WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2004

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4259

(By Delegates Ennis, Hatfield, Iaquinta, Perdue, Talbott, Yost and Leggett)

Passed March 13, 2004

In Effect from Passage
AN ACT to repeal §5-26-7 and §5-26-9 of the code of West Virginia, 1931, as amended; to amend and reenact §5-26-1, §5-26-2, §5-26-3, §5-26-4 and §5-26-8 of said code; and to amend said code by adding thereto two new sections, designated §5-26-2a and §5-26-2b, all relating generally to the governor’s cabinet on children and families; clarifying statement of purpose; revising membership of cabinet; establishing citizen advisory council; defining family resource networks; revising duties and powers of cabinet; requiring state plan; requiring annual reports; and providing for continuation of cabinet and council.

Be it enacted by the Legislature of West Virginia:

That §5-26-7 and §5-26-9 of the code of West Virginia, 1931, as amended, be repealed; that §5-26-1, §5-26-2, §5-26-3, §5-26-4 and §5-26-8 of said code be amended and reenacted; and that said code be
amended by adding thereunto two new sections, designated §5-26-2a and §5-26-2b, all to read as follows:

ARTICLE 26. GOVERNOR’S CABINET ON CHILDREN AND FAMILIES.

§5-26-1. Legislative findings; statement of purpose.

(a) The Legislature finds that in order to avoid the human and financial costs to the state of individual and family instability, and to benefit the state and society as a whole, it is in the best interests of the state to provide programs and services to support children and families. The Legislature further finds that children and families are best supported by programs and services in or as close to the local community as possible.

The Legislature intends to accomplish its goals relating to children and families through a family-centered, comprehensive, community-based system for the provision of social services, programs and facilities for children and families overseen by the highest levels of state government.

(b) The Legislature hereby declares that one purpose of this article and the policy of the state is to achieve the coordination of programs and services to children and families through a cabinet in the governor’s office which is independent from any state agency and which shall act as an interagency cabinet created to nurture a flexible system for the comprehensive, unified, effective and efficient administration of programs and services to children and families which avoids fragmentation and duplication of programs and services. For maximum effectiveness, the Legislature intends to provide services in a long-term manner with such intensity as the needs of the particular situation require.

(c) The service delivery system shall be driven by the needs and preferences of the child and family, shall reflect local community characteristics and resources, shall allow for local
The Legislature intends, by this article, to allow diversity and regional, cultural and ethnic sensitivity in the development of programs and services for children and families. To the greatest extent possible, families and communities are to be involved in all aspects of planning, delivery and evaluation of services. This is intended to foster strong family and community program ownership while maintaining clear parameters for program goals and purposes through the governor’s cabinet on children and families.

§5-26-2. Cabinet established.

(a) There is hereby created the governor’s cabinet on children and families, hereinafter referred to as the “cabinet”. The cabinet shall include the secretary of health and human resources or a designee; the secretary of military affairs and public safety or a designee; the secretary of administration or a designee; the state superintendent of schools or a designee; and the attorney general or a designee; one member of the Senate, to be appointed by the governor, and one member of the House of Delegates, to be appointed by the governor, both of whom shall serve in an advisory capacity only; and three members selected by the governor from the citizens’ advisory council as set forth in section two-a of this article. The governor may appoint other administrative heads of government who shall serve in an advisory capacity only.

(b) In order to promote consistency and continuity in the work of the cabinet, each cabinet member appointed by virtue of his or her governmental office is encouraged to select a primary designee and an alternate designee to serve in his or her place when necessary.
(c) The cabinet shall be chaired by the governor and shall convene at least monthly during the first year and thereafter shall meet at least six times annually. The cabinet shall establish bylaws which govern its decision making.

(d) The governor shall appoint an executive director to carry out its work and to oversee staff adequate to fulfill its functions.

§5-26-2a. Citizen’s advisory council.

(a) The governor shall appoint a citizens’ advisory council to assist the cabinet with the implementation of its mission and policy objectives.

(b) The council shall be comprised of not fewer than twelve nor more than thirty citizens who will serve terms of one, two or three years as assigned at the time of appointment. The council members will have knowledge and experience in serving children and families in such areas as housing; Health promotion and disease prevention; education; transportation; reading and literacy; food and nutrition; clothing; utilities; job training and employment; child care; child protection; early intervention and crisis intervention; assessment and diagnosis; home-based family development; preservation and reunification; financial planning; mental health and counseling; substance abuse prevention counseling and treatment; addiction awareness training; pregnancy prevention; and information, referral and placement.

(c) The purpose of the council is to:

(1) Provide a forum for discussion of issues that affect the state’s children and families;

(2) Identify and promote best practices in the provision of services to children and families;
(3) Review information and research that can inform state policy;

(4) Make recommendations to the cabinet in areas of policy and allocation of resources;

(5) Focus attention on accountability and results;

(6) Assist the cabinet in developing a cross-agency multi-year state plan for improving the well being of children and families;

(7) Connect government officials who make decisions with the families affected by their decisions;

(8) Engage local communities through family resource networks to work on local issues and statewide priorities;

(9) Assure that community and family voices are heard by the cabinet; and

(10) Promote family support practices by all publicly funded agencies.

(d) The governor shall select three members of the council to serve on the cabinet, two of whom are family representatives from families who have received or are receiving services funded, in whole or in part, by federal, state or local governments, and one of whom is a community representative who is not employed in a managerial or decision-making position of a provider of services funded in whole or in part by federal, state or local governments.

(e) The community representative initially appointed shall serve for a term of one year and the family representatives initially appointed shall serve for terms of two years and three years respectively. If a member’s term on the cabinet exceeds
his or her term on the council, his or her term on the council will be extended automatically to coincide with his or her term on the cabinet. Members appointed subsequent to the initial appointments shall serve for terms of three years, and may serve up to three consecutive full terms: Provided, That members appointed under this section shall continue to serve until their successors are appointed. An appointment to fill a vacancy will be for the unexpired term.

(f) Citizen members may be reimbursed for actual and necessary expenses incurred in the discharge of their official duties in a manner consistent with guidelines of the travel management office of the department of administration.

(g) The governor may remove any citizen member from the council or the cabinet for neglect of duty, incompetency or official misconduct.


(a) “Family resource network” means a local community organization charged with service coordination, needs and resource assessment, planning, community mobilization and evaluation, and which has been recognized by the cabinet as having met the following criteria:

1. Agreeing to a single governing entity;

2. Agreeing to engage in activities to improve service systems for children and families within the community;

3. Addressing a geographic area of a county or two or more contiguous counties;

4. Having nonproviders, which include family representatives and other members who are not employees of publicly funded agencies, as the majority of the members of the govern-
ing body, and having family representatives as the majority of
the nonproviders;

(5) Having representatives of local service agencies,
including, but not limited to, the public health department, the
behavioral health center, the local health and human resources
agency and the county school district, on the governing body;

(6) Accepting principles consistent with the cabinet’s
mission as part of its philosophy.

(b) A family resource network may not provide direct
services, which means to provide programs or services directly
to children and families.

§5-26-3. Duties of cabinet generally.

In addition to all other duties and responsibilities assigned
to the cabinet in this article and elsewhere by law, the cabinet
shall:

(1) Establish, oversee, evaluate and provide technical
assistance, and such moneys as may be made available by
legislative appropriation to family resource networks, starting
points centers, early parent education programs and other
community based initiatives;

(2) Develop a cross-agency multi-year state plan consistent
with priorities established by local plans developed by family
resource networks, which includes provisions for regular
updates of the plan and which requires the cabinet to:

(A) Articulate core results desired by the state for its
children and families;

(B) Choose indicators to measure progress in reaching core
results;
(C) Establish baseline data for measuring progress by examining current conditions and trends;

(D) Set targets and explore strategies for improving the lives of children and families;

(E) Put selected strategies into action to achieve core results;

(F) Monitor progress and make course corrections as necessary; and

(G) Identify tools to achieve articulated goals, including:

(i) Shifting focus from process to core results;

(ii) Increasing flexibility to remove barriers, encourage innovation and provide incentives for achieving results;

(iii) Providing flexible financing to reinvest savings and decategorize, pool, redeploy or reinstate funding;

(iv) Employing results-based budgeting; and

(v) Improving accountability through results-based decision making.

(3) Prepare a proposed budget for the operation of the cabinet and recommend it to the governor for inclusion in the executive budget to be submitted to the Legislature;

(4) Promote the work of the governor’s cabinet on children and families in order to engender strong support from the community, the Legislature and business leaders;

(5) Report annually to the joint committee on government and finance on its progress in implementing the comprehensive
multi-year state plan required under subdivision (2) of this section; and

(6) Submit an annual electronic report before the first day of January to the Legislature and a written copy of the report to the legislative librarian on its financial transactions for the preceding year, minutes of its meetings, narrative descriptions of any training sessions, conferences or other events, and a progress report on its implementation of the comprehensive multi-year state plan required under subdivision (2) of this section.

§5-26-4. Powers of cabinet generally.

In addition to all other powers granted to the cabinet in this article and elsewhere by law, the cabinet may:

(1) Negotiate written agreements and procedures between and among departments of state government which assure that children and families are provided with health care, social services, appropriate education and vocational training, and any other services to which they may be entitled under state and federal law;

(2) Provide or contract with any agencies or persons in this state and other states for any facilities, equipment or service necessary to achieve the purposes of this article, and hire staff sufficient to carry out the duties and responsibilities of the cabinet;

(3) In addition to the citizens’ advisory council established pursuant to section two-a of this article, form subcommittees, convene task teams or consult experts to advise the cabinet generally or on selected topics as necessary to accomplish its goals or to otherwise carry out its duties under this article;
(4) Develop and implement rules, standards and policies governing the internal operation and administration of the cabinet;

(5) Delegate any of the cabinet’s powers, duties or functions as the cabinet may deem appropriate, expedient and effective;

(6) Solicit and accept proposals in furtherance of any program or service required by this article, especially for the establishment of family resource networks at the regional or local level and for the implementation of pilot programs;

(7) Waive rules that impede coordinated service delivery;

(8) Solicit, accept and expend grants, gifts, bequests, donations and other funds made available to the cabinet: Provided, That all unrestricted grants, gifts, bequests and donations shall be deposited in the children’s fund created pursuant to section six of this article; and,

(9) Exercise any and all other powers, including the adoption of an official seal and the chartering of public or quasi-public corporations, necessary for the discharge of the cabinet’s duties and the implementation of the purposes of this article.

§5-26-8. Continuation of cabinet and council.

The cabinet and the council shall continue to exist, pursuant to the provisions of article ten, chapter four of this code, until the first day of July, two thousand seven, unless sooner terminated, continued or reestablished pursuant to the provisions of that article.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 11th day of April, 2004.

Governor