

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 1029

BY SENATORS WILLIS, DEEDS, AND BARTLETT

[Reported February 24, 2026, from 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,
3 upon first contact with the individual, provide the individual with a copy of A Parent's Guide to
4 Working with Child Protective Services (guide), a Plain-Language Statement of Immediate Rights,
5 and a Plain-Language Statement of Ongoing Rights.

6 (b) The guide shall include a short and plain statement to include, but not be limited to,
7 the 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. The case worker shall give the parent or other person having legal custody
16 of a child time to read the Plain-Language Statement of Immediate Rights. The statement shall
17 state as follows verbatim:

18 (1) Right to privacy. You have the right to be free from unreasonable searches and
19 seizures. A Child Protective Services worker may not search your home or property without your
20 consent, a court order, or another lawful reason;

21 (2) Right to refuse entry. You have the right to refuse to allow a Child Protective Services
22 worker to enter your home unless the worker has a warrant or another legal basis to enter;

23 (3) Right to consent or refuse services. You have the right to refuse Child Protective
24 Services that are offered to you. If you refuse services, you have the right to be told what the
25 possible consequences of refusing services may be;

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

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

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

34 (7) Right to record. You have the right to record audio of every investigatory interaction
35 with child protective services representatives.

36 (d) The Plain-Language Statement of Ongoing Rights shall be written on a single sheet of
37 paper in large font. The Department of Human Services shall ensure that this statement is
38 available in alternative formats and languages as required by law and shall document in the case
39 record that the Plain-Language Statement of Ongoing Rights was provided. The statement shall
40 state as follows verbatim:

41 (1) Right to confidentiality. Information collected and kept by the Department of Human
42 Services during an investigation or while providing services must be kept confidential as required
43 by law, including §49-5-101(a) of this code;

44 (2) Right to see your file. You have the right to request and review your personal file held
45 by the Department of Human Services, as allowed by law and in accordance with §49-5-101(b)
46 of this code;

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

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

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

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

59 (e) The Child Protective Services worker shall document in the case record that the
60 Plain-Language Statements of Immediate and Ongoing Rights was provided and shall make
61 reasonable efforts to explain the statement verbally.