

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **Senate Bill 886**

BY SENATOR CHAPMAN

[Introduced March 24, 2025; referred  
to the Committee on Health and Human Resources]



1 A BILL to amend and reenact §49-2-126 of the Code of West Virginia, 1931, as amended, relating  
2 to the Foster Child Bill of Rights; providing that a child in foster care or in a kinship  
3 placement must be made aware of his or her rights; providing that the department shall  
4 inform the child of his or her rights; and establishing that a foster care or kinship placement  
5 shall inform the child of his or her rights if requested.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.**

### **§49-2-126. The Foster Child Bill of Rights.**

1 (a) Foster children and children in a kinship placement are active and participating  
2 members of the child welfare system and have the following rights:

3 (1) The right to live in a safe and healthy environment, and the least restrictive environment  
4 possible;

5 (2) The right to be free from physical, sexual, or psychological abuse or exploitation  
6 including being free from unwarranted physical restraint and isolation;

7 (3) The right to receive adequate and healthy food, appropriate and seasonally necessary  
8 clothing, and an appropriate travel bag;

9 (4) The right to receive medical, dental, and vision care, mental health services, and  
10 substance use treatment services, as needed;

11 (5) The right to be placed in a kinship placement, when such placement meets the  
12 objectives set forth in this article;

13 (6) The right, when placed with a foster or kinship family, to be matched as closely as  
14 possible with a family meeting the child's needs, including, when possible, the ability to remain  
15 with siblings;

16 (7) The right, as appropriate to the child's age and development, to be informed on any  
17 medication or chemical substance to be administered to the child;

(8) The right to communicate privately, with caseworkers, guardians ad litem, attorneys, Court Appointed Special Advocates (CASA), the prosecuting attorney, and probation officers;

(9) The right to have and maintain contact with siblings as may be reasonably accommodated, unless prohibited by court order, the case plan, or other extenuating circumstances;

(10) The right to contact the department or the foster care ombudsman, regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats, retaliation, or punishment for making complaints;

(11) The right to maintain contact with all previous caregivers and other important adults in his or her life, if desired, unless prohibited by court order or determined by the parent, according to the reasonable and prudent parent standard, not to be in the best interests of the child;

(12) The right to participate in religious services and religious activities of his or her choice to the extent possible;

(13) The right to attend school, and, consistent with the finances and schedule of the foster or kinship family, to participate in extracurricular, cultural, and personal enrichment activities, as appropriate to the child's age and developmental level;

(14) The right to work and develop job skills in a way that is consistent with the child's age and developmental level;

(15) The right to attend Independent Living Program classes and activities if the child meets the age requirements;

(16) The right to attend court hearings and speak directly to the judge, in the court's discretion;

(17) The right not to be subjected to discrimination or harassment;

(18) The right to have access to information regarding available educational options;

(19) The right to receive a copy of, and receive an explanation of, the rights set forth in this section from the child's guardian ad litem, caseworker, and attorney;

(20) The right to receive care consistent with the reasonable and prudent foster parent standard; and

(21) The right to meet with the child's department case worker no less frequently than every 30 days.

(b) Each child in foster care or in a kinship placement must be informed in an age-appropriate manner of the child's rights provided in subsection (a) of this section.

(c) The department shall provide a written copy of the Foster Child Bill of Rights to each child placed in foster care or in a kinship placement in the child's primary language, if possible, and shall inform the child of the rights described by the Foster Child Bill of Rights:

(1) Orally in the child's primary language, if possible, and in simple, nontechnical terms;  
or

(2) For a child who has a disability, including an intellectual, vision, or hearing impairment, through any means that can reasonably be expected to result in successful communication with the child.

(d) A child placed in foster care or in a kinship placement may, at the child's option, sign a document acknowledging the child's understanding of the Foster Child Bill of Rights after the department provides a written copy of the Foster Child Bill of Rights to the child and informs the child of the rights described by the Foster Child Bill of Rights in accordance with subsection (c) of this section. If a child signs a document acknowledging the child's understanding of the Foster Child Bill of Rights, the department shall place the document in the child's case file.

(e) An agency, foster home, or other residential child care facility in which a child is placed in foster care shall provide a copy of the Foster Child Bill of Rights to a child upon the child's request.

(f) The rights provided in this section do not create an independent cause of action. Violations of these rights may be reported to and investigated by the foster care ombudsman. On or before December 15, 2021 and on or before December 15 of every year thereafter, the foster

70 care ombudsman shall submit a written summary of the number and nature of reports received,  
71 and investigations conducted in response to said reports, to the Joint Standing Committee on  
72 Government and Finance, the West Virginia Supreme Court of Appeals, and the Governor:  
73 *Provided*, That the summary required by this section may not include any personally identifying  
74 information of a person named in a report, or a person submitting a report, to the ombudsman.