

**IN THE CIRCUIT COURT OF PRESTON COUNTY, WEST VIRGINIA**

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**ADMINISTRATIVE ORDER**

**RE: PAYMENT OF INVOICES FOR SOCIALLY NECESSARY SERVICES**

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WHEREAS, on February 10, 2023, the Court became aware that the invoices submitted by service providers contracted to provide socially necessary services to adult respondents and other parties or individuals involved in Chapter 49 cases were not being timely paid by the West Virginia Department of Health and Human Resources;

WHEREAS, service providers contracted to provide socially necessary services to adult respondents and other parties or individuals involved in Chapter 49 cases are stating they cannot provide services if their invoices are not timely paid by the West Virginia Department of Health and Human Resources;

WHEREAS, it appears that this payment issue derives from the new computer software program, "WV PATH," instituted by the West Virginia Department of Health and Human Resources<sup>1</sup>;

WHEREAS, pursuant to West Virginia Code § 49-1-105, the West Virginia Department of Health and Human Resources has a duty to preserve and strengthen the child family ties and to recognize and respect the fundamental rights of children and parents;

WHEREAS, once the West Virginia Department of Health and Human Resources initiates a child protective services case under West Virginia Code § 49-4-601, *et seq.*, the West

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<sup>1</sup> Upon information and believe the WV PATH computer software program is the system through which Child Protective Services workers make referrals to services provides and which provide billing codes by which services providers are paid. Upon information and belief, services providers receive referrals through the computer software program Atrezzo. Upon information and belief, the WV PATH and Atrezzo software programs do not communicate or are otherwise not compatible, creating a breakdown in referrals and invoice payment between the West Virginia Department of Health and Human Services and service providers.

Virginia Department of Health and Human Resources is mandated to provide, direct, and coordinate the appropriate and timely delivery of services to the child and the child's family pursuant to West Virginia Code § 49-2-802;

WHEREAS, this Court has the authority to order the West Virginia Department of Health and Human Resources to pay for socially necessary services pursuant to West Virginia Code § 49-4-108(b);

WHEREAS, the best interests of children and their families involved in cases instituted under West Virginia Code § 49-4-601, *et seq.*, require the provision of socially necessary services; and

WHEREAS, failure to provide socially necessary services in cases instituted under West Virginia Code § 49-4-601, *et seq.*, will result in findings by this Court that the West Virginia Department of Health and Human Resources is not making reasonable efforts to achieve permanency and jeopardize Title IV-E federal funding.

Accordingly, it is hereby

**ORDERED** that the West Virginia Department of Health and Human Resources, Bureau for Social Services, shall make a direct payment to any socially necessary service provider involved in current abuse and neglect proceedings, as well as any future abuse and neglect proceedings in Preston County, West Virginia within fifteen (15) business days of receipt of said invoices for socially necessary services. These services include, but are not limited to, supervised visitation; parenting classes; adult life skills classes; and parental fitness and psychological evaluations. The Court further

**ORDERS** that the West Virginia Department of Health and Human Resources, Bureau for Social Services, shall make payment in full for all socially necessary services

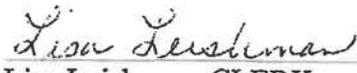
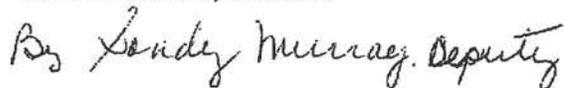
rendered as part of ongoing abuse and neglect cases in Preston County, West Virginia, from January 1, 2023, to present within fifteen (15) business days after entry of this Order. It is further

**ORDERED** that the Clerk of the Court send an attested copy of this Order to the Honorable Chief Justice Elizabeth D. Walker, West Virginia Supreme Court of Appeals; Cindy Largent-Hill, Director of the Division of Children and Juvenile Services; Dr. Jeffrey H. Coben, Interim Secretary of the West Virginia Department of Health and Human Resources, One Davis Square Suite 100 East, Charleston, WV 2530; Jeffrey M. Pack, Commissioner of the Bureau for Social Services, 350 Capitol Street, Room 730, Charleston, WV 25301; and Rick Parks, Social Services Manager of the Preston County Department of Health and Human Resources.

ENTER this 10<sup>th</sup> day of February 2023.

ENTERED this 10<sup>th</sup> day of February 2023.

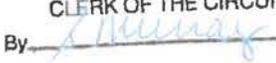
  
Steven L. Shaffer, JUDGE

  
Lisa Leishman, CLERK  
By  Deputy

5 Copies  
SD  
2-10-23

A TRUE

ATTEST: S/LISA LEISHMAN  
CLERK OF THE CIRCUIT COURT

By  Deputy