WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978

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ENROLLED
Committee Substitute for
HOUSE BILL No. 1799

(By Mrs. Matthews and Mrs. Rotgers)

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PASSED March 9, 1978

In Effect from Passage

C 641
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
commissioner shall establish a system of assistance for facilitating the adoption of children who are dependents of the department or a child welfare agency licensed to place children for adoption, legally free for adoption and in special circumstances either because they:

(a) Have established emotional ties with prospective adoptive parents while in their care; or

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

(1) They have a physical or mental disability;
(2) They are emotionally disturbed;
(3) They are older children;
(4) They are a part of a sibling group;
(5) They are a member of a racial or ethnic minority; or
(6) They have any combination of these conditions.

The department shall provide assistance in the form of subsidies or other services to parents who are found and approved for adoption of a child certified as eligible for subsidy by the department, but before the final decree of adoption is entered, there must be a written agreement between the family entering into the subsidized adoption and the department. Adoption subsidies in individual cases may commence with the adoption placement, and will vary with the needs of the child as well as the availability of other resources to meet the child’s needs. The subsidy may be for special services only, or for money payments, and either for a limited period, or for a long term, or for any combination of the foregoing. The specific financial terms of the subsidy shall be included in the agreement between the department and the adopting parents. The amount of the time-limited or long-term subsidy may in no case exceed that which would be allowable from time to time for such child under foster family care, or, in the case of a special service, the reasonable fee for the service rendered.

Whenever significant emotional ties have been established between a child and his foster parents, and the foster parents
seek to adopt the child, the child shall be certified as eligible for a subsidy conditioned upon his adoption under applicable adoption procedures by the foster parents.

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

If the child is the dependent of a voluntary licensed child-placing agency, that agency shall present to the department evidence of significant emotional ties between the child and his foster parents or evidence of inability to place the child for adoption. In no event shall the value of the services and assistance provided by the department under an agreement pursuant to this section exceed the value of assistance available to foster families in similar circumstances. All records regarding subsidized adoptions shall be held in confidence, however, records regarding the payment of public funds for subsidized adoptions shall be available for public inspection provided they do not directly or indirectly identify 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 S. Davis  
Chairman Senate Committee

Lawrence E. Chastain  
Chairman House Committee

Originated in the House.

Takes effect from passage.

J. Dillon Jr.  
Clerk of the Senate

W. Blankenship  
Clerk of the House of Delegates

R.T. Reed  
President of the Senate

Donald L. Vazep  
Speaker House of Delegates

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

John D. Bynum  
Governor