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**H. B. 4510**

(By Delegates Lawrence, Poore, L. Phillips,  
Cowles, Sponaugle, Fleischauer, Kinsey,  
Perdue, Young, Reynolds and Marshall)

[Introduced February 13, 2014; referred to the  
Committee on the Judiciary.]

**FISCAL  
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §49-2-12a, relating  
to establishing a bill of rights for children in foster care.

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

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto a new section, designated §49-2-12a, to read as  
follows:

**ARTICLE 2. STATE RESPONSIBILITIES FOR THE PROTECTION AND CARE OF  
CHILDREN.**

**§49-2-12a. Foster child's bill of rights.**

Every child in foster care has the following inherent rights:

(1) Protection by a family of his or her own, provided readily  
available services and supported through care of an adoptive family  
or by plan, a continuing foster family;

(2) Nurturing by foster parents who have been selected to meet

1 his or her individual needs, and who are provided services and  
2 support, including specialized education, so that the child can  
3 grow to reach his or her potential;

4 (3) A safe foster home free of violence, abuse, neglect, and  
5 danger;

6 (4) The ability to communicate with the assigned social worker  
7 or case worker overseeing the child's case and have calls made to  
8 the social worker or case worker returned within a reasonable  
9 period of time;

10 (5) Permission to remain enrolled in the school the child  
11 attended before being placed in foster care, if at all possible;

12 (6) Participation in school extracurricular activities,  
13 community events, and religious practices;

14 (7) Communication with the biological parents if the child  
15 placed in foster care receives any immunizations and whether any  
16 additional immunizations are needed if the child will be  
17 transitioning back into a home with his or her biological parents;

18 (8) A bank or savings account established in accordance with  
19 state laws and federal regulations;

20 (9) Identification and other permanent documents, including a  
21 birth certificate, social security card and health records by the  
22 age of 16, to the extent allowed by federal and state law;

23 (10) The use of appropriate communication measures to maintain  
24 contact with siblings if the child placed in foster care is

- 1 separated from his or her siblings; and
- 2 (11) Meaningful participation in a transition plan for those
- 3 phasing out of foster care.

NOTE: The purpose of this bill is to establish a bill of rights for children in foster care.

This section is new; therefore, it has been completely underscored.