

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2885

FISCAL
NOTE

BY DELEGATE HIGGINBOTHAM

[Introduced March 03, 2021; Referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §49-2-110a, relating to the occurrence of the death of a child in foster care;
 3 requiring persons having custody of the child to immediately notify the Department of
 4 Health and Human Resources of the death; requiring that the department notify the
 5 parents and legal guardians of the death; and providing exceptions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-110a. Notification of parents and legal guardian upon the death of a child in foster care.

1 Upon the occurrence of the death of a child in foster care, the person having the legal or
 2 physical custody of the child shall immediately notify the department of the death and of the
 3 circumstances of the death of the child. Upon becoming aware of the death of a child in foster
 4 care, the department shall immediately, or as soon as reasonably possible, use all reasonable
 5 diligent efforts to notify the parents, both biological and adoptive, and legal guardians of the death
 6 of the child, unless:

7 (1) Prohibited by court order; or

8 (2) The department determines in its sole discretion that the notification would place
 9 another child in immediate danger of harm or would be highly detrimental to the welfare of another
 10 child.

NOTE: The purpose of this bill is to require persons having custody of a child in foster care to immediately notify the Department of Health and Human Resources of the occurrence of the death of the child; and requiring that the department notify the parents and legal guardians of the death.

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