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SECRETARY OF STATE

HB 4164

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2010



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 4164**

(By Delegates Hatfield, Perdue, Brown, Guthrie  
Campbell, Wells, Wooton, Marshall, Mahan and Givens)



Passed March 13, 2010

In Effect Ninety Days From Passage

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OFFICE OF THE CLERK  
WEST VIRGINIA  
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## H. B. 4164

(BY DELEGATES HATFIELD, PERDUE, BROWN, GUTHRIE,  
CAMPBELL, WELLS, WOOTON, MARSHALL, MAHAN AND GIVENS)

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[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended,  
by adding thereto a new section, designated §49-7-35, relating  
to the creation of a pilot program for the placement of children  
four to ten years of age in foster care.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto a new section, designated §49-7-35, to read as  
follows:

### **ARTICLE 7. GENERAL PROVISIONS.**

#### **§49-7-35. Pilot program for the placement of children four to ten years of age in foster care; requirements.**

1 (a) This section shall be known as “Jacob’s Law.”

2 (b) The Legislature finds that:

3 (1) The needs of young children are not always  
4 adequately addressed when the Department of Health and  
5 Human Resources is required to take custody of them;

6 (2) Often the behavior of young children taken from their  
7 homes pose special challenges for the department and other  
8 individuals who are charged with their care;

9 (3) The department must take extraordinary precautions  
10 to prevent serious emotional damage to these children; and

11 (4) The department has resources within the department  
12 that can be redirected to meet many of the needs of the  
13 program required by this section.

14 (c) The department shall choose four regions in which to  
15 implement a two-year pilot program to address children ages  
16 four through ten immediately after removal from their homes  
17 by the Child Protective Service Division due to child abuse  
18 and neglect and who, by the nature of their removal, are in  
19 crisis.

20 (d) The program shall:

21 (1) Include early intervention for children in crisis;

22 (2) Provide for the development of a short-term and an  
23 ongoing long-term plan for each child;

24 (3) Provide that each child is evaluated for emotional and  
25 physical trauma and other medical, educational, dental and  
26 other needs, in a timely manner;

27 (4) Require that each child be assigned an independent  
28 advocate through the community advocacy programs as staff  
29 or volunteers are made available; and

30 (e) The plans required by subsection (d) of this section  
31 shall:

32 (1) Address abandonment, separation anxiety, post  
33 traumatic stress and other emotional and physical needs of  
34 the child;

35 (2) Be developed by appropriately trained professional  
36 staff;

37 (3) Require the participation of a child care agency, the  
38 Department of Education, community programs and other  
39 appropriate agencies providing services to children ages four  
40 through ten; and

41 (4) Be developed to meet the ongoing emotional needs of  
42 each child.

43 (f) The short-term plan required by subsection (d) of this  
44 section shall address the child's needs for the first thirty days  
45 under the department's supervision.

46 (g) During the initial evaluation period, and when the  
47 child is being placed into foster care, the department shall  
48 when possible place the child into an enhanced specialized  
49 foster care home. Providers offering enhanced specialized  
50 foster care homes shall include crisis intervention staffed  
51 with trained and educated professional individuals and  
52 specialized training on how to manage a child's reaction to  
53 trauma and the crisis of being removed from the custody of  
54 a parent, parents or other guardians, with emphasis on the  
55 child's emotional needs. This program shall limit the number  
56 of children in one location to three foster children at a time.  
57 A greater number is permitted if all of the children are  
58 siblings.

59 (h) After a short-term and long-term plan is developed,  
60 the department shall:

61 (1) Provide the foster family with training and education  
62 in the plan;

63 (2) Evaluate the child and foster parent or parents on the  
64 interaction between the child and parents;

65 (3) Train the foster parent on how to respond to the  
66 child's emotional crisis and how to understand the child's  
67 crisis reactive behavior; and

68 (4) Evaluate the foster family on its understanding of the  
69 need for this early intervention and the need for appropriate  
70 crisis management.

71 (i) The providers of enhanced specialized foster care  
72 services shall:

73 (1) Create and train a team to provide crisis intervention;

74 (2) Provide a call system for the enhanced specialized  
75 foster parents and the child so that the enhanced specialized  
76 foster parents or the child can speak to a team member or  
77 other appropriately trained professional during a crisis; and

78 (3) Require a crisis team member to visit the home if  
79 unable to adequately resolve the crisis over the telephone and  
80 to do a follow up visit within two days to meet with the  
81 enhanced specialized foster parents and child, individually,  
82 to determine the crisis was satisfactorily resolved.

83 (j) The department shall develop a system to evaluate the  
84 pilot program for outcomes and standards of care and report  
85 back to public, private and community partners. In addition

86 the evaluation shall be reported to the Joint Committee on  
87 Government and Finance or other designated committees  
88 every six months for two years. The evaluation shall be  
89 contracted by the department through an external entity who  
90 shall:

91 (1) Establish measurable outcomes for purposes of  
92 evaluation;

93 (2) Collect, analyze and report data quarterly and  
94 annually;

95 (3) Identify trends and make recommendations for  
96 program improvement;

97 (4) Conduct an analysis of the impact of the pilot  
98 program on the child's emotional stability including the  
99 number of placements that the child experiences and the  
100 basis for required moves;

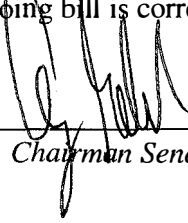
101 (5) Provide technical assistance and training to the pilot  
102 program;

103 (6) Provide leadership in the development of data  
104 collection and outcome reporting models;

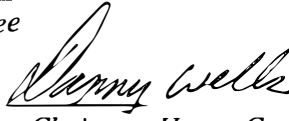
105 (7) Provide feedback for quality improvement to those  
106 responsible for the pilot program; and

107 (8) Monitor, research and present best practices through  
108 every-day communication and training opportunities.

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



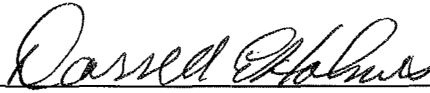
Chairman Senate Committee



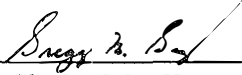
Chairman House Committee

Originating in the House.

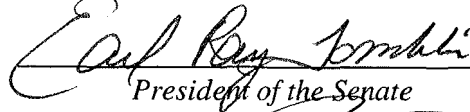
In effect ninety days from passage.



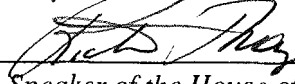
Clerk of the Senate



Clerk of the House of Delegates

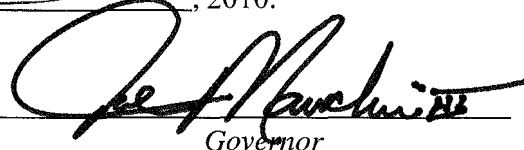


President of the Senate



Speaker of the House of Delegates

The within is appended this the 28<sup>th</sup>  
day of March, 2010.



Governor

PRESENTED TO THE  
GOVERNOR

MAR 26 2010

Time 1:40pm