



Patrick Morrissey
Office of the Governor

April 1, 2026

VIA HAND DELIVERY

The Honorable Kris Warner
Secretary of State of West Virginia
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

Re: Enrolled Senate Bill 744

Dear Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return the Enrolled Senate Bill 744 with the following objections:

The bill would upend the structure of the Department of Human Services Critical Incident Review Team established a mere eight months ago and sever the review process from the officials directly capable of implementing programmatic and policy changes in response to that review. That will only hinder and delay meaningful changes to Child Protective Services (“CPS”) in response to the Critical Incident Review Teams’ work.

The Critical Incident Review Team was created as part of last year’s House Bill 2880, *see* 87th Reg. Leg. Sess. H.B. 2880, p.16-20 (July 11, 2025), *codified in* W. Va. Code § 61-12B-1 et seq. (2025), which I signed into law at the end of April 2025 largely because I saw this new team as an effective way of gathering various experts in the child welfare space—such as social service managers, prosecuting attorneys, state police, and court representatives—to evaluate and provide recommendations for changing practices and policies in response to a fatality or near fatality of a child in the CPS system. H.B. 2880, p.17. One of the bill’s most compelling features was that the team, although made up of independent stakeholders and experts, was housed in the Department of Human Services, H.B. 2880, p.16, and several department officials were members of that team. *Id.* p.17. That meant not only that individuals well versed in the department’s policies and procedures could provide direct input to the team, but also that the team’s evaluation and feedback on particular incidents that occurred at the local level could be taken back in real-time to officials in the department—including the Secretary—who were responsible for implementing policies and

procedures state-wide. House Bill 2880 also included important transparency features: two members of the Legislature served, *ex officio*, on the team, H.B. 2880, p.18, ln. 29-32. And the team had to file multiple reports each year to the Legislative Oversight Commission on Health and Human Resources Accountability. *Id.* p.19, ln.1-7.

This setup also mirrored key features of the Fatality and Mortality Review Team created more than a decade earlier, 81st Reg. Leg. Sess. S.B. 108 (July 12, 2013), *codified in* W. Va. Code §§ 61-12A-1 *et seq.*, and revealed the Legislature’s efforts to model the newly created Critical Incident Review Team off a tried-and-true format. Like the Critical Incident Review Team, the Fatality and Mortality Review Team was housed in the department responsible for overseeing the program being reviewed—in that case, the Department of Health. Its membership included state police and prosecuting attorney representatives. W. Va. Code § 61-12A-1(b)(3)-(4). But it was also chaired by a Department of Health official—the State Health Officer—and other department officials sat on the team as well, *id.* § 61-12A-1(b)(1), (5), thus facilitating direct review and expert feedback to the Department of Health on infant death that the Fatality and Mortality Review Team was tasked with analyzing.

Senate Bill 744 significantly departs from that established model. Instead, it would shift the management of the Critical Incident Review Team to a third-party agency—the Inspector General, 87th Reg. Leg. Sess. S.B. 744, p.2 (Mar. 11, 2026)—an official within the *Department of Health*, W. Va. Code § 16B-2-1(a), whose expertise and duties principally involves “auditing, “financial management,” and “health policies,” *id.* § 16B-2-1(c)(2), (4), (5), and the investigation of “fraud, waste, and abuse” in the *financial* elements of the departments of Human Services, Health, and Health Facilities, *id.* § 16B-2-1(f)(2), not child welfare and protective services issues. It also removes at least one other official with the Department of Human Services from the Critical Incident Review Team. *Compare* W. Va. Code § 61-12B-3(b)(1), (3), *with* S.B. 744, p.3, ln.13-14.

Those changes are unwise. Restructuring a program like this so soon after its initial implementation should always be done with caution because there will necessarily be so few data points on the current structure’s effectiveness, performance, and outcomes. And here, the changes will hinder some of the program’s best features. It will necessarily remove key insight into the department’s policies, practices, and data from the team—thus limiting its all-too-important ability to evaluate fatalities and near fatalities in the child welfare space. And it divorces that review from the officials who have the ability to adjust department policies and procedures in response to the team’s evaluation—thus delaying meaningful changes in the child welfare space that could otherwise be made quickly by the department in response to the team’s recommendations. Senate Bill 744 would also make the Critical Incident Review Team largely duplicative of the existing authority of the Foster Care Ombudsman to “receive, investigate, and resolve complaints” of “a critical incident” in several areas of the child welfare system, W. Va. Code § 16B-16-1(b), instead of the unique tool for evaluation of policy change that the current team could be.

Child welfare is one of the most pressing and important issues facing our state and any time a child in the system dies or nearly dies, state officials at the top of the Department of Human Services should evaluate the incident and determine if any changes in personnel, training, policy, or practice could prevent such crimes and tragedies in the future. The way the Legislature set up

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the Critical Incident Review Team last year will aid in that meaningful review and should not be so significantly and improvidently restructured.

As a result of these issues, I hereby disapprove and return the Enrolled Senate Bill 744.

Sincerely,



Patrick Morrissey
Governor

cc: The Honorable Randy Smith,
President of the Senate

The Honorable Roger Hanshaw
Speaker of the House of Delegates