

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 744

BY SENATORS HELTON, WILLIS, DEEDS, AND GARCIA

[Introduced February 4, 2026; referred
to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §49-11-101, §61-12B-1, §61-12B-3, and §61-12B-5 of the Code of
2 West Virginia, 1931, as amended, relating to the Critical Incident Review Team; requiring
3 the commissioner to send a notification of child fatality or near fatality to the Office of the
4 Inspector General within 24 hours to convene Critical Incident Review Team; clarifying
5 that the Critical Incident Review Team is continued under jurisdiction of the Office of the
6 Inspector General; requiring the Foster Care Ombudsman to chair the Critical Incident
7 Review Team rather than the Commissioner of the Bureau for Social Services; and listing
8 the Commissioner of the Bureau for Social Services or designee as member of the Critical
9 Incident Review Team.

Be it enacted by the Legislature of West Virginia:

CHAPTER 49. CHILD WELFARE.

ARTICLE 11. SYSTEM REPORTING.

§49-11-101. Systemic reporting transparency.

1 (a) The commissioner shall update the existing child welfare data dashboard by July 1,
2 2026, and shall update the child welfare data dashboard monthly thereafter to report on system-
3 wide issues including, but not limited to, system-level performance indicators, intake hotline
4 performance indicators, field investigation performance indicators, open case performance
5 indicators, out-of-home placement performance indicators, and federally mandated performance
6 indicators including, but not limited to, time to first contact to all children, information on children
7 in non-placement, or temporary lodging status.

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

13 child's sex, and the child's age. The data dashboard shall provide a link to the final report of the
14 Critical Incident Review Team within 24 hours of its completion. The commissioner shall send a
15 notification, within 24 hours of child fatalities or near fatalities, to the ~~Secretary of Human Services~~
16 Office of Inspector General to enable it to convene a meeting of the Critical Incident Review Team.

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

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

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 12B. CRITICAL INCIDENT REVIEW TEAM.

§61-12B-1. Purpose.

1 The Critical Incident Review Team is ~~created~~ continued under the ~~Department of Human~~
2 ~~Services~~ Office of Inspector General for the purpose of reviewing fatalities and near fatalities
3 involving children involved in the child welfare system and making recommendations to identify
4 effective prevention and intervention processes to decrease preventable child fatalities and near
5 fatalities in the child welfare system.

§61-12B-3. Creation of the Critical Incident Review Team and composition of members.

1 (a) The Critical Incident Review Team is ~~created~~ continued under the Office of the
2 Inspector General and is a multidisciplinary team created to oversee and coordinate the
3 examination, review, and assessment of:

4 (1) The fatality or near fatality of a child in the custody of the Department of Human
5 Services;

6 (2) The fatality or near fatality of a child who has a known case with the Department of
7 Human Services or who is the immediate family member or a member of a household of a person
8 with a known case with the Department of Human Services; and

9 (3) The fatality or near fatality of a child whose identity has been brought to the attention
10 of the Department of Human Services through a centralized intake report, regardless of whether
11 the report was accepted for an investigation.

12 (b) The Critical Incident Review Team shall consist of the following members:

13 ~~(1) The Commissioner of the Bureau for Social Services, or his or her designee, who is to~~
14 ~~serve as the chairperson, and is responsible for calling and coordinating meetings of the Critical~~
15 ~~Incident Review Team~~ The Foster Care Ombudsman, or his or her designee, is to serve as the
16 chairperson, and is responsible for calling and coordinating meetings of the Critical Incident
17 Review Team;

18 (2) The Commissioner of the Bureau for Social Services, or his or her designee;

19 ~~(2)~~ (3) The Director of the Division of Planning and Quality Improvement;

20 ~~(3) The Deputy Commissioner of the Bureau for Social Services;~~

21 (4) A representative from the Office of Field Support, Programs and Resource
22 Development, Planning and Research, or the Office of Field Operations;

23 (5) The social services manager for any district having a history with the child or his or her
24 family or any household member that is the subject of the critical incident review;

25 ~~(6) The Foster Care Ombudsman, or his or her designee;~~

26 ~~(7)~~ (6) A representative of the West Virginia Supreme Court of Appeals, Division of
27 Children Services;

28 ~~(8)~~ (7) A representative from the Prosecuting Attorneys Institute;

29 ~~(9)~~ (8) The Superintendent of the West Virginia State Police or his or her designee;

30 ~~(40)~~ (9) A member of the West Virginia Senate, appointed by the President of the Senate,
31 who shall serve as an ex officio member; and

32 ~~(44)~~ (10) A member of the West Virginia House of Delegates, appointed by the Speaker
33 of the House, who shall serve as an ex officio member.

34 (c) Each member shall serve without additional compensation and may not be reimbursed
35 for any expenses incurred in the discharge of his or her duties under the provisions of this article.

36 (d) The Critical Incident Review Team may seek guidance and opinion regarding any
37 matter under review from outside experts in any related field. At any such time, the Critical Incident
38 Review Team shall require that all appropriate privacy requirements required in this article are in
39 place.

§61-12B-5. Reporting of the Critical Incident Review Team.

1 ~~(a)(1) The Critical Incident Review Team~~ Office of Inspector General shall submit an initial
2 report within 75 days of the fatality or near fatality to the Legislative Oversight Commission on
3 Health and Human Resources Accountability with updated reports every 90 days.

4 (2) Any initial reports submitted mid-year and any other updated reports to be made shall
5 be compiled into a final report to be submitted to the Legislative Oversight Commission on Health
6 and Human Resources Accountability which shall be submitted no later than December 1 each
7 year.

8 (b) The report is to include statistical information and an epidemiological analysis
9 concerning cases reviewed during the year, trends and patterns concerning these cases, and the
10 team's recommendations to reduce the number of fatalities and near fatalities that occur in this
11 state.

12 ~~(c) The Critical Incident Review Team~~ Office of Inspector General may provide reporting
13 to child residential facilities to inform their internal peer review activities. Such information shall
14 be deemed confidential and shall be used only for peer review purposes.