

West Virginia Foster Child Bill of Rights

Foster children and children in a kinship placement are active members of the child welfare system and have the following rights.

- ◆ The right to live in a safe and healthy environment, and the least restrictive environment possible.
- ◆ The right to be free from physical, sexual, or psychological abuse or exploitation including being free from unwarranted physical restraint and isolation.
- ◆ The right to receive adequate and healthy food, appropriate and seasonally necessary clothing, and an appropriate travel bag.
- ◆ The right to receive medical, dental, and vision care, mental health services, and substance use treatment services, as needed.
- ◆ The right to be placed in a kinship placement, when such placement meets the objectives set forth in this article.
- ◆ The right, when placed with a foster or kinship family, to be matched as closely as possible with a family meeting the child's needs, including, when possible, the ability to remain with siblings.
- ◆ The right, as appropriate to the child's age and development, to be informed on any medication or chemical substance to be administered to the child.
- ◆ The right to communicate privately, with caseworkers, guardians ad litem (GAL), attorneys, Court Appointed Special Advocates (CASA), the prosecuting attorney, or probation officers.
- ◆ 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.
- ◆ 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.
- ◆ 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 interest of the child.
- ◆ The right to participate in religious services and religious activities of his or her choice to the extent possible.
- ◆ 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.
- ◆ The right to work and develop job skills in a way that is consistent with the child's age and developmental level.
- ◆ The right to attend Independent Living Program classes and activities if the child meets the age requirements.
- ◆ The right to attend court hearings and speak directly to the judge, in the court's discretion.
- ◆ The right to not be subjected to discrimination or harassment.
- ◆ The right to have access to information regarding available educational options.
- ◆ 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.
- ◆ The right to receive care consistent with the reasonable and prudent parenting standard.
- ◆ The right to meet with the child's department case worker no less frequently than every 30 days.

If you feel that your rights have been violated, please contact the Foster Care Ombudsman within the Office of Inspector General:

Office Number: (304) 558-1117

Email: FosterCareOmbudsman@wv.gov