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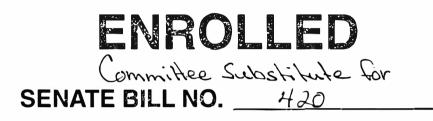
GEFICE WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

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56420

Regular Session, 2002



(By Senator _ Wanton et al ____)

PASSED March 9, 2002

In Effect ninety days from Passage

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OFFICE MEST VIRGINIA SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 420

(SENATORS WOOTON, CRAIGO, MITCHELL, PREZIOSO, REDD AND MCKENZIE, original sponsors)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section eight, article two-b, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to child welfare agencies; and requiring the commissioner of human services to prescribe certain licensing application procedures, including fingerprinting of applicants and other persons responsible for the care of children, for submission for criminal history record checks.

Be it enacted by the Legislature of West Virginia:

That section eight, article two-b, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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ARTICLE 2B. DUTIES OF COMMISSIONER OF HUMAN SERVICES FOR CHILD WELFARE.

§49-2B-8. Application for license, certification or approval.

1 (a) Any person or corporation or any governmental 2 agency intending to act as a child welfare agency shall 3 apply for a license, statement of certification, approval or 4 registration certificate to operate child care facilities 5 regulated by this article. Applications for licensure, certification, approval or registration shall be made 6 7 separately for each child care facility to be licensed, 8 approved, certified or registered.

9 (b) The commissioner shall prescribe forms and reasonable application procedures including, but not limited to, 11 fingerprinting of applicants and other persons responsible 12 for the care of children for submission to the state police 13 and, if necessary, to the federal bureau of investigation for 14 criminal history record checks.

(c) Before issuing a license, certification or approval, the 15 commissioner shall investigate the facility, program and 16 persons responsible for the care of children. The investiga-17 tion shall include, but not be limited to, review of resource 18 19 need, reputation, character and purposes of applicants, a 20 check of personnel criminal records, if any, and personnel 21 medical records, the financial records of applicants and 22 consideration of the proposed plan for child care from 23 intake to discharge.

(d) Before a family day care home registration is granted,
the commissioner shall make inquiry as to the facility,
program and persons responsible for the care of children.
The inquiry shall include self-certification by the prospective family day care home of compliance with standards
including, but not limited to:

30 (1) Physical and mental health of persons present in the31 home while children are in care;

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32 (2) Criminal and child abuse or neglect history of persons33 present in the home while children are in care;

34 (3) Discipline;

35 (4) Fire and environmental safety;

36 (5) Equipment and program for the children in care;

37 (6) Health, sanitation and nutrition.

(e) Further inquiry and investigation may be made as thecommissioner may direct.

40 (f) The commissioner shall make a decision on each
41 application within sixty days of its receipt and shall
42 provide to unsuccessful applicants written reasons for the
43 decision.

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

Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Sugar Z. S. Clerk of the House of Delegates

Presidentio the Senate

Speaker House of Delegates

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