

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978

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ENROLLED

Committee Substitute for
HOUSE BILL No. 799

(By Mrs. Withrow and Mrs. Rotgins)

— ● —

PASSED March 9, 1978

In Effect - from - Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 799
(By MRS. WITHROW and MRS. ROTGIN)

[Passed March 9, 1978; in effect from passage.]

AN ACT to amend article two, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section seventeen, relating to establishing a system of subsidized adoption for certain children; requiring the department of welfare to provide subsidies in the form of money or services to children who are in special circumstances which tend to prohibit their adoption; listing conditions of eligibility for the subsidy; requiring a contract between adoptive parents and the department of welfare; describing forms of subsidies; and prohibiting subsidies in excess of assistance paid to foster families for care of children in similar circumstances.

Be it enacted by the Legislature of West Virginia:

That article two, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section designated section seventeen, to read as follows:

ARTICLE 2. STATE RESPONSIBILITIES FOR THE PROTECTION AND CARE OF CHILDREN.

§49-2-17 Subsidized adoption.

1 From funds appropriated to the department of welfare, the

2 commissioner shall establish a system of assistance for facili-
3 tating the adoption of children who are dependents of the
4 department or a child welfare agency licensed to place
5 children for adoption, legally free for adoption and in special
6 circumstances either because they:

7 (a) Have established emotional ties with prospective adop-
8 tive parents while in their care; or

9 (b) Are not likely to be adopted by reason of one or
10 more of the following conditions:

11 (1) They have a physical or mental disability;

12 (2) They are emotionally disturbed;

13 (3) They are older children;

14 (4) They are a part of a sibling group; ~~or~~ *see*

15 (5) They are a member of a racial or ethnic minority; or

16 (6) They have any combination of these conditions.

17 The department shall provide assistance in the form of sub-
18 sidies or other services to parents who are found and approved
19 for adoption of a child certified as eligible for subsidy by the
20 department, but before the final decree of adoption is entered,
21 there must be a written agreement between the family entering
22 into the subsidized adoption and the department. Adoption
23 subsidies in individual cases may commence with the adoption
24 placement, and will vary with the needs of the child as well as
25 the availability of other resources to meet the child's needs. The
26 subsidy may be for special services only, or for money pay-
27 ments, and either for a limited period, or for a long term, or for
28 any combination of the foregoing. The specific financial terms
29 of the subsidy shall be included in the agreement between the
30 department and the adopting parents. The amount of the time-
31 limited or long-term subsidy may in no case exceed that which
32 would be allowable from time to time for such child under
33 foster family care, or, in the case of a special service, the
34 reasonable fee for the service rendered.

35 Whenever significant emotional ties have been established
36 between a child and his foster parents, and the foster parents

37 seek to adopt the child, the child shall be certified as eligible
38 for a subsidy conditioned upon his adoption under applicable
39 adoption procedures by the foster parents.

40 In all other cases, after reasonable efforts have been made
41 without the use of subsidy and no appropriate adoptive family
42 has been found for the child, the department shall certify
43 the child as eligible for a subsidy in the event of adoption.

44 If the child is the dependent of a voluntary licensed child-
45 placing agency, that agency shall present to the department
46 evidence of significant emotional ties between the child and
47 his foster parents or evidence of inability to place the child
48 for adoption. In no event shall the value of the services
49 and assistance provided by the department under an agree-
50 ment pursuant to this section exceed the value of assistance
51 available to foster families in similar circumstances. All
52 records regarding subsidized adoptions shall be held in
53 confidence, however, records regarding the payment of public
54 funds for subsidized adoptions shall be available for public
55 inspection provided they do not directly or indirectly identify
56 any child or persons receiving funds for such child.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Lorenzo C. Christon
Chairman House Committee

Originated in the House.

Takes effect from passage.

J. C. Dillon Jr.
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. T. Brubaker
President of the Senate

Donald L. Vopp
Speaker House of Delegates

The within is approved this the 30
day of March, 1978.

John J. Relyea
Governor

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OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date Mar. 30, 1978

Time 9:05 A.M.

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OFFICE
SECY. OF STATE