WEST VIRGINIA CODE CHAPTER 49 ARTICLE 13

WV Legislature

§49-13-1. Purpose.

The purpose of this article is to:

(1) Codify the department's policy for providing an adequate wardrobe and approved necessities for any child removed from his or her home and in the legal custody of the department; and

(2) Set forth payment methods for purchasing the items.

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§49-13-2. Definitions.

For purposes of this article:

"Adequate wardrobe" means clothes that are in good condition, appropriate for all seasons, and fit a child for the entirety of his or her time in placement;

"Approved necessities" means necessities that have been approved by the department for purchase pursuant to this article;

“Bureau” means the Bureau of Social Services;

"Department" means the Department of Human Services;

"Initial clothing allowance" means funding, from the bureau to the placement provider, to cover expenses for an adequate wardrobe and approved necessities at the time of initial placement, if needed;

"Inventory" means a listing of a child’s wardrobe and necessities when the child enters a placement and includes any updates to the listing during a placement period;

“Necessities" means items, other than clothes, necessary to care for a child;

"Placement” means any placement of a child who is in the legal custody of the department in any foster home, kinship parent home, or residential care provider home; and

“Placement provider" means a foster parent, kinship parent, or residential care provider with whom the department has placed a child who has been removed from his or her home and is in the legal custody of the department.

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§49-13-3. Requirements.

(a) A placement provider in conjunction with the child welfare worker shall review a child's current clothing, necessities, and inventory at the time of initial placement to determine whether:

(1) The child possesses an adequate wardrobe and sufficient approved necessities; or

(2) The child needs to be issued an initial clothing allowance to obtain an adequate wardrobe and approved necessities.

(b) If the child possesses an adequate wardrobe and sufficient approved necessities at the time of initial placement, further action is not needed at that time.

(c) If the child does not have an adequate wardrobe or sufficient approved necessities at the time of the initial placement, then the placement provider shall seek a clothing allowance to purchase an adequate wardrobe and approved necessities for the child.

(d) An initial clothing allowance is not intended to completely outfit the child, but rather only to supply the child with immediate clothing and necessities.

(e) A placement provider shall:

(1) Supply a child with an adequate wardrobe and approved necessities for as long as the child remains in his or her care; and

(2) Periodically update the clothing and necessity inventory throughout that placement period.

(f) A child's inventory shall follow him or her throughout all placements.

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§49-13-4. Amount and form of payment.

(a) The bureau shall issue an initial clothing allowance for a minimum of $375.

(b) The department shall designate one of the following methods to pay for the initial clothing allowance and any supplementary clothing allowance, listed in priority order:

(1) A reloadable electronic-transfer payment card will be issued to the placement provider specifically for the purpose of this article;

(2) A child welfare worker or case aid will use a purchasing card issued to him or her pursuant to the purchasing card program in §12-3-10a of this code; or

(3) The Bureau will reimburse a placement provider for purchases made using the placement provider's own funds. This method may be used only when another method is not feasible.

(c) Payment card. — This subsection applies when using a payment card.

(1) The bureau shall issue a new payment card to a placement provider or re-load an existing payment card with funds within 48 hours of a child being placed with the placement provider.

(2) A payment card may be used online or in any store that accepts an electronic payment transaction.

(3) The department shall:

(A) Adopt a policy regarding requirements for using a payment card, which includes, but is not limited to:

(i) An explanation of proper purchases that may be made using the payment card;

(ii) An explanation of how and when the payment card can be re-loaded;

(iii) A requirement to retain receipts for reconciling purchases; and

(iv) A requirement that reimbursements under this section are limited to the funds available to the placement provider under the initial or any supplementary clothing allowance available during the relevant placement period; and

(B) Provide the policy to a placement provider when issuing the payment card.

(d) Purchasing card. — For any item purchased using a purchasing card, the child welfare worker or case aid shall retain the receipt and follow the reconciliation process required by the purchasing card program.

(e) Reimbursement to a placement provider. —

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(1) A kinship placement provider who purchases any adequate wardrobe item or approved necessities, using his or her own funds and expecting reimbursement, shall submit the purchase receipt to the child welfare worker or case aid for reimbursement from the department.

(2) A foster care placement provider who purchases any adequate wardrobe item or approved necessities, using their own funds and expecting reimbursement, shall submit the purchase receipt to their child placing agency. The child placing agency shall submit an invoice for the purchase to the department who shall provide reimbursement.

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