau for Social Services.**

(a) The Bureau for Social Services is continued within the department. The bureau is under the immediate supervision of a commissioner.

(b) The Bureau for Social Services is authorized to provide care, support, and protective services for children who are handicapped by dependency, neglect, single parent status, mental or physical disability, or who for other reasons are in need of public service. The bureau is also authorized to accept children for care from their parent or parents, guardian, custodian, or relatives, and to accept the custody of children committed to its care by courts. Protective services shall include the screening of reports, the performance of an assessment using either a family assessment response or an investigative assessment response, casework, or other services to help parents, guardians, other caretakers, and the court to prevent abuse, neglect, or abuse and neglect, to protect children, and preserve and strengthen families. The bureau or any county office of the department is also authorized to accept temporary custody of children for care from any law-enforcement officer in an emergency situation.

(c) The bureau is responsible for the care of the infant child of an unmarried mother who has been committed to the custody of the department while the infant is placed in the same

licensed child welfare agency as his or her mother. The bureau provides care for those children in family homes meeting required standards, at board or otherwise, through a licensed child welfare agency, or in a state institution providing care for dependent or neglected children. If practical, when placing any child in the care of a family or a child welfare agency, the bureau shall select a family holding the same religious belief as the parents or relatives of the child, or a child welfare agency conducted under religious auspices of the same belief as the parents or relatives.

(d) The Bureau of Social Services shall utilize a system of differential response that is based upon the severity of the report of child abuse or neglect which may include an investigative assessment of child abuse or neglect, family assessment and services, or referrals to prevention services.

**§49-2-809. Reporting procedures.**

(a) Reports of child abuse and neglect pursuant to this article shall be made immediately to the Bureau for Social Services. Reports of child abuse and neglect shall be made to the Bureau of Social Services via a 24-hour, seven-day-a week hotline (centralized intake) that shall be maintained by the Bureau of Social Services to receive calls reporting suspected or known child abuse or neglect or such reports may be made via web-based reporting (email, electronic fax, fillable form, or other electronic form) that sends the reports to a live person to handle the reports immediately. Both systems shall give the reporter a specific case identifier immediately upon making a report. Notwithstanding any other provisions of the code to the contrary, the Bureau for Social Services shall utilize a system of differential response whereby when the Bureau for Social Services receives reports through its centralized intake system, the Bureau for Social Services shall utilize a differential response which shall comply with all relevant statutory provisions including but not limited to the frequency, severity, and overall risk to the child, and shall use the appropriate maltreatment screening tool to evaluate and screen reports. The Bureau for Social Services shall determine the appropriate assessment track for the matter:

(1) The screening tool shall analyze risk-indicative factors, including but not limited to, prior



16 child protective service involvement, and recent repeat reports made to centralized intake;

17 (2) The screening tool shall include information on the role of the reporter, the age of the  
18 child, the presence of prior child protective service involvement, and the number and recency of  
19 reports made to centralized intake.

20 (b) If a report of child abuse and neglect is made in any fashion other than specified in  
21 subsection (a) of this section, then Bureau of Social Services is still required to act upon such  
22 report as if the report were made to centralized intake.

23 (c) A copy of any report of serious physical abuse, sexual abuse, or assault shall be  
24 forwarded by the department to the appropriate law-enforcement agency, the prosecuting  
25 attorney, or the coroner or medical examiner's office. All reports under this article are confidential.  
26 Reports of known or suspected institutional child abuse or neglect shall be made and received as  
27 all other reports made pursuant to this article.

28 (d) The department shall annually submit a report in an electronic format, via the legislative  
29 webpage, on July 1 to the Joint Committee on Government and Finance, which shall contain: How  
30 many calls were made to centralized intake on a per county basis, how many calls were referred to  
31 centralized intake on a per county basis, how many calls were screened out centralized intake on  
32 a per county basis, and the time from referral to investigation on a per county basis.

33 (e) All reports made to centralized intake by email, fax, fillable form, or other electronic form  
34 from a reporter, shall be retained in the Comprehensive Child Welfare Information System in its  
35 original format for at least 12 months.

36 (f) Audio files recorded from reports made to centralized intake shall be retained in the  
37 Comprehensive Child Welfare Information System for at least 12 months.

38 (g) Any such person receiving a report pursuant to subsection (b) of this section shall make  
39 a written record in the Comprehensive Child Welfare Information system detailing the report and  
40 retain that record in an appropriate format for a period of at least 12 months.

**§49-2-813. Statistical index; reports.**

The Department of Human Services shall maintain a statewide child abuse and neglect statistical index of all substantiated and unsubstantiated allegations of child abuse or neglect cases to include information contained in the reports required under this article and any other information considered appropriate by the Secretary of the Department of Human Services. Nothing in the statistical data index maintained by the Department of Human Services may contain information of a specific nature that would identify individual cases or persons. Notwithstanding section two hundred one, article four of this chapter, the Department of Human Services shall provide copies of the statistical data maintained pursuant to this subsection to the State Police child abuse and neglect investigations unit to carry out its responsibilities to protect children from abuse and neglect.

<b>ARTICLE</b>	<b>11.</b>	<b>SYSTEM</b>	<b>REPORTING.</b>
<b>§49-11-101.</b>	<b>Systemic</b>	<b>reporting</b>	<b>transparency.</b>

(a) The commissioner shall update the existing child welfare data dashboard by July 1, 2026, and shall update the child welfare data dashboard monthly thereafter to report on system-wide issues including, but not limited to, system-level performance indicators, intake hotline performance indicators, field investigation performance indicators, open case performance indicators, out-of-home placement performance indicators, ~~and~~ federally mandated performance indicators, and information on child fatality and near fatality information including, but not limited to, time to first contact to all children, information on children in non-placement or temporary lodging status.

(b) The Commissioner shall update the existing child welfare data dashboard with information on child fatality and near fatality information related to those cases subject to review by the Critical Incident Review Team as set forth in §61-12B-1 *et seq.* of this code within 48 hours of a child fatality or near fatality. With respect to child fatality or near fatality information, the Department of Human Services shall report the following variables: the date of the incident, the child's sex, and the child's age. The data dashboard shall provide a link to the final report of the

15 Critical Incident Review Team within 24 hours of its completion. The Commissioner shall send a  
16 notification, within 24 hours of child fatalities or near fatalities, to the Secretary of Human Services  
17 to enable it to convene a meeting of the Critical Incident Review Team.

18 (c) The child welfare data dashboard shall include workforce information including, but not  
19 limited to, the number of child protective services staff that have been hired but who have not  
20 completed training, the number and vacancies of adoption workers, and the number and  
21 vacancies of home finders.

22 (d) Starting July 1, 2026, the data reported on the child welfare data dashboard shall be  
23 represented as a point in time number and trended over time. Beginning July 1, 2026, the data  
24 shall be saved in a way to allow public users to search the dashboard yearly by reporting date, and  
25 by county. The Department of Human Services may apply data suppression in order to protect  
26 individual identification as necessary.

NOTE: The purpose of this bill is to provide screening tools and data information to assist in  
assessing child welfare cases.

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