

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 1029

By Senator Willis

[Introduced February 20, 2026; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §49-2-802a of the Code of West Virginia, 1931, as amended,
 2 relating to state responsibilities for children; and providing parents with plain-language
 3 statements of immediate rights and ongoing rights.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-802a. Information to be provided at the outset of a child protective services investigation.

1 (a) Notwithstanding any other provision to the contrary, immediately upon initiating an
 2 investigation of a parent or other person having legal custody of a child, the department shall, upon
 3 first contact with the individual, provide the individual with a copy of A Parent’s Guide to Working
 4 with Child Protective Services (Guide), Plain-Language Statement of Immediate Rights, and
 5 Plain-Language Statement of Ongoing Rights During the Case.

6 (b) The Guide shall include a short and plain statement to include, but not be limited to, the
 7 following:

- 8 (1) Steps that the department will take to investigate signs of abuse and neglect;
- 9 (2) Steps that may need to be taken to make a safer or healthier home for the child;
- 10 (3) An overview of the court process;
- 11 (4) The confidentiality of maltreatment reports and case appeals;
- 12 (5) Child visitation; and
- 13 (6) Case appeals.

14 (c) The Plain-Language Statement of Immediate Rights shall be written on a single sheet
 15 of paper in large font in clear, plain English, using words and sentences that a person with an
 16 eighth-grade education can reasonably understand. The child protective services worker shall
 17 document in the case record that the Plain-Language Statement of Immediate Rights was
 18 provided and shall make reasonable efforts to explain the statement verbally. The statement shall

19 include, at a minimum, the following:

20 (1) Right to privacy and your home. You have the right to be free from unreasonable
21 searches and seizures. A child protective services worker may not search your home or property
22 without your consent, a court order, or another lawful reason;

23 (2) Right to refuse entry. You have the right to refuse to allow a child protective services
24 worker to enter your home unless the worker has a warrant or another legal basis to enter;

25 (3) Right to consent or refuse services. You have the right to refuse child protective
26 services that are offered to you. If you refuse services, you have the right to be told what the
27 possible consequences of refusing services may be;

28 (4) Right to be treated fairly. You have the right to be free from discrimination based on age,
29 race, color, sex, disability, religion, national origin, or political belief;

30 (5) Right to communication access. If you have a disability that affects hearing, vision, or
31 speech, you have the right to receive auxiliary aids or services at no cost to you so that you can
32 understand and communicate effectively; and

33 (6) Right to know why CPS is involved. You have the right to be informed that a report or
34 concern has been made about your child or family, to the extent allowed by law, while protecting
35 the identity of the person who made the report.

36 (d) The Plain-Language Statement of Ongoing Rights shall be written in clear, plain
37 English, understandable to a person with an eighth-grade education. The department shall ensure
38 that this statement is available in alternative formats and languages as required by law and shall
39 document in the case record that the Plain-Language Statement of Ongoing Rights was provided.

40 The statement shall include, at a minimum, the following:

41 (1) Right to confidentiality. Information collected and kept by the department during an
42 investigation or while providing services must be kept confidential as required by law, including
43 §49-5-501(a) of this code;

44 (2) Right to see your file. You have the right to request and review your personal file held by

45 the department, as allowed by law and in accordance with §49-5-501(b) of this code;

46 (3) Right to know the investigation results. You have the right to be informed of the findings
47 of a child abuse or neglect investigation and to be told how those findings may affect you and your
48 family;

49 (4) Right to be informed of actions taken. You have the right to be told about major actions
50 taken by the department regarding your family and the reasons for those actions throughout the
51 life of the case;

52 (5) Right to appeal and grieve decisions. You have the right to appeal decisions about your
53 inclusion in or exclusion from services, and the right to request a grievance hearing about how you
54 or your child are treated by department staff or about any service provided or denied; and

55 (6) Right to continued fair treatment. You have the right to be treated with dignity and
56 respect and to be free from discrimination throughout the investigation and any service period.

NOTE: The purpose of this bill is to provide parents with plain language statements of their rights during a CPS investigation.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.