

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3182

By Delegates Kyle, Leavitt, and D. Cannon

[Introduced March 06, 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; and to
 2 amend the code by adding a new section, designated §49-2-126A, all relating to providing
 3 foster care children with their own luggage for transporting their personal belongings.

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;

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

20 (9) The right to have and maintain contact with siblings as may be reasonably

21 accommodated, unless prohibited by court order, the case plan, or other extenuating
22 circumstances;

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

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

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

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

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

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

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

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

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

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

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

46 (21) The right to meet with the child's department caseworker no less frequently than every

47 30 days; and

48 (22) Luggage to transport the child's personal belongings;

49 (b) The rights provided in this section do not create an independent cause of action.

50 Violations of these rights may be reported to and investigated by the foster care ombudsman. On

51 or before December 15, 2021 and on or before December 15 of every year thereafter, the foster

52 care ombudsman shall submit a written summary of the number and nature of reports received,

53 and investigations conducted in response to said reports, to the Joint Standing Committee on

54 Government and Finance, the West Virginia Supreme Court of Appeals, and the Governor:

55 *Provided*, That the summary required by this section may not include any personally identifying

56 information of a person named in a report, or a person submitting a report to, the ombudsman.

§49-2-126A. Luggage for foster children.

1 (a) In this section, "luggage" means a suitcase, duffel bag, backpack, or similar container

2 designed to hold an individual's personal belongings.

3 (b) The department shall:

4 (1) Establish and maintain a decentralized supply of luggage to be used to transport a

5 foster child's personal belongings; and

6 (2) Develop procedures for the storage and distribution of luggage.

7 (c) The department shall provide luggage to a child who is being removed from the child's

8 home or changing placement. Luggage provided to a child under this subsection belongs to the

9 child and may not be reclaimed by the department or retained by the child's foster parent. The

10 department is not required to provide new luggage under this subsection to a child who is

11 changing placement and has the luggage previously provided by the department.

12 (d) The department shall maintain a record of each time a trash bag is used to move a

13 foster child's personal belongings. The record must include the reason the department did not

14 provide the child with appropriate luggage to move the child's personal belongings.

15 (e) The department shall submit an annual report to the Legislature that includes a

16 summary of:

17 (1) The number of times a trash bag was used to transport a foster child's personal
18 belongings and the reasons the department failed to provide the child with appropriate luggage;

19 and

20 (2) The department's supply inventory and inventory management practices for the
21 luggage supply maintained under subsection (b).

22 (f) The department may solicit and accept gifts, grants, and donations of any kind and from
23 any source for purposes of this section.

24 (g) This act takes effect September 1, 2025.

NOTE: The purpose of this bill is to provide luggage to foster care children so that they may transport their personal belongings.

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