



HOUSE OF DELEGATES WEST VIRGINIA LEGISLATURE

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Committees:
Chair Health and Human
Resources
Finance
Industry and Labor
Small Business, Entrepreneurship
and Economic Development

March 2, 2020

Chairman Trump,

Thank you for taking time to discuss the proposed changes to the foster care bill yesterday. This bill was created and approved in a bipartisan fashion with over 1 year of study by the Joint Committee on Health. We understand there are a variety of opinions and stakeholders, all of who want something a little different than the other groups. With that said, we feel that the product that left the house is substantially better in addressing everyone's concerns, other than the court, and would respectfully request you return to the House version.

However, in the spirit of cooperation and compromise, we agree that several of the changes that were made improve the legislation, but we do have additional concerns we like to see addressed:

On page 1, line 6, add "or Child Placing Agency" after "Certified foster parent means a person certified by the department";

On page 5, the definition of foster care has been changed to include kinship placement. This change effects the term in the whole chapter and there are many places which foster care and kinship placement are discussed separately. This inclusion meshes the terms and there is no longer a distinction in code;

On page 13, reinsert the funding subsection (k). This issue is under the purview of the Senate Finance Committee, and we would request the language remain intact until it is addressed by that committee.

On page 13, Section 111c - This language should be incorporated into the performance based contract.

On page 18, subdivision (4). It was discussed that the changes to these sections were made to remove subjective items and moves towards objective items. Switching from "travel bag" to "means to transport personal belongings" returns language to a subjective criteria. Consider returning to House language to ensure foster children are not transporting their belongings in trash bags.

On page 19, subdivision (12) by reinserting the language, "with consideration for finances and scheduling";

The House has significant concerns with the addition that "the rights may be enforced by the court in a pending case under this article". This language is not clear. At the very least it should provide a clear right for a foster parent to intervene to enforce these rights. Additionally, this will require the foster parents to obtain counsel, at an additional expense. We are concerned that this will overburden the court system by requiring it to enforce these rights. The House will not support any provision which would create a cause of action. This is why the ombudsman was created to investigate whether these rights were being violated and provide alternative mechanism for dispute resolution.

On page 20, Subdivision (3) should also be added to the contract;

On page 21, by striking subdivision (7); How will the court modify a contract?

On page 21 subdivision 38 - Strike the words "a final investigation of"; The foster parent should be contacted concerning the investigation when a credible complaint has been filed;

On page 22, restore subdivision 25. Respite should be provided for and the cost associated with such are provided in the fiscal note.

On page 22, §127a, This agreement raises significant concerns. First, the parties to the documents do not have equal bargaining power, with the foster parent having a significant disadvantage in this negotiation. Also, because DHHR is a party to every contract the AG will be required to review all the contracts as to form which could significantly slow the process of recruiting foster parents. The requirement that each contract would be reviewed yearly adds another layer of bureaucracy which will again add additional burden to the system;

On page 23, subdivision (1), require the CPA or the department to provide childcare during all required trainings;

On page 25, subsection (e), permit overnight stays using the reasonable and prudent parenting standard;

On page 28, section 601a, we would like to the House provisions to be completely restored. The report the bill provided for is a current court rule, and should currently be followed, but since the court is opposed to such requirement it does not appear to be an option at this time. However, we would request a provision to be added:

"That the GAL is required to visit the child at an appropriate setting, at least 5 days before the dispositional hearing. The GAL shall obtain the signature of the foster parent to verify the visit occurred."

The House is extremely concerned that GALs are not meeting with their clients, and are drafting reports which clearly could not indicate what is in the best interest of the

child since no visit has taken place. Judges rely heavily on these reports when making a decision and the House wants to make sure the report contains what is truly in the best interest of the child.

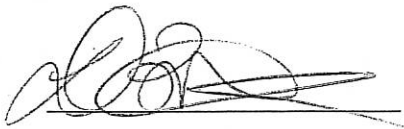
Sincerely,



Jordan Hill, Chairman
Health and Human Resources



Jeff Pack, Vice Chair
Health and Human Resources



Danielle Walker
Delegate 51st District



Lisa Zukoff
Delegate 4th District