

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Committee Substitute for**

## **House Bill 4390**

By Delegates Burkhammer, Moore, and Heckert

[Introduced Committee on Health and Human  
Resources; Reported on January 22, 2025]

1 A BILL to amend the Code of West Virginia, as amended, 1931, by adding a new section,  
2 designated §49-2-815, relating to the making a temporary payment to a kinship parent of a  
3 subsidy equal to that of a foster parent.

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

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

**§49-2-815. Temporary increase in kinship payment subsidy.**

1 (a) Temporary increase in subsidy amount. — Notwithstanding any other provision to the  
2 contrary, a kinship parent shall be eligible for a temporary increase in the subsidy amounts equal  
3 to that of the foster parent subsidy if at the time of initial placement, the following conditions are  
4 satisfied:

5 (1) The kinship parent shall submit to state and national history record check which shall be  
6 submitted within five days of the initial date of placement;

7 (2) The kinship parent shall pass state and national criminal history record check;

8 (3) The kinship placement passes an initial home screening to identify and to correct life  
9 safety issues; and

10 (4) The Department of Human Services shall provide a list of available child placing  
11 agencies to the kinship parent that can assist them with obtaining certification as a foster parent  
12 and compliance with all other aspects of certification.

13 (b) Time frame for temporary increase. — The temporary increase in subsidy amounts  
14 becomes payable to the kinship parent within 30 days of the initial kinship placement and will  
15 continue for a period of no more than six months at the temporary rate to allow the kinship parent  
16 to become certified. The subsidy will be payable to the kinship placement each month on the first  
17 business day of the month. If the kinship parent is unable or unwilling to become certified as a  
18 foster parent at the end of the six-month period, the temporary increase will be removed and is no  
19 longer payable. All other resources available to a kinship parent shall be available to a kinship  
20 parent regardless of their certification status.

21 (c) Authority to conduct background check.—The Department of Human Services is  
22 hereby authorized to conduct a state and national criminal history criminal record check as set  
23 forth in this section, including:

24 (1) Submitting fingerprints for the purposes set forth in this subsection; and

25 (2) Authorizing the board, the West Virginia State Police, and the Federal Bureau of  
26 Investigation to use all records submitted and produced for the purpose of screening the applicant  
27 for the kinship placement.

28 (d) The results of the state and national criminal history record check may not be released  
29 to or by a private entity except;

30 (1) To the individual who is the subject of the criminal history record check;

31 (2) With the written authorization of the individual who is the subject of the criminal history  
32 record check; or

33 (3) Pursuant to a court order.

34 (e) The criminal history record check and related records are not public records for the  
35 purposes of §29B-1-1 et seq. of this code.

36 (f) The applicant shall ensure that the criminal history record check is completed as soon  
37 as possible after the date of the original placement for prompt processing of the temporary  
38 increase in the kinship subsidy.

39 (g) The kinship parent shall pay the actual costs of the fingerprinting and criminal history  
40 record check.