

HB 4354

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute for

House Bill 4354

BY DELEGATES BURKHAMMER AND MAZZOCCHI

13

[Passed March 11, 2026; in effect 90 days from

passage (June 11, 2026)]

FILED
2025 APR - 1 P 10:43
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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House Bill 4354

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[Passed March 14, 2026; in effect 90 days from
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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FILED

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §49-13-1, §49-13-2, §49-13-3, and §49-13-4, relating to providing adequate
3 clothing and approved necessities for certain children in out-of-home placement; requiring
4 review, inventory, and purchase of clothing and necessities; requiring minimum funding
5 allowance for adequate wardrobe and approved necessities; providing for initial and
6 supplementary allowances; and prescribing methods for payment or reimbursement.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 13. REQUIREMENTS FOR CLOTHING ALLOWANCE AND APPROVED
NECESSITIES.**

§49-13-1. Purpose.

1 The purpose of this article is to:

2 (1) Codify the department's policy for providing an adequate wardrobe and approved
3 necessities for any child removed from his or her home and in the legal custody of the department;
4 and

5 (2) Set forth payment methods for purchasing the items.

§49-13-2. Definitions.

1 For purposes of this article:

2 "Adequate wardrobe" means clothes that are in good condition, appropriate for all
3 seasons, and fit a child for the entirety of his or her time in placement;

4 "Approved necessities" means necessities that have been approved by the department
5 for purchase pursuant to this article;

6 "Bureau" means the Bureau of Social Services;

7 "Department" means the Department of Human Services;

8 "Initial clothing allowance" means funding, from the bureau to the placement provider, to
9 cover expenses for an adequate wardrobe and approved necessities at the time of initial
10 placement, if needed;

11 "Inventory" means a listing of a child's wardrobe and necessities when the child enters a
12 placement and includes any updates to the listing during a placement period;

13 "Necessities" means items, other than clothes, necessary to care for a child;

14 "Placement" means any placement of a child who is in the legal custody of the department
15 in any foster home, kinship parent home, or residential care provider home; and

16 "Placement provider" means a foster parent, kinship parent, or residential care provider
17 with whom the department has placed a child who has been removed from his or her home and
18 is in the legal custody of the department.

§49-13-3. Requirements.

1 (a) A placement provider in conjunction with the child welfare worker shall review a child's
2 current clothing, necessities, and inventory at the time of initial placement to determine whether:

3 (1) The child possesses an adequate wardrobe and sufficient approved necessities; or

4 (2) The child needs to be issued an initial clothing allowance to obtain an adequate
5 wardrobe and approved necessities.

6 (b) If the child possesses an adequate wardrobe and sufficient approved necessities at
7 the time of initial placement, further action is not needed at that time.

8 (c) If the child does not have an adequate wardrobe or sufficient approved necessities at
9 the time of the initial placement, then the placement provider shall seek a clothing allowance to
10 purchase an adequate wardrobe and approved necessities for the child.

11 (d) An initial clothing allowance is not intended to completely outfit the child, but rather
12 only to supply the child with immediate clothing and necessities.

13 (e) A placement provider shall:

14 (1) Supply a child with an adequate wardrobe and approved necessities for as long as the
15 child remains in his or her care; and

16 (2) Periodically update the clothing and necessity inventory throughout that placement
17 period.

18 (f) A child's inventory shall follow him or her throughout all placements.

§49-13-4. Amount and form of payment.

1 (a) The bureau shall issue an initial clothing allowance for a minimum of \$375.

2 (b) The department shall designate one of the following methods to pay for the initial
3 clothing allowance and any supplementary clothing allowance, listed in priority order:

4 (1) A reloadable electronic-transfer payment card will be issued to the placement provider
5 specifically for the purpose of this article;

6 (2) A child welfare worker or case aid will use a purchasing card issued to him or her
7 pursuant to the purchasing card program in §12-3-10a of this code; or

8 (3) The Bureau will reimburse a placement provider for purchases made using the
9 placement provider's own funds. This method may be used only when another method is not
10 feasible.

11 (c) *Payment card.* — This subsection applies when using a payment card.

12 (1) The bureau shall issue a new payment card to a placement provider or re-load an
13 existing payment card with funds within 48 hours of a child being placed with the placement
14 provider.

15 (2) A payment card may be used online or in any store that accepts an electronic payment
16 transaction.

17 (3) The department shall:

18 (A) Adopt a policy regarding requirements for using a payment card, which includes, but
19 is not limited to:

20 (i) An explanation of proper purchases that may be made using the payment card;

- 21 (ii) An explanation of how and when the payment card can be re-loaded;
- 22 (iii) A requirement to retain receipts for reconciling purchases; and
- 23 (iv) A requirement that reimbursements under this section are limited to the funds available
- 24 to the placement provider under the initial or any supplementary clothing allowance available
- 25 during the relevant placement period; and
- 26 (B) Provide the policy to a placement provider when issuing the payment card.
- 27 (d) *Purchasing card.* — For any item purchased using a purchasing card, the child welfare
- 28 worker or case aid shall retain the receipt and follow the reconciliation process required by the
- 29 purchasing card program.
- 30 (e) *Reimbursement to a placement provider.* —
- 31 (1) A kinship placement provider who purchases any adequate wardrobe item or approved
- 32 necessities, using his or her own funds and expecting reimbursement, shall submit the purchase
- 33 receipt to the child welfare worker or case aid for reimbursement from the department.
- 34 (2) A foster care placement provider who purchases any adequate wardrobe item or
- 35 approved necessities, using their own funds and expecting reimbursement, shall submit the
- 36 purchase receipt to their child placing agency. The child placing agency shall submit an invoice
- 37 for the purchase to the department who shall provide reimbursement.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

Jan Pack

Clerk of the House of Delegates

Joe Min

Clerk of the Senate

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2026 APR - 1 P 10:43

FILED

Originated in the House of Delegates.

In effect 90 days from passage.

Greg Hunter
Speaker of the House of Delegates

Randy Smith
President of the Senate

The within is approved this the 1st
Day of April, 2026.

Patrick Morisy
Governor

PRESENTED TO THE GOVERNOR

MAR 16 2015

Time 10:00am