

HB2527

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2015



**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 2527**

(By Delegate(s) Pasdon, Marcum, Kessinger,  
R. Phillips and Upson)



Passed March 13, 2015

In effect ninety days from passage.

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**E N R O L L E D**

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**H. B. 2527**

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(BY DELEGATE(S) PASDON, MARCUM, KESSINGER,  
R. PHILLIPS AND UPSON)

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §49-2-126 and §49-2-814, all relating to the welfare of children; establishing the Task Force on Prevention of Sexual Abuse of Children; authorizing section to be called "Erin Merryn's Law"; specifying membership; specifying responsibilities, including report of recommendations to Legislature and Governor; precluding member compensation or expense reimbursement; relating to legislative findings and declaration of intent for goals for foster children; requiring the Department of Health and Human Resources to propose legislative rules; providing that no new cause of action against the state is created; providing that no expenditure of funds is required; and providing for notifying former foster parents of child's availability for placement.

Enr. Com. Sub. for H. B. No. 2527] 2

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto two new sections, designated §49-2-126 and §49-2-814, all to read as follows:

**ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.**

**§49-2-814. Task Force on Prevention of Sexual Abuse of Children.**

1 (a) This section may be referred to as “Erin Merryn’s Law”.

2 (b) The Task Force on Prevention of Sexual Abuse of  
3 Children is established. The task force consists of the following  
4 members:

5 (1) The Chair of the West Virginia Senate Committee on  
6 Health and Human Resources, or his or her designee;

7 (2) The Chair of the House of Delegates Committee on  
8 Health and Human Resources, or his or her designee;

9 (3) The Chair of the West Virginia Senate Committee on  
10 Education, or his or her designee;

11 (4) The Chair of the House of Delegates Committee on  
12 Education, or his or her designee;

13 (5) One citizen member appointed by the President of the  
14 Senate;

15 (6) One citizen member appointed by the Speaker of the  
16 House of Delegates;

17 (7) One citizen member, who is a survivor of child sexual  
18 abuse, appointed by the Governor;

19 (8) The President of the State Board of Education, or his or  
20 her designee;

21 (9) The State Superintendent of Schools, or his or her  
22 designee;

23 (10) The Secretary of the Department of Health and Human  
24 Resources, or his or her designee;

25 (11) The Director of the Prosecuting Attorney's Institute, or  
26 his or her designee;

27 (12) One representative of each statewide professional  
28 teachers' organization, each selected by the leader of his or her  
29 respective organization;

30 (13) One representative of the statewide school service  
31 personnel organization, selected by the leader of the  
32 organization;

33 (14) One representative of the statewide school principals'  
34 organization, appointed by the leader of the organization;

35 (15) One representative of the statewide professional social  
36 workers' organization, appointed by the leader of the  
37 organization;

38 (16) One representative of a teacher preparation program of  
39 a regionally accredited institution of higher education in the  
40 state, appointed by the Chancellor of the Higher Education  
41 Policy Commission;

42 (17) The Chief Executive Officer of the Center for  
43 Professional Development, or his or her designee;

44 (18) The Director of Prevent Child Abuse West Virginia, or  
45 his or her designee;

46 (19) The Director of the West Virginia Child Advocacy  
47 Network, or his or her designee;

48       (20) The Director of the West Virginia Coalition Against  
49 Domestic Violence, or his or her designee;

50       (21) The Director of the West Virginia Foundation for Rape  
51 Information and Services, or his or her designee;

52       (22) The Administrative Director of the West Virginia  
53 Supreme Court of Appeals, or his or her designee;

54       (23) The Executive Director of the West Virginia Sheriffs'  
55 Association, or his or her designee;

56       (24) One representative of an organization representing law  
57 enforcement, appointed by the Superintendent of the West  
58 Virginia State Police; and

59       (25) One practicing school counselor appointed by the leader  
60 of the West Virginia School Counselors Association.

61       (c) To the extent practicable, members of the task force shall  
62 be individuals actively involved in the fields of child abuse and  
63 neglect prevention and child welfare.

64       (d) At the joint call of the House of Delegates and Senate  
65 Education Committee Chairs, the task force shall convene its  
66 first meeting and by majority vote of members present elect  
67 presiding officers. Subsequent meetings shall be at the call of the  
68 presiding officer.

69       (e) The task force shall make recommendations for  
70 decreasing incidence of sexual abuse of children in West  
71 Virginia. In making those recommendations, the task force shall:

72       (1) Gather information regarding sexual abuse of children  
73 throughout the state;

74       (2) Receive related reports and testimony from individuals,  
75 state and local agencies, community-based organizations, and  
76 other public and private organizations;

77 (3) Create goals for state education policy that would prevent  
78 sexual abuse of children;

79 (4) Create goals for other areas of state policy that would  
80 prevent sexual abuse of children; and

81 (5) Submit a report with its recommendations to the  
82 Governor and the Legislature.

83 (f) The recommendations may include proposals for specific  
84 statutory changes and methods to foster cooperation among state  
85 agencies and between the state and local governments. The task  
86 force shall consult with employees of the Bureau for Children  
87 and Family Services, the Division of Justice and Community  
88 Services, the West Virginia State Police, the State Board of  
89 Education, and any other state agency or department as  
90 necessary to accomplish its responsibilities under this section.

91 (g) Task force members serve without compensation and do  
92 not receive expense reimbursement.

**§49-2-126. Legislative findings and declaration of intent for goals  
for foster children.**

1 (a) The Legislature finds and declares that the design and  
2 delivery of child welfare services should be directed by the  
3 principle that the health and safety of children should be of  
4 paramount concern and, therefore, establishes the goals for  
5 children in foster care. A child in foster care should have:

6 (1) Protection by a family of his or her own, and be provided  
7 readily available services and support through care of an  
8 adoptive family or by plan, a continuing foster family;

9 (2) Nurturing by foster parents who have been selected to  
10 meet his or her individual needs, and who are provided services  
11 and support, including specialized education, so that the child  
12 can grow to reach his or her potential;

13 (3) A safe foster home free of violence, abuse, neglect and  
14 danger;

15 (4) The ability to communicate with the assigned social  
16 worker or case worker overseeing the child's case and have calls  
17 made to the social worker or case worker returned within a  
18 reasonable period of time;

19 (5) Permission to remain enrolled in the school the child  
20 attended before being placed in foster care, if at all possible;

21 (6) Participation in school extracurricular activities,  
22 community events, and religious practices;

23 (7) Communication with the biological parents. Communi-  
24 cation is necessary if the child placed in foster care receives any  
25 immunizations and if any additional immunizations are needed,  
26 if the child will be transitioning back into a home with his or her  
27 biological parents;

28 (8) A bank or savings account established in accordance with  
29 state laws and federal regulations;

30 (9) Identification and other permanent documents, including  
31 a birth certificate, social security card and health records by the  
32 age of sixteen, to the extent allowed by federal and state law;

33 (10) The use of appropriate communication measures to  
34 maintain contact with siblings if the child placed in foster care  
35 is separated from his or her siblings; and

36 (11) Meaningful participation in a transition plan for those  
37 phasing out of foster care.

38 (b) A person shall not have a cause of action against the state  
39 or any of its subdivisions, agencies, contractors, subcontractors,  
40 or agents, based upon the adoption of or failure to provide

41 adequate funding for the achievement fo these goals by the  
42 Legislature. Nothing in this section requires the expenditure of  
43 funds to meet the goals established in this section, except funds  
44 specifically appropriated for that purpose.

45 (c) The West Virginia Department of Health and Human  
46 Resources shall propose rules for promulgation in accordance  
47 with the provisions of article three, chapter twenty-nine-a of this  
48 code to ensure that a child has an effective means of being heard  
49 if he or she believes the goals of this section are not being met.

50 (d) When a child who was previously placed into foster care,  
51 but left the custody or guardianship of the department, is again  
52 placed into foster care, the department shall notify the foster  
53 parents who most recently cared for the child of the child's  
54 availability for foster care placement to determine if the foster  
55 parents are desirous of seeking a foster care arrangement for the  
56 child. The arrangement may only be made if the foster parents  
57 are otherwise qualified or can become qualified to enter into the  
58 foster care arrangement with the department and if the  
59 arrangement is in the best interests of the child: *Provided*, That  
60 the department may petition the court to waive notification to the  
61 foster parents. This waiver may be granted, *ex parte*, upon a  
62 showing of compelling circumstances.



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

  
Chairman, House Committee

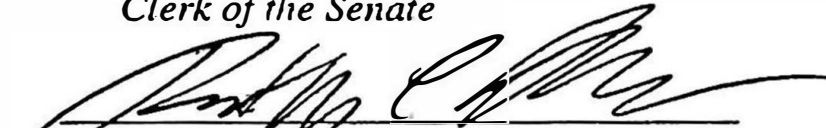
  
Chairman, Senate Committee

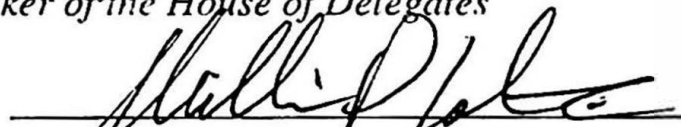
Originating in the House.

In effect ninety days from passage.

  
Clerk of the House of Delegates

  
Clerk of the Senate

  
Speaker of the House of Delegates

  
President of the Senate

The within is approved this the 15<sup>th</sup>  
day of April, 2015.

  
Governor

PRESENTED TO THE GOVERNOR

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