

# HB 4021 -- Redline

Introduced to Committee Substitute -- Bring them Home Fund.

Deletions ~~struck~~ · Insertions underlined

CS for HB 4021 WEST VIRGINIA LEGISLATURE REGULAR SESSION ~~Introduced~~Committee FISCALSubstitute for House Bill 4021--~~NOTE~~ By Delegates Hanshaw (Mr.

Speaker) and Hornbuckle [By Request Of the Executive] ~~[Introduced~~[Originating January in 15, the 2026; House Committee on Health and Human Resources;

~~referred~~Reported to the Committee on Health January and 20, Human 2026] Resources~~CS then for Finance]~~~~Intr-HB~~

~~2026R2805H4021 2026R2804S~~ A BILL to amend and reenact 49-2-125 of the Code of West Virginia, 1931, as amended, by adding a new article, designated Sec. 49-13-101, Sec. 49-13-102, Sec. 49-13-103, and Sec. 49-13-104, relating to ~~the creation of the Bring Them Home Fund, guidelines to disburse moneys from the fund for the purpose of renovating existing state properties to facilitate the expansion of West Virginia's child welfare~~welfare; provider network, and authority to promulgate legislative rules.

providing legislative findings;

creating a fund;

establishing guidelines to disburse moneys from the fund;

and requiring reporting.

ARTICLE ~~13-2.~~

BRINGSTATE THEMRESPONSIBILITIES HOMEFOR FUND.CHILD WELFARE.

~~Sec. 49-13-101, Sec. 49-2-125.~~

LegislativeCommission Findings, to Study Residential Placement of Children;

~~Whenfindings; a child is in need of in-patient placement for acute psychiatric, neurodevelopmental, or trauma services, that child should be able to receive adequate services within their home state.~~

~~Notrequirements; only does an out-of-state placement in a residential childcare and treatment facility bear a significantly higher cost than a similar in-state placement, but the distance may make it more difficult for the department to have meaningful engagement with the child and their treatment team.~~

~~Mostreports; importantly, an out-of-state placement means that a child already in a crisis may lose any family support they may have.~~

~~Therefore, recommendations; it is the finding the Legislature that there is a valuable public need to create more quality in-state placement facilities able to provide necessary residential treatment to the children who need it most.~~

~~Sec. 49-13-102, fund.~~

Creation(a) of(1) The Legislature finds that the Bringstate's Themcurrent Home~~system Fund~~of serving children and families in need of or at risk of needing social, emotional and behavioral health services is fragmented.

~~(a)The Thereexisting iscategorical herobystructure createdof a government specialprograms trust fund which shall be designated and knowntheir asfunding thestreams "Bringdiscourages Themcollaboration, Home~~resulting Fund,"in toduplication beof administeredefforts byand thea Secretarywaste of thelimited Departmentresources. of Human Services.

Children are usually involved in multiple child-serving systems, including child welfare, juvenile justice and special education.

More than ten percent of children presently in care are presently in out-of-state placements.

Earlier efforts at reform have focused on quick fixes for individual components of the system at the expense of the whole.

It is the purpose of this section to establish a mechanism to achieve systemic reform by which all of the state's child-serving agencies involved in the residential placement of at-risk youth jointly and continually study and improve upon this system and make recommendations to their respective agencies and to the Legislature regarding funding and statutory, regulatory and policy changes.

It is further the Legislature's intent to build upon these recommendations to establish an integrated system of care for at-risk youth and families that makes prudent and cost-effective use of limited state resources by drawing upon the experience of successful models and best practices in this and other jurisdictions, which focuses on delivering services in the least restrictive setting appropriate to the needs of the child, and which produces better outcomes for children, families and the state.

(2) When a child is in need of in-patient placement for acute psychiatric, neurodevelopmental, or trauma services, that child should be able to receive adequate services 1 CS for HB 4021 within their home state.

Not only does an out-of-state placement in a residential treatment facility bear a significantly higher cost than a similar in-state placement, but the distance may make it more difficult for the department

to have meaningful engagement with the child and their treatment team.

Most importantly, an out-of-state placement means that a child already in a crisis may lose any family support they may have.

Therefore, it is the finding of the Legislature that there is a valuable public need to create more quality in-state placement facilities able to provide necessary residential treatment to the children who need it most.

(b) There is created continued within the Department of Human Services the Commission to Study the Residential Placement of Children.

The commission consists of the Secretary of the Department of Human Services, the Commissioner of the Bureau for Children and Families, the Commissioner for the Bureau for Behavioral Health and Health Facilities, the Commissioner for the Bureau for Medical Services, the State Superintendent of Schools, a representative of local educational agencies, the Director of the Office of Institutional Educational Programs, the Director of the Office of Special Education Programs and Assurance, the Director of the Division of Juvenile Services and the Executive Director of the Prosecuting Attorney's Institute.

At the discretion of the West Virginia Supreme Court of Appeals, circuit and family court judges and other court personnel, including the Administrator of the Supreme Court of Appeals and the Director of the Juvenile Probation Services Division, may serve on the commission.

These statutory members may further designate additional persons in their respective offices who may attend the meetings of the commission if they are the administrative head of the office or division whose functions necessitate their inclusion in this process.

In its deliberations, the commission shall also consult and solicit input from families and service providers.

(c) The Secretary of the Department of Human Services shall serve as chair of the commission, which shall meet on a quarterly basis at the call of the chair.

(d) At a minimum, the commission shall study:

(1) The current practices of placing children out-of-home and into in-residential 2 CS for HB 4021 placements, with special emphasis on out-of-state placements;

(2) The adequacy, capacity, availability and utilization of existing in-state facilities to serve the needs of children requiring residential placements;

(3) Strategies and methods to reduce the number of children who must be placed in out-of-state facilities and to return children from existing out-of-state placements, initially targeting older youth who have been adjudicated delinquent;

(4) Staffing, facilitation and oversight of multidisciplinary treatment planning teams;

(5) The availability of and investment in community-based, less restrictive and less costly alternatives to residential placements;

(6) Ways in which up-to-date information about in-state placement availability may be made readily accessible to state agency and court personnel, including an interactive secure web site;

(7) Strategies and methods to promote and sustain cooperation and collaboration between the courts, state and local agencies, families and service providers, including the use of inter-agency memoranda of understanding, pooled funding arrangements and sharing of information and staff resources;

(8) The advisability of including no-refusal clauses in contracts with in-state providers for placement of children whose treatment needs match the level of licensure held by the provider;

(9) Identification of in-state service gaps and the feasibility of developing services to fill those gaps, including funding;

(10) Identification of fiscal, statutory and regulatory barriers to developing needed services in-state in a timely and responsive way;

(11) Ways to promote and protect the rights and participation of parents, foster parents and children involved in out-of-home care;

(12) Ways to certify out-of-state providers to ensure that children who must be placed out-of-state receive high quality services consistent with this state's standards of licensure and rules of 3 CS for HB 4021 operation;

and (13) Any other ancillary issue relative to foster care placement.

(e) The commission shall report annually to the Legislative Oversight Commission on Health and Human Resources Accountability its conclusions and recommendations, including an implementation plan whereby:

(1) Out-of-state placements shall be reduced by at least ten percent per year and by at least fifty percent within three years;

(2) Child-serving agencies shall develop joint operating and funding proposals to serve the needs of children and families that cross their jurisdictional boundaries in a more seamless way;

(3) Steps shall be taken to obtain all necessary federal plan waivers or amendments in order for agencies to work collaboratively while maximizing the availability of federal funds;

(4) Agencies shall enter into memoranda of understanding to assume joint responsibilities;  
(5) System of care components and cooperative relationships shall be incrementally established at the local, state and regional levels, with links to existing resources, such as family resource networks and regional summits, wherever possible;  
and (6) Recommendations for changes in fiscal, statutory and regulatory provisions are included for legislative action.

(f) There is created a special account which shall be designated and known as the "Bring Them Home Fund", to be administered by the Secretary of the Department of Human Services.

Expenditures from the fund shall be for the purposes set forth in this section, and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of Sec.12-3-1 et seq.

of this code and upon fulfillment of the provisions of Sec.11B-2-1 et seq.

of this code.

4 CS for HB 4021 (3) All income earned on moneys, properties, and assets held in the fund, or from any investments;

and ~~Intr HB 2026R2805H 2026R2804S~~ (4) Any funds generated through a revolving funding structure.

~~(b)(5) AnyThe funds received by the Secretary of the Department of Human Services for the purpose of the Bring Them Home Fund shall be paidtreated into by the BringAuditor Themand HomeTreasurer Fund, as and shallspecial berevenue disbursedfund and otherwisenot managedas inpart of the mannergeneral setrevenues forthof inthe thisstate. article, unless such a transfer is not allowable by law.~~

~~(c) The Bring Them Home Fund shall be treated by the Auditor and Treasurer as a special revenue fund and not as part of the general revenues of the state.~~

~~Sec.49-13-103.~~ (6) The Secretary of the Department of Human Services is authorized to disburse funds from the Bring Them Home Fund, at his or her discretion, for any of the following purposes:

~~Disbursements(A) fromTo therenovate Bringexisting Themstate Homeproperties Fund, to expand high-acuity psychiatric, neurodevelopmental, and trauma services for children residing in West Virginia;~~

~~(a)(B) TheTo Secretarydevelop oftreatment theprograms, Departmentincluding ofin-patient Humanprograms Servicesand isaftercare authorizedprograms, tothat disbursematch fundsclinical fromprofiles the Bring Them Home Fund, at his or her discretion, for any of theyouth followinghistorically purposes:placed out-of-state;~~

~~(1)(C) To renovateexpand existingthe statechild propertieswelfare toprovider expandnetwork high-acuityin psychiatric,West neurodevelopmental,Virginia and traumabuild servicesa foundation for childrenhigh residingquality, inspecialty Westcare; Virginia;~~

~~(2)(D) To developcause treatmentto programs,be includingoperated in-patientby programsa andnonstate aftercaregovernment programs,entity thatan matchin-state clinicalin-patient profilesfacility ofthat youthis historicallyon placedproperty out-of-state;owned by the state;~~

~~(3)or (E) To expandrenovate theexisting childprivate welfarefacilities providerto networkprovide ina Westpsychiatric Virginiaresidential andtreatment buildlevel aof foundationcare for highchildren quality,currently specialtybeing care;treated out of state.~~

~~or(q) (4)The ToSecretary operate,of orthe causeDepartment toof beHuman operated,Services anis in-state not in-patientlimited childcareto facilityusing thatState isproperties ownedwhich byare already within the state. possession of the Department of Human Services.~~

~~(b)Instead, Thethe Secretary ofis theauthorized Departmentto ofcoordinate Humanwith Servicesother isstate notagencies limitedand tothe usingState stateBoard propertiesof whichEducation areto alreadydetermine withinwhat theexisting possessionstate ofproperties thecould Departmentbe ofused Humanfor Services-a facility.~~

Instead,Recognizing the Secretarysocial isand authorizedeconomic tovalue coordinateof withplacing children at in-state facilities, other state agencies andshould theact Statecollaboratively Boardwith the Department of EducationHuman Services to determineidentify what existing-state properties couldcan beserve used5 CS for HB 4021 a childcarebetter facility-public need through repurposing in accordance with this article.

Recognizing(h) theThe socialSecretary andof economicthe valueDepartment of placingHuman childrenServices atmay in-stateenter facilities,into otheroperating stateor Intrmanagement HBagreements 2026R2805Hwith 2026R2804Sprivate agenciesentities shouldto acteffectuate collaboratively withthe Departmentpurposes of Humanthis Servicessection, toand identifymay whatdisburse statefunds propertiesto cando serve so.-a better public need through repurposing in accordance with this article.

~~(c) The Secretary of the Department of Human Services may enter into operating or management agreements with private entities to effectuate the purposes of this section, and may disburse funds to do so.~~

~~Sec.49-13-104.~~(i) The Secretary shall report to the Legislative Oversight Commission on Health and Resources Accountability by December 1 of each year concerning the reinvestment of the savings from decreased numbers of out-of-state placements.

~~Legislative(j) Rulemaking.~~The provisions of this section expire on July 1, 2030.

~~The Secretary of the Department of Human Services is authorized to promulgate legislative rules, emergency legislative rules, and procedural rules pursuant to the requirements of Sec. 20A-3-1 et seq. of this code.~~

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