

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 312

By Senators Swope, Phillips, Deeds, Woodrum, and

Rucker

[Introduced January 12, 2024; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §49-2-803 of the Code of West Virginia, 1931, as amended, relating
 2 to requiring Child Protective Services to interview mandatory reporters who submit
 3 screened-in abuse/neglect referrals.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE RESPONSIBILITY FOR CHILDREN.

§49-2-803. Persons mandated to report suspected abuse and neglect; requirements.

1 (a) Any medical, dental, or mental health professional, Christian Science practitioner,
 2 religious healer, school teacher or other school personnel, social service worker, child care or
 3 foster care worker, emergency medical services personnel, peace officer or law-enforcement
 4 official, humane officer, member of the clergy, circuit court judge, family court judge, employee of
 5 the Division of Juvenile Services, magistrate, youth camp administrator or counselor, employee,
 6 coach or volunteer of an entity that provides organized activities for children, or commercial film or
 7 photographic print processor who has reasonable cause to suspect that a child is neglected or
 8 abused, including sexual abuse or sexual assault, or observes the child being subjected to
 9 conditions that are likely to result in abuse or neglect shall immediately, and not more than 24
 10 hours after suspecting this abuse or neglect, report the circumstances to the Department of Health
 11 and Human Resources. In any case where the reporter believes that the child suffered serious
 12 physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report to the
 13 State Police and any law-enforcement agency having jurisdiction to investigate the complaint. Any
 14 person required to report under this article who is a member of the staff or volunteer of a public or
 15 private institution, school, entity that provides organized activities for children, facility, or agency
 16 shall also immediately notify the person in charge of the institution, school, entity that provides
 17 organized activities for children, facility, or agency, or a designated agent thereof, who may
 18 supplement the report or cause an additional report to be made: *Provided*, That notifying a person
 19 in charge, supervisor, or superior does not exempt a person from his or her mandate to report
 20 suspected abuse or neglect.

21 (b) County boards of education and private school administrators shall provide all
22 employees with a written statement setting forth the requirements contained in this section and
23 shall obtain and preserve a signed acknowledgment from school employees that they have
24 received and understand the reporting requirement.

25 (c) Nothing in this article is intended to prevent individuals from reporting suspected abuse
26 or neglect on their own behalf. In addition to those persons and officials specifically required to
27 report situations involving suspected abuse or neglect of children, any other person may make a
28 report if that person has reasonable cause to suspect that a child has been abused or neglected in
29 a home or institution or observes the child being subjected to conditions or circumstances that
30 would reasonably result in abuse or neglect.

31 (d) The provisions of this section are not applicable to persons under the age of 18.

32 (e) Child Protective Services must conduct an interview of every mandatory reporter who
33 submits a screened-in abuse or neglect referral.

NOTE: The purpose of this bill is to require CPS to interview mandatory reporters who submit screened-in abuse /neglect referrals.

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