

WEST VIRGINIA STATE PAGE

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ICPC Specialist – Residential Referrals

Linda Kennedy
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Address all correspondence to: Deputy Compact Administrator.

ICPC Office Hours: Monday-Friday, 8:30 am. to 4:30 p.m., Eastern Standard Time.

FAX: (304) 558-4563

GENERAL INFORMATION

ICPC Code Citation. West Virginia Code 49-2A-1 through 49-2A-2.

Statutory Penalties Under Article IV. Fine \$10-100, or confined in jail for 5 days, 6 months, or both. West Virginia Code 49-7-20.

Age of Majority. 18 years under West Virginia Code 49-2-2, or until she/he is discharged because she/he is no longer in need of care. Jurisdiction of the court may continue over any child under the age of 21 years who has been adjudicated delinquent.

Court Jurisdiction. Circuit Court assigned to juvenile matters sits as a juvenile court, West Virginia Code 49-5-1 (1975 Supp). Family Court has jurisdiction over domestic relations matters including divorce proceedings, child custody, child support etc.

SPECIAL INFORMATION

Custody Investigation/Divorce Cases-Those Unrelated to ICPC. Requests for investigations in Non-ICPC custody disputes are not provided by the WV Department of Health and Human Resources unless there are valid child protective concerns. All such Non-ICPC requests will be returned to the sender with a notation that the Court, agency, attorney or family may contract for needed services with a private licensed agency of choice or any licensed social worker in private practice. Child Protective Service alerts should be directed to WVDHHR Bureau for Children and Family Services, Children and Adult Services Attn: Laura Sperry. In instances of alleged abuse or neglect, the matter will be referred to the county social services office.

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REQUIREMENTS

Reports. Quarterly reports are required unless otherwise specified.

Licensing Requirements. Foster family homes are approved according to state wide standards set by the Department of Health and Human Resources Services. West Virginia Code 49-2-9 (1975 Supp.). Child caring institutions are licensed by the WVDHHR West Virginia Code 49-2B.

PLACEMENTS

Independent Adoptive Placements. Such placements are legal and are not restricted within the state. Placements involving other states must meet ICPC requirements. WV DHHR local offices do not provide home studies or post-placement supervisory services in re: independent adoptive placements.

Adoption Petition. Petition is filed in Circuit Court in county of petitioner's residence. West Virginia Code 48-4-1. There is no stated time between filing of the petition and final decree. Child must reside with adopting family six months before filing of petition. West Virginia 48-4-1 (b).

Residential Placements

-Placements Requiring Interstate Approval: All placements into residential facilities by parents, agencies, and courts from outside the state must be approved except placements into institutions for the mentally ill, mentally retarded, or educational or medical facilities.

-Requirements for Placement: ICPC 100A, Child Summary, and legal documents authorizing child's placement.

-Approval of Facilities: Residential facilities are licensed every two years based on reviews completed by the WVDHHR Bureau for Children and Families and the Fire Marshall's Office. If the facility also provides behavioral health services it will also be licensed every two years by the Bureau of Public Health-OHFLAC.

-Rate Setting: Rates are negotiated between each facility and the Bureau for Children and Families (Office of Finance and Administration) and the Bureau of Medical Services.

-Monitoring of the Child: Sending agency and residential facility are responsible.

-Philosophy for the Placement of Non-Resident Youth: Placements are to be time limited and in the child's best interest.

-Requirements for Foster Care Placements: Foster homes must be approved by WV/DHHR.

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PAYMENTS

AFDC Payments. May be made on behalf of nonresident children placed with relatives in West Virginia.

Medicaid Payments. Provided for West Virginia children placed with foster parents and relatives (excluding natural parents) in other states who are receiving a foster care payment. Nonresident children whose relatives receive TANF are also covered by Medicaid.

Foster Care. West Virginia rates apply in out-of-state placements. Children in custody of WVDHHR are eligible for foster care maintenance payments if the out-of-state placement resource is licensed/certified/approved by the receiving state.

Special Education Payments. Not required for nonresident children placed in West Virginia, but at the option of the local school board.

USEFUL TELEPHONE NUMBERS

Child Abuse/Protective Services. Laura Sperry, WV DHHR, Bureau for Children and Family Services, Children and Adult Services. (304) 558-7980.

Child Abuse Hotline. 800-352-6513.

Juvenile Compact Office/Department of Corrections. WV Supreme Court, Administrative Offices, Mike Lacy, (304) 558-0145.

Licensing. Kathie King, WV DHHR, Bureau for Children and Family Services, Children and Adult Services. (304) 558-7980.