



Foster Care in West Virginia: How the System Works

A plain-language guide for biological, foster, and kinship families · The Healing Home Approach™

When a child cannot safely stay at home, several people share one goal: the child's safety and, whenever possible, a path back home. This guide explains how West Virginia's child welfare system works and what each person's rights and role are, so **biological parents, kinship caregivers, and foster (resource) parents** can all understand the whole picture. Read the parts that apply to you, and read the rest to understand the people you are working alongside.

What an "abuse or neglect" case means

This is the legal name for a case where the court looks at whether a child has been hurt, not adequately cared for, or left without a safe caregiver. It is **not** a finding that a parent is a bad person. It is about whether the child is safe and what help the family may need.

How a case usually begins

Most cases start with a call to the statewide **Child Abuse and Neglect Hotline (1-800-352-6513)**, answered 24 hours a day by **Centralized Intake**, part of the Department of Human Services, Bureau for Social Services. Trained staff screen the report, and if it is accepted, a **Child Protective Services (CPS)** worker assesses the family's safety. **Most reports do not lead to a child being removed**; many families are offered services and support instead.

The people in a case

Who	Their role
Biological parent	The child's parent or legal custodian; usually the person the case is about, with the goal of safe reunification.
Kinship caregiver	A relative or close family friend who may care for the child; grandparents have a special preference in West Virginia.
Foster (resource) parent	A trained, approved caregiver who provides temporary care when the child cannot be with family.
The child	At the center of the case; their safety and best interest guide every decision.
Guardian ad Litem (GAL)	The child's court-appointed attorney, who represents the child's best interest and reports to the judge.
CASA volunteer	If appointed, a trained community volunteer who gets to know the child and shares what they believe is best.
CPS worker	From the Bureau for Social Services; assesses safety, builds the plan, and reports to the court.
Prosecuting / agency attorney	Brings the case to court on behalf of the agency.
Parent's attorney	Represents a parent, protects their rights, and speaks for them in court.
Circuit Court judge	Hears the evidence in Circuit Court and makes the legal decisions.

Two systems, and how West Virginia courts are set up

Two systems run side by side. The **Bureau for Social Services** (part of the Department of Human Services) looks into concerns, places children when needed, and offers services. The **court** is where a judge makes the legal decisions. A distinctive feature of West Virginia: abuse and neglect cases are filed in **Circuit Court**, the state's general trial court, not a separate juvenile court. The case follows special **Rules of Procedure for Child Abuse and Neglect Proceedings**, and appeals go **directly to the Supreme Court of Appeals** (the Intermediate Court of Appeals does not hear these cases).

How a child may be removed, and whether a court order is needed

A CPS worker may take a child into custody **without a prior court order** when the child is in **imminent danger** in the worker's presence. The worker must then promptly go before a judge or referee to **ratify** the emergency custody. Ratified emergency custody lasts only a short time, until a **petition** is filed and the court decides custody. The court must address **reasonable efforts** to prevent removal, and safety is looked at **child by child**, so in some families one child may go home while another stays in care for a time.

What biological parents have the right to

Foster and kinship caregivers: knowing these rights helps you support the child and the case.

- **A lawyer.** Parents have the right to counsel at **every stage**, and counsel is appointed if they cannot afford one. The court appoints an attorney in the initial order. Being told "you don't need a lawyer" is not the same as having no right to one.
- **Notice and a voice.** The right to be told about hearings and to attend them.
- **A case plan and a path home.** For most families the goal is to safely return the child home. Parents have the right to a written plan listing the steps to get there.
- **Visitation (family time).** The right to visits with their child, as set by the court.
- **An improvement period.** The court may grant time to correct the conditions that brought the case (see the schedule below).

Reasonable efforts: In most cases the department must make reasonable efforts to prevent removal and to help reunify the family. In limited situations a court may find those efforts are not required.

Fathers: A father who is not married to the mother may need to **establish paternity** to be fully recognized in the case and to receive notice, counsel, and placement consideration. Ask the worker or an attorney how to start.

What kinship caregivers should know

West Virginia gives relatives, and **grandparents in particular**, a strong role. By law, when the department plans an adoptive placement it must **first consider a fit grandparent**, and courts treat grandparent placement as presumptively in the child's best interest. Relatives must be considered first for placement, and they receive notice and a chance to be heard. Kinship caregivers are encouraged to become certified foster parents so they can receive support.

What foster (resource) parents should know

Foster parents provide **temporary** care and, in most cases, support the goal of reunification. They have a **statutory right to notice and a meaningful opportunity to be heard**, and they take part in the treatment team meetings. West Virginia has enacted a **Foster Child Bill of Rights** and a **Foster and Kinship Parent Bill of Rights**, and it applies the **reasonable and prudent parent standard** so caregivers can approve everyday, age-appropriate activities for the child.

Siblings and older youth

West Virginia works to **place siblings together** and keep them in contact when they cannot live together. **Older youth have a say:** a child may attend court and speak with the judge, and the court considers the wishes of a child **14 or older** before ending parental rights. And youth do not simply age out at 18: West Virginia offers **extended foster care up to age 21** for young adults who were in care at 18 and meet school or work criteria.

While a child is in care: school and health

Children in foster care keep important supports. Under federal law, a child can usually **stay in their same school** when it is in their best interest, with transportation arranged. Children in care are **covered by Medicaid**, and older youth may use a **tuition waiver** for public colleges in West Virginia. It helps to ask the worker about school stability and health appointments early.

The hearings, in order

- **Preliminary hearing.** The first court date after a removal, held within 10 days of the order continuing custody. The judge decides whether the child stays in care.

- **Adjudicatory hearing.** The court decides, by clear and convincing evidence, whether the child was abused or neglected.
- **Improvement period.** The court may grant a parent court-supervised time, often 3 to 6 months, to correct the conditions that brought the case.
- **Disposition.** The court decides the outcome, ranging from returning the child home up to termination of parental rights, which requires a finding that the conditions are unlikely to be corrected in the near future.
- **Review through the treatment team.** The multidisciplinary team meets regularly and reports to the judge.

Who comes to the hearings

Parents should attend every hearing: dress neatly, arrive early, and bring any important information written down. The child is represented by the **Guardian ad Litem**, and children are usually **not required to attend**, especially younger ones, though a judge may allow a child to attend and speak. Foster and kinship caregivers receive notice and may be heard, and they take part in the treatment team meetings. Abuse and neglect hearings are generally **closed to the public** to protect the child's privacy.

What the Guardian ad Litem and a CASA do

The child is represented by a **Guardian ad Litem (GAL)**, who is a licensed **attorney** trained in child representation. The GAL gets to know the child, speaks to the child's best interest, and reports to the court. A **CASA (Court Appointed Special Advocate)**, a trained community volunteer, may also be appointed to get to know the child and share independent recommendations. Not every case has a CASA.

Multidisciplinary Treatment Teams

A distinctive West Virginia feature is the **Multidisciplinary Treatment Team (MDT)**. The MDT brings together the CPS worker, the attorneys, the child when appropriate, the Guardian ad Litem, the **parents, and foster or kinship caregivers** to build and review the plan for the child. The team considers relative placement first, meets regularly, and reports in writing to the judge. If you are part of an MDT, it is fair to ask what will be decided and to share your view.

How findings are made and the abuse registry

West Virginia does **not** keep a public registry of agency "substantiated" findings the way some states do. Whether abuse or neglect happened is decided by the **Circuit Court** in the case, by clear and convincing evidence, and a parent challenges it **within that case** and on appeal. The State Police keep a separate Central Abuse Registry that is mainly conviction-based and used for background checks in care settings, which is different from an agency finding.

A few things that are unusual about West Virginia

These cases are heard in Circuit Court, the general trial court, with appeals going straight to the Supreme Court of Appeals.

Improvement periods give parents structured, court-supervised time to correct the conditions that brought the case.

Multidisciplinary Treatment Teams (MDTs) plan and review the case, and parents and foster or kinship caregivers take part.

A grandparent preference in law for adoptive placement, plus an independent Foster Care Ombudsman and Bills of Rights for foster children and caregivers.

If your family may have Native American heritage

Tell your worker and the court **right away**. A federal law, the Indian Child Welfare Act (ICWA), may give your family added protections. It applies to a child who is a member of, or eligible for membership in, a federally recognized tribe, wherever the family lives; ICWA works best when raised early.

Language and special needs: Anyone in a case can ask for a free interpreter, and should tell the court or worker early about any medical, medication, or disability needs for themselves or the child.

A few words, in plain language

Adjudication: the hearing where the court decides whether the child was abused or neglected.

Disposition: the court's decision about the outcome of the case.

Guardian ad Litem (GAL): the child's own court-appointed lawyer.

Improvement period: court-supervised time for a parent to correct the conditions that brought the case.

MDT: the Multidisciplinary Treatment Team that plans and reviews the case, including parents and caregivers.

The typical schedule

Stage	Typical timing in West Virginia
Report and response	Call the statewide hotline; Centralized Intake screens the report and CPS assesses safety.
Emergency custody	A child in imminent danger may be taken into custody; a judge must ratify it promptly.
Preliminary hearing	Within 10 days of the order continuing custody.
Adjudicatory hearing	The court decides, by clear and convincing evidence, whether the child was abused or neglected.
Improvement period	The court may grant a parent about 3 to 6 months to correct the conditions.
Disposition	The court decides the outcome, from returning home up to termination of parental rights.
Review through the MDT	The treatment team meets regularly and reports to the judge.

Questions worth asking your worker or attorney

- Is my child in care under a ratified emergency custody order, and when is the preliminary hearing?
- How do I request a court-appointed attorney?
- Can I ask for an improvement period, and what would I need to do?
- Have grandparents and other relatives been considered for placement?
- When does the Multidisciplinary Treatment Team meet, and can I take part?
- What is the case plan, and what specifically needs to change for the child to come home?

If you have a concern: the Foster Care Ombudsman

West Virginia has an **independent** Foster Care Ombudsman in the Office of the Inspector General. **Anyone**, including a youth, parent, or foster or kinship caregiver, can contact it to raise a concern or understand their rights. It investigates complaints and recommends improvements, though it does not give legal advice or change court decisions.

Phone: 304-558-1117 · **Email:** FosterCareOmbudsman@wv.gov · **Online:** oig.wv.gov/fco

Where to get help

Ask the court clerk or your worker how to reach your **court-appointed attorney**, **Legal Aid of West Virginia**, and your **local CASA program**. The statewide Child Abuse and Neglect Hotline is **1-800-352-6513**.

West Virginia official sources (retrieved June 2026)

[W. Va. Code 49-4-303 Emergency custody](#) · [W. Va. Code 49-4-601 Petition, counsel, hearing](#) · [W. Va. Code 49-4-604 Disposition](#) · [W. Va. Code 49-4-610 Improvement periods](#) · [W. Va. Code 49-4-114 Grandparent preference](#) · [W. Va. Code 49-4-405 / 406 Treatment teams](#) · [W. Va. Code 49-2-126 Foster Child Bill of Rights](#) · [W. Va. Code 49-2-127 Foster & Kinship Parent Rights](#) · [WV Centralized Intake \(hotline\)](#) · [WV Courts: Abuse & Neglect Rules](#) · [WV Foster Care Ombudsman](#)

Please verify before you rely on this guide

This document is a **general educational overview only**. It is **not legal advice** and should not be treated as a statement of current law or of the facts of any case. Laws, policies, timelines, and phone numbers change, and they can be applied differently from one county, court, worker, or family to the next. **Before you act on anything here, confirm it** with your CPS worker, the court, or a licensed West Virginia attorney. Reading this guide does not create an attorney-client or other professional relationship.