

West Virginia
Commission on Children and Youth

1900 Washington Street, East
Charleston, West Virginia 25305

Telephone: (304) 348-0258

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1985 JUL 17 3:09

OFFICE OF THE
SECRETARY OF STATE



Arch A. Moore, Jr.
Governor

Thomas L. Llewellyn
Executive Director

PROPOSED RULES

STATE REGISTER FILING

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AGENCY West Virginia Commission on Children and Youth

CONTACT PERSON Thomas L. Llewellyn PHONE 348-0258

TYPE OF RULE Procedural

TITLE OF RULE Operating rules and regulations for the West Virginia Commission
on Children and Youth.

CHAPTER 49 ARTICLE 6C SERIES I

AUTHORITY WV Code 49-6C-6

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CHECK APPLICABLE ITEMS BELOW TO SHOW KIND OF ACTION BEING TAKEN

☒ NEW RULE

☒ NOTICE OF HEARING

☐ AMENDMENTS TO EXISTING RULE

☐ NOTICE OF AGENCY APPROVAL
(legislative rules only)

☐ REPEAL OF EXISTING RULE

☐ NOTICE OF AGENCY ADOPTION
(interpretive & procedural
rules only)

NOTE: ALL FILINGS REQUIRE ONLY
ONE COPY, EXCEPT FINAL
FILING OF RULES WHICH
REQUIRES AN ORIGINAL AND
A COPY.

☐ FINAL FILING

☐ FIRST EMERGENCY FILING

☐ SECOND EMERGENCY FILING

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NOTICE OF PUBLIC HEARING

The West Virginia Commission on Children and Youth shall convene a series of public hearings for the purpose of taking evidence pertaining to the filing of the proposed procedural rule, Operating Rules and Regulations for the West Virginia Commission on Children and Youth. This proposed rule contains guidelines relating to the operation of the West Virginia Children's Trust Fund.

The hearings on the above proposed rule shall be held at the following locations:

Aug. 6	4:00-6:00 p.m.	Martinsburg	Martinsburg-Berkeley County Public Library, Mezzanine Area 101 W. King Street
Aug. 7	4:00-6:00 p.m.	Fairmont	Fairmont State College Administration Building Room 109
Aug. 8	4:00-6:00 p.m.	Wheeling	WV Department of Human Services 407 Main Street Conference Room A
Aug. 13	4:00-6:00 p.m.	Princeton	WV Department of Human Services 1010 Mercer Street
Aug. 14	4:00-6:00 p.m.	Parkersburg	WV Department of Human Services 709 Market Street
Aug. 15	4:00-6:00 p.m.	Charleston	State Capitol Building Room 260

Notice of Public Hearing
WV Commission on Children and Youth
Page Two

Any citizen may appear at one of the public meetings to present evidence. Written or oral testimony will be allowed at the public hearings or written evidence may be submitted to the West Virginia Commission on Children and Youth, 1900 Washington Street, East, Charleston, West Virginia 25305.

The Commission requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate a review of these comments.

The issues to be heard shall be limited to the proposed rule.

Copies of the proposed rule may be obtained by telephoning 348-0258 or by writing to the West Virginia Commission on Children and Youth at the above address.

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FOR MORE INFORMATION CONTACT:

Thomas L. Llewellyn
348-0258 (office)
727-0272 (home)


Thomas L. Llewellyn, Exec. Dir.
WV Commission on Children & Youth

The Commission on Children and Youth filed procedural rules entitled, "Operating Rules and Regulations for the West Virginia Commission on Children and Youth", on July 3, 1985.

Notices of public hearings were sent to over 500 individuals, organizations, and media contacts. (See attached list.)

The Commission held six public hearings.

August 6	Martinsburg	8 attendees
August 7	Fairmont	4 attendees
August 8	Wheeling	5 attendees
August 13	Princeton	10 attendees
August 14	Parkersburg	1 attendee
August 15	Charleston	6 attendees

The Commission on Children and Youth reviewed the written comments received during the hearing process, agreed that some of the written comments pertaining to making the regulations more consistent with the code were valid, and instructed the executive director to revise the regulations in accordance with those comments.

Those revisions were completed and approved by the Commission by mail ballot.

The final filing was completed on February 13, 1986.

RESULTS OF THE PUBLIC HEARINGS

Public hearings were held in six locations around the State on the Operating Rules and Regulations for the West Virginia Commission on Children and Youth.

Public notice of the meetings were sent to over 500 individuals, organizations, and media contacts. (See attached list.) The Commission heard from 34 individuals who submitted both written and oral comments relating specifically to the operations of the Commission. Attached are copies of those written comments.

Most comments had to do with the operation of the West Virginia Children's Trust Fund and were specifically related to the following issues:

- contracting period,
- eligibility for funding, and
- application procedures.

The Commission reviewed all of the comments and instructed the executive director to make revisions that:- -

- 1) Made the regulations more consistent with the sections of the code that were being cited;
- 2) Eliminated information that would have to be updated annually, but required the Commission to annually publish priorities for funding; and
- 3) Changed the appeal process to that of an opportunity to protest the decisions relating to the Trust Fund grants.

Relating to making the regulations more consistent to the code, the Commission felt these comments were valid and it would eliminate a great deal of confusion if the regulations were worded in a similar fashion.

Relating to the annual review of priorities, it was felt that these operating rules were not the proper place to have those priorities listed; but they needed to be established annually. The regulations should require the Commission to make public those priorities.

Relating to the appeals process, in reviewing Trust Fund regulations from other states and other agencies in this State, it was not felt the Commission could have a true appeals process as we were not able to provide redress without having to undertake the total application process again. The Commission did feel, however, that citizens had a right to protest the decision and receive an explanation as to the reason for that decision. This system of filing protests has been successful in other states.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Operating rules and regulations for the West Virginia Commission on Children and Youth.

Type of Rule: Legislative Interpretive x Procedural

Agency WV Commission on Children & Youth Address 1900 Washington Street, East
Charleston, WV 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates.

3. Objectives of these rules:

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SECRETARY OF STATE

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

B. Economic Impact on Political Subdivisions; Specific Industries;
Specific groups of citizens.

C. Economic Impact on Citizens/Public at Large.

Date July 3, 1985

Signature of Agency Head or Authorized Representative

Thomas L. Hawley

PROCEDURAL RULE
WEST VIRGINIA COMMISSION ON CHILDREN AND YOUTH
CHAPTER 49-6C
SERIES I

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TITLE: Operating rules and regulations for the West Virginia Commission on
Children and Youth.

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PROCEDURAL RULE
WEST VIRGINIA COMMISSION ON CHILDREN AND YOUTH
CHAPTER 49-6C
SERIES I

TITLE: Operating rules and regulations for the West Virginia Commission on Children and Youth.

Section 1. GENERAL

1.1 Scope - This procedural rule establishes the operating procedures under which the West Virginia Commission on Children and Youth will operate. It outlines the organization of the Commission, the state plan and operating rules for the Children's Trust Fund, and the state plan for the Commission's advocacy responsibilities.

1.2 Authority - West Virginia Code 49-6C-6.

1.3 Filing Date -

1.4 Effective Date -

Section 2. ORGANIZATION.

The West Virginia Commission on Children and Youth, hereinafter referred to as the Commission, was created by the West Virginia Legislature in 1984, West Virginia Code 49-6C-6. The Commission is to be composed of twenty citizen members appointed by the Governor with one-half of the members rotating off every two years. No citizen member should be appointed to serve more than two consecutive four-year terms. In addition to the twenty citizen members, the director of Health, state superintendent of schools, commissioner of Corrections, commissioner of Human Services, the director of Economic and Community Development, or their designated representatives will serve as voting ex-officio members of the Commission.

2.1 Purposes of the Commission.

2.1.1 To develop and provide ongoing administration of the West Virginia Children's Trust Fund.

2.1.2 To serve as advocates for children and youth in the State of West Virginia according to the mandate given to the original Commission.

2.1.3 To assist in developing cooperation among public and private agencies engaged in the delivery of services to children and youth in this State.

2.1.4 To research the specific needs of children and youth, to assess current and proposed programs to meet these needs and to make findings and recommendations to the governor and the legislature annually.

2.1.5 To serve as the liaison for West Virginia with the White House Conference on Children and Youth and with any other national or international conferences or committees when representation of West Virginia's interest would bring benefit to its children and youth.

2.1.6 To perform such other functions as may be directed by the governor.

2.2 Operating Rules.

2.2.1 The Commission will meet at least once every quarter. Other meetings may be held at the request of the majority of the members and/or be called by the executive committee.

2.2.2 At least nine citizen members presently serving on the Commission will constitute a quorum.

2.2.3 Due to the nature of the decisions that would need to be made at a meeting of the Commission, all members are encouraged to attend all meetings. If members find it impossible to attend regular meetings of the Commission, they should be encouraged to resign their position. Any member who misses two consecutive meetings without excuse being made to the executive

director or chairman prior to the meeting may, by action of the Commission, be asked to resign.

2.2.4 The Commission will recommend a replacement for any vacancy that occurs within its membership.

2.2.5 A chairman and a vice-chairman will be elected in January of each year.

2.2.5.1 The chairman will have the following responsibilities: appoint members of the standing committees, conduct regular and called meetings of the Commission, work with executive director in planning the agenda for the meetings, speak for the Commission in the media and in dealings with other agencies and the legislature, and chair the executive committee.

2.2.5.2 The vice-chairman will assume any of the above responsibilities in the absence of the chairman.

2.2.6 The executive committee will be composed of the chairman, the vice-chairman, and the chairs of the standing committees. The executive committee will carry out the following responsibilities.

2.2.6.1 The executive committee may act on behalf of the Commission with the exception of decisions regarding grants for the Children's Trust Fund.

2.2.6.2 The executive committee will work with the staff to determine the commitments of staff to outside activities, the priorities to be undertaken, and similar matters.

2.2.6.3 The executive committee will develop an ongoing planning mechanism for the operation of the Commission.

2.2.6.4 The executive committee will be responsible for professional staff assigned to the Commission.

2.2.6.5 The executive committee will establish its own meeting schedule.

2.2.7 Standing committees of the Commission will include, but not be limited to, the following: Children's Trust Fund committee, advocacy committee, communications committee, and finance committee. Each committee will be responsible for selecting a chairman from among its members. The chairman will be responsible for conducting the meetings of the committee and will serve on the executive committee.

2.2.7.1 The Children's Trust Fund committee will be responsible for:

2.2.7.1.1 Implementing the application and decision making process;

2.2.7.1.2 Reviewing applications and preparation of a presentation to

the group;

2.2.7.1.3 Reviewing the monitoring and evaluation reports; and

2.2.7.1.4 Reporting back to the Commission regarding findings.

2.2.7.2 The advocacy committee will be responsible for:

2.2.7.2.1 Developing and implementing an ongoing process to determine needs of children and youth in West Virginia;

2.2.7.2.2 Developing position papers to be reviewed and approved by the Commission; and

2.2.7.2.3 Reviewing and making recommendations for the elimination of duplication among agencies in the delivery of services to children and youth.

2.2.7.3 The communications committee will be responsible for:

2.2.7.3.1 Developing and implementing an ongoing internal and external information and communications effort;

2.2.7.3.2 Preparing information for release to the media;

2.2.7.3.3 Developing printed materials for general release;

2.2.7.3.4 Performing other services appropriate to the effective dissemination of information about the Commission to the general public; and

2.2.7.3.5 Developing information for use by the Commission in advocacy and Children's Trust Fund activities.

2.2.7.4 The finance committee will be responsible for:

2.2.7.4.1 Assisting the staff of the Commission in the preparation of budget requests and other financial reporting responsibilities; and

2.2.7.4.2 Exploring and actively working to secure all possible funding and report back to the Commission.

2.2.8 The West Virginia Department of Human Services shall be responsible for underwriting the expenses of the Commission and provide such staff as necessary to assist the Commission in performing its responsibilities. Such staff should include an executive director, program specialists, and support staff.

2.2.8.1 The executive director will be responsible for the day-to-day operation of the office of the Commission and for hiring and supervising additional staff. The executive director will also be responsible, in cooperation with the Commission, for establishing the necessary systems for

monitoring the activities of the Commission. In the performance of the job duties and the setting of priorities, the executive director shall be accountable to the Commission.

Should the executive director position become vacant, the Commission will work with the Department of Human Services's Division of Personnel to advertise the vacancy and to screen potential applicants. At the conclusion of the screening process, the Commission shall make recommendations to the Commissioner for consideration in filling the position.

2.2.8.2 Additional professional staff should be hired to serve as program specialists to monitor the contracts funded through the Children's Trust Fund, to develop resources for funding grants, and to be available to local communities to assist with the application process. All such staff shall be accountable to the executive director.

2.2.8.3 There should be clerical and other support staff assigned as needed to carry out the functions of the office. All such staff shall be accountable to the executive director.

2.2.9 Evaluation and Reporting.

2.2.9.1 The Commission shall establish a self-evaluation system that will enable the members and the staff to determine if the program objectives of the Children's Trust Fund and the other advocacy responsibilities were met.

2.2.9.2 The Commission shall be responsible for performing an annual membership and staff performance evaluation.

2.2.9.3 The Commission shall file with the Governor and the legislature such reports as required regarding the Children's Trust Fund and the activities of the Commission.

Section 3. STATE PLAN.

3.1 Children's Trust Fund.

3.1.1 The West Virginia Children's Trust Fund has been established for the purpose of preventing child abuse and neglect. The Trust Fund will provide grants to local community groups for the development of programs to prevent child abuse and neglect. Monies from the Trust Fund may be made available for the following purposes according to West Virginia Code 49-6C-4.

3.1.1.1 To establish and maintain programs for the prevention of child abuse and neglect.

3.1.1.2 To provide educational programs directed toward the prevention of child abuse and neglect.

3.1.1.3 To establish and maintain a continuing program of community

education to prevent child abuse and neglect.

3.1.1.4 To assist groups in making applications for grants with the federal Department of Health and Human Services.

3.1.1.5 To match federal monies to promote increased funding.

3.1.1.6 To provide technical assistance for the research and evaluation of education programs and services related to the prevention of child abuse and neglect.

3.1.2 The Trust Fund shall consist of federal funds granted by Congress or executive order for the purposes of this article as well as gifts, bequests and donations from individuals, private organizations or foundations. Each state taxpayer may voluntarily contribute a portion of his state income tax refund to the Trust Fund. All monies received shall be transferred to the State Treasurer who will be responsible for the investment management of the Trust Fund. All interest accrued from investments shall be credited to the Trust Fund.

3.2 Advocacy.

The Commission, in carrying out its responsibilities as an advocate for children and youth shall:

3.2.1 Periodically conduct a process which will provide information regarding the needs of children and youth and how they are being met in the state;

3.2.2 Actively promote cooperation in service planning and delivery among agencies that provide services to children and youth;

3.2.3 Serve as a liaison to the White House Conference on Children and Youth and regional or national organizations dealing with the needs of children and youth; and

3.2.4 Explore other funding sources to assist in the underwriting of its activities.

Section 4. CHILDREN'S TRUST FUND REGULATIONS.

The Commission shall carry out the provisions of the law creating the Children's Trust Fund through the following regulations.

4.1 Management of the Trust Fund.

4.1.1 In July of each calendar year, the Commission shall determine the amount of money that will be made available for grants from the Children's Trust Fund.

4.1.2 During any one fiscal year, the Commission may authorize the

expenditure of no more than one-half of the income from the Trust Fund with the remainder being invested by the State Treasurer's Office.

4.2 Application Criteria.

4.2.1 All proposed child abuse and neglect prevention programs must be community-based educational and service programs. Funds may not be expended for treatment programs.

4.2.2 The Children's Trust Fund grants will emphasize primary and secondary levels of prevention.

4.2.2.1 Primary prevention of child abuse refers to those efforts aimed at the education of parents and caregivers before abuse and neglect occur. Examples of primary prevention programs may include, but not be limited to, educational programs in schools, parenting and prenatal support classes, and "awareness" announcements in the media.

4.2.2.2 Secondary prevention of child abuse and neglect refers to those supportive services offered parents and primary caregivers who are considered, because of their life situations, to be "at risk". While child abuse or neglect may not have taken place within these families, the probability that it will is presumed greater than in the general population. Examples of secondary prevention programs may include, but not be limited to, support programs for teenage parents; programs for parents of infants with special problems, such as birth defects or prematurity; and programs for families with identifiable stresses.

4.2.3 Priority consideration shall be given to those programs which address one or more of the following areas dealing with the prevention of child abuse and neglect:

4.2.3.1 To teach children how to protect themselves through self-awareness;

4.2.3.2 To deal specifically with the prevention of child sexual abuse;

4.2.3.3 To increase public awareness of the child abuse and neglect problem;

4.2.3.4 To focus on first-time parents; and

4.2.3.5 To focus on families in stress.

The Commission shall annually evaluate and/or review the above priorities.

4.2.4 The proposed review criteria, considered by the committee reviewing applications may include, but not be limited to the following.

- 4.2.4.1 Does the project focus on prevention as opposed to treatment?
- 4.2.4.2 Does the project address the identified priorities?
- 4.2.4.3 Does the service to be provided offer a reasonable approach to the prevention of child abuse and neglect in general, and for the target community or group in particular?
- 4.2.4.4 Is the project innovative in your area?
- 4.2.4.5 Is there a demonstrated community need for the project?
- 4.2.4.6 Are the plans for start-up and ongoing administration of the project sound?
- 4.2.4.7 Is the project adequately and appropriately staffed to carry out the objectives?
- 4.2.4.8 Does the proposal reflect active cooperation with other groups and individuals in the community in which the project is located?
- 4.2.4.9 Are the project objectives clear, achievable, and measurable?
- 4.2.4.10 Is the budget reasonable in terms of stated objectives?
- 4.2.4.11 Is the evaluation method clearly defined?
- 4.2.4.12 Are there other sources of funding being utilized for the project?
- 4.2.4.13 Is there a plan to continue the program if it is successful?
- 4.2.5 Application Deadlines.
- 4.2.5.1 Application materials shall be available by September 1.
- 4.2.5.2 Applications must be received by the West Virginia Commission on Children and Youth by October 1.
- 4.2.5.3 Award notifications shall be made by November 15.
- 4.2.5.4 Contract period shall be December 1 to June 30.
- 4.3 Appeals.

Any appeal of grant decisions must be filed in writing with the executive director of the Commission by December 15. The executive committee will review the appeal, and the decision of the executive committee will be final.

NEWS RELEASE ON PUBLIC HEARINGS SENT TO:

Associated Press
Charleston Gazette
Charleston Daily Mail
Public Radio
Mountainet News
WOWK-TV
Huntington Herald Dispatch
Morgantown Dominion Post
All Commission Members
All WV legislators
Governor's Office
United Press International
All Dept. of Human Services Offices
Kathleen Sherman
Office mailing list

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