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

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

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

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

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

(d) The program shall:

(1) Include early intervention for children in crisis;

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

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

(4) Require that each child be assigned an independent advocate through the community advocacy programs as staff or volunteers are made available; and
(e) The plans required by subsection (d) of this section shall:

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

(2) Be developed by appropriately trained professional staff;

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

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

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

(g) During the initial evaluation period, and when the child is being placed into foster care, the department shall when possible place the child into an enhanced specialized foster care home. Providers offering enhanced specialized foster care homes shall include crisis intervention staffed with trained and educated professional individuals and specialized training on how to manage a child’s reaction to trauma and the crisis of being removed from the custody of a parent, parents or other guardians, with emphasis on the child’s emotional needs. This program shall limit the number of children in one location to three foster children at a time. A greater number is permitted if all of the children are siblings.
(h) After a short-term and long-term plan is developed, the department shall:

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

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

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

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

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

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

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

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

(j) The department shall develop a system to evaluate the pilot program for outcomes and standards of care and report back to public, private and community partners. In addition
the evaluation shall be reported to the Joint Committee on Government and Finance or other designated committees every six months for two years. The evaluation shall be contracted by the department through an external entity who shall:

(1) Establish measurable outcomes for purposes of evaluation;

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

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

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

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

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

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

(8) Monitor, research and present best practices through everyday 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.

Passed  

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 28th day of March, 2010.

Governor
PRESENTED TO THE GOVERNOR
MAR 26 2010
Time 1:45 pm