

WEST VIRGINIA CODE: §49-2-127B

§49-2-127b. Temporary increase in kinship payment subsidy.

(a) Temporary increase in payment amount. — Notwithstanding any other provision to the contrary, a kinship parent shall be eligible for a temporary increase in the payment paid by the Department equal to that paid to a foster parent if at the time of initial placement, the following conditions are satisfied:

(1) The kinship parent has submitted to state and national criminal history record checks which shall be submitted within five days of the initial date of placement;

(2) The Department is satisfied with the results of the state and national criminal history record checks; and

(3) The kinship parent has complied with the initial home screening to identify and to correct life safety issues.

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

(c) Duration of temporary increase. — The temporary increase in payment amounts becomes payable to the kinship parent within 30 days of the initial kinship placement and will continue for a period of no more than six months at the temporary rate to allow the kinship parent to become certified as a foster parent. Payments required by this section shall be made each month on the first business day of the month. If the kinship parent is unable or unwilling to become certified as a foster parent at the end of the six-month period, the temporary increase will cease and is no longer payable to the kinship parent. All other resources available to a kinship parent shall be available to a kinship parent regardless of the status of his or her certification as a foster parent.

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

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

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

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

- (1) To the individual who is the subject of the criminal history record check;
 - (2) With the written authorization of the individual who is the subject of the criminal history record check; or
 - (3) Pursuant to a court order.
- (f) The criminal history record check and related records are not public records for the purposes of §29B-1-1 *et seq.* of this code.
- (g) The applicant shall ensure that the criminal history record check is completed as soon as possible after the date of the original placement for prompt processing of the temporary increase authorized by this section.
- (h) The kinship parent shall pay the actual costs of the fingerprinting and criminal history record checks.