

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

House Bill 2538

By Delegates Summers, Shamblin, Forsht, Miller,

Hite, Heckert, Petitto, Pinson, Mazzocchi,

Burkhammer and Kimble

[Originating in the Committee on Health and Human

Resources; Reported on January 31, 2023]

1 A BILL to amend and reenact §49-1-203 of the Code of West Virginia, 1931, as amended, to
2 amend and reenact §49-2-111c of said code, all relating to the creation of a child welfare
3 information technology systems; requiring the Bureau of Social Services to implement of a
4 child welfare information technology system; providing access to the system; setting forth
5 the requirements of the system.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§49-1-203. Definitions related, but not limited to, licensing and approval of programs.

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, licensing and approval of programs, except in those
3 instances where a different meaning is provided or the context in which the word used clearly
4 indicates that a different meaning is intended.

5 "Approval" means a finding by the Secretary of the Department of Health and Human
6 Resources that a facility operated by the state has met the requirements of legislative rules
7 promulgated for operation of that facility and that a certificate of approval or a certificate of
8 operation has been issued.

9 "Certification of approval" or "certificate of operation" means a statement issued by the
10 Secretary of the Department of Health and Human Resources that a facility meets all of the
11 necessary requirements for operation.

12 "Certificate of license" means a statement issued by the Secretary of the Department of
13 Health and Human Resources authorizing an individual, corporation, partnership, voluntary
14 association, municipality, or county, or any agency thereof, to provide specified services for a
15 limited period of time in accordance with the terms of the certificate.

16 "Certificate of registration" means a statement issued by the Secretary of the Department
17 of Health and Human Resources to a family child care home, informal family child care home, or

18 relative family child care home to provide specified services for a limited period in accordance with
19 the terms of the certificate.

20 “Child welfare information technology systems” means an operational web-based
21 communications system.

22 "License" means the grant of official permission to a facility to engage in an activity which
23 would otherwise be prohibited.

24 "Registration" means the grant of official permission to a family child care home, informal
25 family child care home, or a relative family child care home determined to be in compliance with
26 the legislative rules promulgated pursuant to this chapter.

27 "Rule" means legislative rules promulgated by the Secretary of the Department of Health
28 and Human Resources or a statement issued by the Secretary of the Department of Health and
29 Human Resources of the standards to be applied in the various areas of child care.

30 "Variance" means a declaration that a rule may be accomplished in a manner different from
31 the manner set forth in the rule.

32 "Waiver" means a declaration that a certain legislative rule is inapplicable in a particular
33 circumstance.

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-111c. Priorities for use of funds.

1 (a) Subject to appropriations by the Legislature, the department is authorized and directed
2 to:

3 (1) Enhance and increase efforts to provide services to prevent the removal of children
4 from their homes;

5 (2) Identify relatives and fictive kin of children in need of placement outside of the home;

6 (3) Train kinship parents to become certified foster parents;

7 (4) Expand a tiered foster care system that provides higher payments for foster parents
8 providing care to, and child placing agencies providing services to, foster children who have

9 severe emotional, behavioral, or intellectual problems or disabilities, with particular emphasis
10 upon removing children in congregate care and placing them with suitable foster parents; and

11 (5) Develop a pilot program to increase payment to uncertified kinship parents for the
12 purpose of further helping families who have accepted kinship placements.

13 ~~(b) During fiscal year 2021, the department shall expend at least \$16,900,000 for the~~
14 ~~purposes of implementing the priorities and objectives listed in this section.~~

15 ~~(c) On or before July 1, 2022 and On or before July 1 of every year thereafter, the secretary~~
16 ~~of the department shall present a report to the Joint Standing Committee on Government and~~
17 ~~Finance regarding the expenditures made pursuant to subsection (b) of this section and the~~
18 ~~department's progress in meeting the priorities and objectives listed in subsection (a) of this~~
19 ~~section: *Provided*, That the secretary shall provide the information described in this subsection~~
20 ~~and updates to previous reports at any time, upon request of the Joint Standing Committee on~~
21 ~~Government and Finance.~~

22 (b) The bureau shall:

23 (1) Incorporate into child welfare information technology systems or through the purchase
24 of additional products an operational web-based communications system which shall facilitate
25 communications including, but not limited to, foster parent requests and responses to requests to
26 staff of the Bureau for Social Services and their contractual designees; updates regarding foster
27 child movement, visitation, and travel; scheduled court, guardian ad litem, and multidisciplinary
28 team hearings and meetings; and other communications that may improve care for the foster child
29 amongst designated parties with legal responsibilities to care for the foster child.

30 (2) Ensure that permission access to utilize the child welfare information technology
31 systems about a foster child is granted to only those parties with legal responsibilities to care for
32 and support the foster child; and

33 (3) Ensure that the child welfare information technology systems has the capacity to
34 archive communications for the purpose of running reports on responsiveness by actors in the
35 child welfare system.