



A LEGAL GUIDE FOR KINSHIP CAREGIVERS

RESOURCES IN WEST VIRGINIA TO HELP WITH RAISING
A RELATIVE'S CHILD

A COLLABORATION BY



Mission
WEST VIRGINIA

DISCLAIMER

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KINSHIP CARE TO-DO LIST

1. Obtain written permission from the parent(s) to provide care for the child, if possible.

2. Obtain a copy of the child's birth certificate and social security card, if possible.

3. Apply for benefits at the DHHR

___ WV WORKS Kinship Relative Check

___ Medical Card/ WV CHIP

___ Food Stamps

___ Clothing Voucher

___ WV Choices/Day Care Assistance

4. Find out who the child's medical care providers are and ensure that child keeps next appointments.

5. Make contact with the child's school to ensure there are no enrollment issues.

6. Inquire about your legal options to secure custody of the child.

___ Ask WV WORKS Caseworker for referral to Legal Aid

___ Contact Legal Aid to Apply – call 1-866-255-4370 or apply online at www.lawv.net

___ Contact a private attorney for a consultation

Important Documents Check-List

Start a File for the Child

- ☐ Birth Certificate
- ☐ Social Security Card
- ☐ Medical Card or other Health Insurance Card
- ☐ Immunization records
- ☐ School records
- ☐ Medical records, including a list of any allergies and prescriptions
- ☐ Any legal documentation, such as guardianship or other court orders related to the child
- ☐ Any written documentation giving you permission to care for the child
- ☐ Names and phone numbers of all case workers and medical providers
- ☐ Information about the parents, including dates of birth, social security numbers, and current addresses
- ☐ Create and keep a timeline of where and with whom the child has resided since birth
- ☐ Up-to-date, clear photo of the child

Obtaining a Temporary Care Agreement from the Parents

If possible, obtaining a Temporary Care Agreement from one or both of the child's parents can be helpful to obtain medical care for the child, enroll the child in school, and obtain information and documents related to the child. Don't worry if you can't get the parents to sign an agreement. There are ways to accomplish all of the things mentioned without such a document, but the document will make these tasks easier.

Temporary Care Agreements can be as informal as a note written on a sheet of paper, or as formal as a notarized document. On page 7 of this booklet, you will find a form that you can use to obtain an agreement from one or more of the child's parents. This form is intended to be signed by a parent before a notary.

These agreements are temporary. A parent can revoke the agreement by simply stating that he or she no longer wants you to care for the child. This agreement is not a substitute for guardianship, which is discussed later in this booklet.

How to Obtain Medical Care Consent for the Child

If you are unable to obtain a temporary care agreement or other parental permission for medical treatment, you can complete a Caregiver Consent Affidavit for Health Care. This form allows relatives or someone other than the child's parent to consent to health care and medical treatment for the child.

If you do not have a court order that gives you the right to make health care decisions for a child, you can use the Caregiver's Consent Affidavit to approve such care if:

- You are over the age of 18 **and**
- You are related to the child by blood or marriage; **or** the child has resided with you during the last six months or more **and**

- You have been unable to obtain the child's parents' consent to obtain medical care for the child, despite attempts to obtain such consent **and**
- **The parents have not refused consent.** This form cannot be used if the parents have refused to give you permission to obtain medical care for the child.

The affidavit does not give you legal custody of the child and does not affect the rights of the child's parents. If the parents object, the consent is no longer valid. By signing the affidavit, you are swearing that the information contained in it is true. The consent form is only valid for one year after you sign it.

You can find a copy of this form on page 7 of this booklet.

How to Obtain a Child's Birth Certificate

To get a certified copy of a child's birth certificate:

You must be:

- ☐ A grandparent of the person on the certificate, **or**
- ☐ A brother or sister of the person on the certificate, **or**
- ☐ Have a legal interest in the certificate.

Where to obtain certificate:

1. Courthouse - You can obtain a certified copy of a child's birth certificate in the county where the child was born for a \$5.00 fee by visiting the County Clerk's office. Make sure you bring your driver's license with you. **Please note that in most counties the Board of Education will not accept the Courthouse copy of the child's birth certificate.**

2. WV Health Statistics Office in Charleston, WV- You can order a certificate from the state office by doing the following:

- ☐ **Visiting the office in person:**

- Go to the WV Health Statistics office in Charleston at 350 Capitol Street
- Bring your ID, \$12, and the completed application, located on page 10.

☐ **By mail:**

- This is the slower method of obtaining a certificate, taking 5 to 19 days
- Fill out the application located on page 10 of this booklet and mail it to Vital Registration, Room 165, 350 Capitol Street, Charleston, WV 25031, with a check or money order for \$12.

If you have any questions about obtaining a birth certificate, you may reach Vital Registration by calling 304-558-2931.

How to Obtain a Social Security Card for a Child

You will need:

- 1. Proof of the child's identity:** certified copy of the child's birth certificate AND one of the following: a certified copy of a medical record, a medical card, school identity card, school records, and/or adoption decree.
- 2. Proof of your identity:** driver's license or passport
- 3. Proof of your custody of, or relationship with, the child:** birth certificates, and/or court orders.
- 4. A completed Application for Social Security Card.** (See page 11 of this booklet)

If you have any questions about the proof documents required, you may call Social Security at 1-800-772-1213.

You will take or mail these documents to your local Social Security Office. The Social Security office requires original/certified copies of all documents, so it is best to take the documents in person so that you can keep your originals.

Note: There are limits on the number of replacement social security cards that can be obtained by, or for, one person. Social Security Cards are limited to three (3) per calendar year and only ten (10) in the child's or person's lifetime.

Obtaining Other Documents

- Check with the child's current and former schools for Individual Education Plans (IEPs), other school records and immunization records.
- Check with the child's medical care providers for medical records, information related to allergies and prescriptions, and immunization records.

TEMPORARY CARE/CUSTODY AGREEMENT

I, a resident of _____ County, West Virginia, the custodial parent of the following child: (Please indicate name and birthdates of children)

_____	_____
_____	_____
_____	_____

do hereby give temporary custody of said child to: (Name, Address and Relationship)

Further, I give my permission to the aforementioned person(s) to take care of the child in his/her home and to apply for, consent to, or otherwise obtain any medical treatment or any economic, social, educational, or other services that the child may need. I expressly give permission to this individual to accept any State or Federal Benefits that may be available through the Department of Health and Human Resources, or other agency, to benefit my child.

This agreement is temporary in nature and shall be immediately revocable upon written notice that the Parent desires to terminate the care agreement and resume caring for the child.

Parent

Date

Parent

Date

Taken, subscribed and sworn to before the undersigned authority this day, the _____ day of _____, 20____.

NOTARY PUBLIC

My commission expires: _____.

AFFIDAVIT FOR CONSENT FOR HEALTH CARE FOR A MINOR

State of West Virginia,

County of _____

Name of county where you are physically located at the time you sign the document

After being duly sworn, I, _____, provide the following information: Adult Caregiver's Name

A. 1. My full name is: _____
Adult Caregiver's First, Middle and Last Name

2. My current address is: _____
Adult Caregiver's Address

3. My birthdate is: _____
Adult Caregiver's Date of Birth

4. _____ was born on _____
Child's Name Child's Birthdate

5. _____ has resided continuously with me since
Child's Name

Date Child Came to Live with You

6. _____ I am not related to the child; OR

_____ I am related to _____ in the following manner:
Child's Name

☐ Sibling

☐ Maternal
Grandparent/Great
Grandparent

☐ Maternal Aunt or Uncle

☐ Maternal Cousin

☐ Paternal
Grandparent/Great
Grandparent

☐ Paternal Aunt or Uncle

☐ Paternal Cousin

☐ Other:

7. The child's mother is _____ who resides at
Mother's Name

Mother's Address

8. The child's father is _____ who resides at
Father's Name

Father's Address

9. I have attempted, but have been unable to obtain, the consent of the minor child's parents, guardian or legal custodian to allow me to obtain medical care on the child's behalf.

10. The minor child's parent, guardian or legal custodian has not refused to give consent for health care and treatment of the minor child.

11. I have made the following attempts to obtain the consent of the minor child's parent, guardian or legal custodian to seek medical care on behalf of the minor child (detail your attempts):

GENERAL NOTICES:

- This consent form is promulgated pursuant to West Virginia Code §49-2-701 et seq.
- This declaration does not affect the rights of the minor child's parents, guardians or legal custodians regarding the care, custody and control of the minor, other than with respect to health care, and does not give the caregiver legal custody of the minor child.
- This affidavit is valid for one year unless the minor no longer resides in the caregiver's home. Furthermore, the minor's parent, guardian or legal custodian may rescind this affidavit of caregiver consent for a minor's health care at any time by providing written notification of the rescission to the appropriate health care professional.
- A person who relies in good faith on this affidavit of caregiver consent for a minor's health care has no obligation to conduct any further inquiry or investigation and is not subject to civil or criminal liability or to professional disciplinary action because of that reliance.

Based upon all of the statements above, I believe that I am the person who can give consent for the health care for _____.

Child's Name

Signature of Caregiver

Date

Acknowledged before me this the ____ day of _____, 20_____.

NOTARY PUBLIC

My commission expires: _____.



Application for Certified Copy of West Virginia Birth Certificate

Please complete on-line, print, sign, and mail as instructed below or print except where signature is required.

The following pertains to information that would be found on the certificate being requested.

Name of person on the certificate

First Middle Last

Date of Birth

Month/Day/Year

Mother's Maiden Name

First Middle Last

Sex:

☐

Male

☐

Female

Father's Name

First Middle Last

Place of Birth

City _____ County _____ State _____

Hospital

Requestor's Relationship:

Parent/Grandparent ☐

Guardian or agent ☐

Child/Grandchild ☐

Certificate of my own birth ☐

Spouse ☐

Brother/Sister ☐

Making false statements and misuse of vital records will result in criminal and civil penalties pursuant to WV Code §16-5-38.

Signature (Required)

Printed Name (Required)

Requesting _____ copies at \$12.00 per copy and enclosing \$_____.

Please send check or money order. Please do not send cash.

Make checks payable to: Vital Registration

Send copies to: Print your address below.

City

State

Zip

()

Area Code

Your daytime telephone number:

E-Mail address

Submit form with check or money order to:

Vital Registration ,

Room 165

Charleston, WV 25301-3701

Telephone: (304) 558-2931

Last Revised 1/9/09

SOCIAL SECURITY ADMINISTRATION

Application for a Social Security Card

Form Approved
OMB No. 0960-0066

1	NAME TO BE SHOWN ON CARD		First	Full Middle Name	Last
	FULL NAME AT BIRTH IF OTHER THAN ABOVE		First	Full Middle Name	Last
	OTHER NAMES USED				
2	Social Security number previously assigned to the person listed in item 1			<div style="border: 1px solid black; width: 100px; height: 20px; display: flex; justify-content: space-around;"> </div> <div style="border: 1px solid black; width: 100px; height: 20px; display: flex; justify-content: space-around;"> </div>	
3	PLACE OF BIRTH (Do Not Abbreviate) City State or Foreign Country			Office Use Only FCI	4 DATE OF BIRTH MM/DD/YYYY
5	CITIZENSHIP (Check One)		<input type="checkbox"/> U.S. Citizen <input type="checkbox"/> Legal Alien Allowed To Work <input type="checkbox"/> Legal Alien Not Allowed To Work (See Instructions On Page 3) <input type="checkbox"/> Other (See Instructions On Page 3)		
6	ETHNICITY Are You Hispanic or Latino? (Your Response is Voluntary) <input type="checkbox"/> Yes <input type="checkbox"/> No		7	RACE Select One or More (Your Response is Voluntary) <input type="checkbox"/> Native Hawaiian <input type="checkbox"/> American Indian <input type="checkbox"/> Other Pacific Islander <input type="checkbox"/> Alaska Native <input type="checkbox"/> Black/African American <input type="checkbox"/> White <input type="checkbox"/> Asian	
8	SEX		<input type="checkbox"/> Male <input type="checkbox"/> Female		
9	A. PARENT/ MOTHER'S NAME AT HER BIRTH		First	Full Middle Name	Last
	B. PARENT/ MOTHER'S SOCIAL SECURITY NUMBER (See instructions for 9 B on Page 3)		<div style="border: 1px solid black; width: 100px; height: 20px; display: flex; justify-content: space-around;"> </div> <div style="border: 1px solid black; width: 100px; height: 20px; display: flex; justify-content: space-around;"> </div> <div style="border: 1px solid black; width: 100px; height: 20px; display: flex; justify-content: space-around;"> </div> <input type="checkbox"/> Unknown		
10	A. PARENT/ FATHER'S NAME		First	Full Middle Name	Last
	B. PARENT/ FATHER'S SOCIAL SECURITY NUMBER (See instructions for 10B on Page 3)		<div style="border: 1px solid black; width: 100px; height: 20px; display: flex; justify-content: space-around;"> </div> <div style="border: 1px solid black; width: 100px; height: 20px; display: flex; justify-content: space-around;"> </div> <div style="border: 1px solid black; width: 100px; height: 20px; display: flex; justify-content: space-around;"> </div> <input type="checkbox"/> Unknown		
11	Has the person listed in item 1 or anyone acting on his/her behalf ever filed for or received a Social Security number card before? <input type="checkbox"/> Yes (If "yes" answer questions 12-13) <input type="checkbox"/> No <input type="checkbox"/> Don't Know (If "don't know," skip to question 14.)				
12	Name shown on the most recent Social Security card issued for the person listed in item 1		First	Full Middle Name	Last
13	Enter any different date of birth if used on an earlier application for a card			MM/DD/YYYY	
14	TODAY'S DATE MM/DD/YYYY		15	DAYTIME PHONE NUMBER Area Code Number	
16	MAILING ADDRESS (Do Not Abbreviate)		Street Address, Apt. No., PO Box, Rural Route No. City State/Foreign Country ZIP Code		
17	I declare under penalty of perjury that I have examined all the information on this form, and on any accompanying statements or forms, and it is true and correct to the best to my knowledge.				
	YOUR SIGNATURE		18	YOUR RELATIONSHIP TO THE PERSON IN ITEM 1 IS: <input type="checkbox"/> Self <input type="checkbox"/> Natural Or Adoptive Parent <input type="checkbox"/> Legal Guardian <input type="checkbox"/> Other Specify _____	
DO NOT WRITE BELOW THIS LINE (FOR SSA USE ONLY)					
NPN		DOC	NTI	CAN	ITV
PBC	EVI	EVA	EVC	PRA	NWR DNR UNIT
EVIDENCE SUBMITTED				SIGNATURE AND TITLE OF EMPLOYEE(S) REVIEWING EVIDENCE AND/OR CONDUCTING INTERVIEW	
				DATE	
				DCL DATE	

Relative Caregivers: CPS Involvement vs. No Involvement

The way in which you came to be caregivers of your relatives can affect the types of benefits for which you are eligible. Here are a few ways relatives become caregivers for their minor kin:

1. Parents voluntarily place children in relative care without any CPS involvement.
2. Parents voluntarily place children in relative care after a CPS case is opened, but before an abuse and neglect is filed.
3. Parents voluntarily place children in relative care, but CPS has filed an abuse and neglect proceedings against the parents anyway.
4. Children are removed from parents care by CPS and placed in relative care due to an abuse and neglect proceeding.

An **abuse and neglect proceeding** is a Court action initiated by the State of West Virginia and the Department of Health and Human Resources claiming that the parents have abused and/or neglected their children to the extent that the State has stepped in, taken physical and legal custody of the children, and has asked a Judge to determine whether the parents' parental rights should be terminated.

If no abuse and neglect proceeding is initiated, a relative may pursue guardianship or adoption and is not subject to the relative foster care requirements that result from those proceedings. However, those relatives are not eligible for the benefits that are provided by the DHHR to foster parents and children involved in abuse and neglect proceedings.

Portions of this booklet are related to what happens when you are providing care for relatives who have been removed from their parents' home due to abuse and neglect. However, frequently relatives are providing care for minor kin without any CPS involvement. The following chart is designed to show what the different requirements and benefits are for relatives providing care without CPS involvement (Non-Abuse and Neglect Placement) and relatives providing care for children with CPS involvement (Abuse and Neglect Placement).

LEGAL INFORMATION

Requirements/Benefits	Non-Abuse and Neglect Placement	Abuse and Neglect Placement
Provide basic necessities	Yes	Yes
Submit to a Background Check	No	Yes
Home Safety Requirements (beyond minimum safety requirements)	No	Yes
Minimum bedroom Requirements	No	Yes
PRIDE Class Training	No	Yes
WV WORKS Kinship Relative Care Check (\$288 per month for the 1 st child, with a small increase for each addit'l child up to a max of \$559)	Yes	Yes (until home study is completed and family qualifies for Foster Parent Subsidy)
Foster Parent Subsidy (\$600 per month, per child)	No	Yes
Medicaid for the children	Yes	Yes
Clothing Voucher	Yes	Yes
Clothing Subsidy (one time payment of \$300.00)	No	Yes
Child Care Assistance	Yes	Yes
Mileage for taking children to doc. appts and family visits	No	Yes
Legal Assistance Subsidy (\$2,000 to assist with the costs of filing for adoption or guardianship of the child)	No	Yes

Benefits Available for Kinship Relative Care Providers

Kinship Relative Care Providers are individuals who are providing care for blood-related children up to the 5th degree, including those related by marriage. The most common Kinship/Relative Caregiver situation is a grandparent providing care for a grandchild.

WV WORKS Relative Caretaker Benefits – These benefits are available regardless of income

Provider: West Virginia Department of Health and Human Resources

Benefits for Child:

- **Cash Assistance**

1 child: \$288	4 children: \$422	7 children: \$547
2 children: \$331	5 children: \$462	Max: \$559
3 children: \$374	6 children: \$506	
- **School Clothing Voucher**
- **Medical Card for the Children**
- **Support Services – possible benefits with approval and exhaustion of all other avenues of assistance**
 - **Child Care Assistance**
 - **Clothing Assistance**
 - **WV WORKS donated vehicle program (based upon limited availability)**
 - **Vehicle Repair**
 - **Vehicle Insurance**
 - **Driver's license and State ID fees for the caregiver or the children**
 - **Collateral Payments**
 - **Higher Education Entrance Exam and Application Fees**
 - **Tutoring Costs**
 - **Graduation Cap and Gown**
 - **Extracurricular Activity Fees**
 - **Diapers, Wipes, and Formula**
 - **Other costs associated with the child's needs**

Check with your local DHHR as other benefits such as SNAP (Food Stamps) may be available to relative caregivers if you are low-income and meet financial guidelines.

Benefits Available for Foster Parents

Foster Parents are individuals who are certified caregivers for children who are in the legal custody of the West Virginia Department of Health and Human Resources. Some relatives become certified foster parents of the children in their care. It is important to note that to be a foster parent to the relatives in your care, the children must have been in the legal custody of the WV DHHR and placed in your care. If the parents placed the children in your care voluntarily and no abuse and neglect proceeding has been initiated, then you cannot qualify as a foster parent.

Three Types of Foster Parents:

- 1. Foster Parents** – Non-relative individuals who open their homes to foster children without the intention to adopt
- 2. Foster-to-Adopt** – Non-relative individuals who open their homes to foster children with the intention of adopting a child
- 3. Kinship-Relative Placement** – Relatives who open their homes to their kin who are in DHHR custody with the intention of fostering or adopting.

Requirements to be a Foster Parent:

1. You must be 21 or older
2. You need a stable and secure income
3. You should be in relatively good physical and mental health
4. Your home will need to pass a safety inspection
5. You cannot have child abuse reports or a criminal background
6. You must have a stable family relationship
7. You must have the ability to commit to a child

To be certified as a Foster Parent:

1. You must complete a home study, which includes a background check
2. You must complete PRIDE training

Benefits Available to Foster Parents and Foster Children:

- \$600 per month subsidy once home study and PRIDE training are complete
- Medical Card
- Child Care Assistance
- Mileage Reimbursement
- Up to \$2,000 reimbursement for legal expenses related to adoption/guardianship
- WIC (baby formula and food assistance)
- WV Birth to Three Services

Child Abuse and Neglect Under West Virginia Law

The following is an explanation of child abuse and neglect laws, and the proceedings that occur as a result of a parent abusing and/or neglecting his or her child.

1. What is child abuse under West Virginia law?

Child abuse means that a child's health and well-being is being harmed or threatened. Under West Virginia law (W.Va. Code § 49-1-201), a child's health and well-being can be threatened in a few ways:

- Actual or attempted intentional infliction of physical or mental injury upon the child or any child in the home;
- Sexual abuse or exploitation of the child;
- The sale or attempted sale of the child; or
- Domestic violence.

2. What is neglect under West Virginia law?

Neglect means that a child's physical or mental health is harmed or threatened by a parent's failure, refusal, or inability to provide:

- Food;
- Clothing;
- Shelter;
- Supervision;
- Medical care; or
- Education.

Neglect can also be a result of the child being without these basic necessities because of the absence of the parent (W.Va. Code § 49-1-201).

3. Who investigates child abuse and neglect in West Virginia?

In West Virginia, Child Protective Services (CPS), which is under the Department of Health and Human Resources (DHHR), investigates possible child abuse and neglect.

4. How are abuse and neglect cases handled in court?

Circuit Court Judges are the judges in West Virginia that hear child abuse and neglect cases. If a Family Court Judge learns about possible abuse and neglect, the Family Court Judge must make a referral to the Department of Health and Human Resources (DHHR) to investigate. If DHHR finds that there is abuse and neglect, the DHHR will work with the Prosecuting Attorney's office to initiate an abuse and neglect proceeding against the abuser(s) in the Circuit Court of the County where the child resides.

5. How can you report suspected child abuse and neglect?

Call the Department of Health and Human Resources Centralized Intake for Abuse and Neglect at 1-800-352-6513. This hotline is open 24 hours a day, 7 days a week. The names of people who call to report are kept confidential. You can also report child abuse and neglect to your local police department.

6. When can CPS remove children from the home?

If Child Protective Services (CPS) believes a child is in danger, CPS may take emergency custody of the child before an emergency abuse and neglect petition is filed with a court. CPS must then immediately go to a Circuit Court judge or Magistrate Court judge and ask for an order for emergency custody. If CPS receives this order, CPS must file an abuse and neglect petition within 48 hours.

7. What is a petition?

A petition is a legal document that describes the abuse and neglect that supposedly took place. Usually the process begins when the County Prosecuting Attorney files an abuse and neglect petition in Circuit Court on behalf of the

Department of Health and Human Resources (DHHR). However, if DHHR or the prosecutor refuses to file an abuse and neglect petition, any person who believes abuse and neglect took place can file a petition in Circuit Court.

8. Who is the respondent in an abuse and neglect case?

The respondent in the abuse and neglect case is the adult who is alleged to have abused or neglected the child. If only one parent is alleged to have abused the child, the other parent can be a respondent if they knew about the abuse and could have stopped it. A parent who is not at fault for abuse and neglect may be given the opportunity to co-petition with the DHHR or be required to participate in the abuse and neglect proceedings as a non-offending parent or interested party.

9. What is an initial order?

The initial order from the Circuit Court Judge in an abuse and neglect case may give temporary custody of the child to the Department of Health and Human Resources. It will also appoint lawyers for the parents and any other person who may have custodial responsibility. The children involved in the case will be appointed an attorney called a

guardian ad litem. Sometimes a CASA or Court Appointed Special Advocate is appointed to look out for the child's best interests and to help them understand the Court process.

10. Who can be in the courtroom during abuse and neglect proceedings?

Abuse and neglect cases are closed, confidential hearings. This means the hearing is not open to the public. Generally, the court will not let others in the courtroom and will not give them information about what happened in a hearing.

The only people allowed into the courtroom are:

- The judge
- A court reporter
- A bailiff
- The prosecuting attorney
- The representative(s) from DHHR
- The guardian ad litem (attorney for the children)
- CASA advocates
- The parent(s) and their attorney(s)
- Relatives, potential foster or adoptive families and their attorneys may attend, but only if the court has allowed them to intervene in the case.

11. What is a GAL (guardian ad litem)?

Guardian ad litem, often referred to as a GAL, is a lawyer who represents the child and the child's best interests. The GAL will represent the child in Court and MDT meetings. The GAL will investigate the case, make home visits, and interview witnesses. The GAL will send a written report to the Judge with recommendations for the child's best interest.

12. What is a preliminary hearing?

During a preliminary hearing, the judge decides if the child needs to be removed from the home. If emergency custody was ordered before the preliminary hearing, the judge will decide if it should continue. It is not unusual for the parents to waive their preliminary hearing to move to the next stages of the abuse and neglect process.

13. What is an improvement period?

An improvement period is a period of time the judge gives the respondent(s) to correct issues relating to the abuse and neglect in an attempt to avoid having their parental rights terminated. There are two types of improvement periods, pre-adjudicatory improvement periods and post-adjudicatory improvement periods. To get an improvement period, the respondent must admit there is a problem and make efforts to

correct the problem. The DHHR will develop a family case plan if the respondent gets an improvement period. During this time, the DHHR offers helpful services to the respondent(s) and reports back to the Court and the Multidisciplinary Team (MDT) about the respondent(s) progress during the improvement period. If a respondent does not follow the requirements of the improvement period, the improvement period can be terminated, and the case is moved on to adjudication or disposition.

Typical rules for an improvement period can be:

- Being financially stable;
- Having a stable place to live;
- Having a psychological evaluation and following what is recommended;
- Getting treatment for drug or alcohol abuse;
- Staying drug or alcohol free;
- Submit to random drug and/or alcohol screenings
- Going to parenting classes;
- Going to supervised or unsupervised visits with the child; and
- Going to MDT meetings.

14. What is an MDT?

MDT stands for multidisciplinary team. The MDT holds regular meeting to develop, carry out, and monitor a service plan for the family to correct the problems that led to abuse and neglect. The MDT also sends written reports to the judge. The MDT should meet at least once every 3 months until the Judge decides where the child should be permanently placed.

15. Who goes to an MDT?

Each county handles their MDT meetings differently, but the teams generally consist of the following individuals:

- The DHHR case worker;
- The prosecuting attorney;
- The adult respondents (typically the child's parents or guardians);
- Any co-petitioner;
- The lawyers for the respondents;
- The Guardian Ad Litem (children's lawyer)
- The CASA;
- Anyone who is providing services to the respondents to help them deal with the issues that led to abuse and neglect;
- Appropriate school officials;
- The foster parents or custodial relatives (and their lawyers); and
- The child (if old enough and appropriate).

16. What is a family case plan?

DHHR staff prepare a family case plan with the help of the lawyers and the MDT. The case plan lists changes that must happen and services that will be provided to the family to help correct the problems. The case plan also includes a description of how the respondents must change their behavior. The long term or permanency plan for the child is also included. The overall goal of the abuse and neglect process is to correct problems so the family can be reunified, or if that is not possible, to find a safe and loving place for the child to grow up.

17. What is an adjudicatory hearing?

At the adjudicatory hearing, the prosecutor, the respondents' lawyers, and the child's lawyers present evidence to support or to defend against the abuse and neglect claims set forth in the petition. The judge decides at the end of the hearing if the child is abused and neglected. Sometimes the respondents will waive the adjudicatory hearing and admit some or all of the allegations in the petition in order to begin an improvement period to correct the conditions that lead to the abuse and neglect proceeding. Parental rights are not terminated during the adjudicatory hearing.

18. What is a dispositional hearing?

At the dispositional hearing, the Judge will decide whether the parents' rights will be terminated or whether the family will be reunified. During this hearing, the judge must choose the least restrictive action that is in the best interests of the child. The Judge may dismiss the petition if the judge feels it is safe to reunite the family. The judge may terminate the parents' rights if the evidence shows that there is no reasonable likelihood that respondents can change the issues that led to the abuse and neglect and returning the child to the home is not in the child's best interests. If a parent's rights are terminated, the person no longer has legal status as the child's parent. During this hearing parents may also choose to voluntarily relinquish his or her parental rights rather than having those rights terminated. Voluntarily relinquishing parental rights terminates the rights to the immediate child, but allows the parent to maintain parental rights to other children.

19. What is a permanency hearing?

A permanency hearing is held to determine what the permanent placement plan will be for children when parental rights have been terminated. The goal of the permanency hearing is to place the child in the most family-like home possible. There is a preference for children to be adopted by foster parents or kinship relatives, as well as a preference to keep siblings together in the same home. A permanency hearing may be held every 12 months until the permanency plan is completed.

A Guide to Relative Intervention in Abuse and Neglect Proceedings:

When the DHHR takes custody of children due to abuse and neglect by the parents, the caseworker must search for possible relatives who are interested in taking the child and would be a good, safe placement. There is a preference to place children with a fit and proper grandparent. If no fit and proper grandparent or other relative is available, the children will be placed in a foster home. The following are answers to frequently asked questions:

1. Will my relatives automatically be placed with me if they are removed from their parents?

No. The DHHR will reach out to known grandparents and other relatives to inquire about placement. Sometimes grandparents and other relatives are not considered because the children's parent(s) have indicated that the relative is not willing, able or appropriate to provide care for the child. If you learn of an abuse and neglect action and would like to be considered for placement of your relatives, it is important for you to contact the DHHR as soon as possible to let them know that you are interested in being considered for placement. (See Page 45 for a directory of the local DHHR offices)

2. What happens once the DHHR is aware that I am willing and able to provide care for my grandchildren?

The DHHR may place the child with you on a temporary basis pending the completion of a home study, or the DHHR may place the child with a foster family pending your completion of a home study. It is important that you maintain contact with the DHHR during this process.

3. As a relative, do I have the same requirements as a Foster Parent?

Yes. If you are a relative who wants custody of a child, you will be required to complete a home study and complete foster parent training known as Parent Resources for Information, Development, and Education, or PRIDE classes. The home study involves a background check and a safety check of your home. If you pass the home study and complete the PRIDE training, the DHHR will certify you as a foster parent and you can get financial help in caring for the child.

4. Under what circumstances might I be denied placement of my relative?

You will likely be denied placement of your relative if any of the following apply:

- You have a history of substantiated abuse and neglect allegations against you;
- You have lost parental rights to your own children in the past;
- You have to register as a sex offender;
- You have a criminal history, particularly of crimes involving sexual abuse or physical violence;
- You have a drug or alcohol problem;
- Your home does not meet the safety standards required by the DHHR and you are unable to make repairs to meet those standards.

5. Do Grandparents have any rights in abuse and neglect proceedings?

Grandparents have the following rights:

- **Placement of the child, if appropriate** - WV Code provides that the DHHR shall first consider the suitability and willingness of any known grandparent or grandparents to adopt the child. Once any such grandparents who are interested in adopting the child have been identified, the DHHR shall conduct a home study evaluation, including home visits and individual interviews by a licensed social worker. If the DHHR determines, based on the home study evaluation, that the grandparents would be suitable adoptive parents, it shall ensure that the grandparents are offered the placement of the child prior to the consideration of any other prospective adoptive parents.
- **Notice** - *If you had physical custody of the children prior to the filing of the abuse and neglect proceeding*, you have the right to be served with a copy of the petition and have an opportunity to be heard.
- **A meaningful opportunity to be heard** – *If you had physical custody of the children prior to the filing of the abuse and neglect proceeding*, you are entitled to a meaningful opportunity to be heard at the hearings in the abuse and neglect proceeding.

6. How can relatives get involved in abuse and neglect cases in court?

Abuse and Neglect cases are confidential. Relatives are generally not included in these hearings unless the judge specifically allows it. You can file a Motion to Intervene and ask the Court to include you in the hearings. The Court may accept or deny your motion. This often depends on what your role has been in the child's life, how far along the case has progressed, and other factors relating to the child's best interests.

7. Do I need an attorney if my relatives are involved in an abuse and neglect proceeding?

You should always take the opportunity to consult with an attorney if one is available to you. You will likely need an attorney in the following situations:

- You are being denied placement of your relatives, despite having an appropriate home, and being a fit and able person to provide care for them
- You had physical custody of your relatives at the time the abuse and neglect action was filed and you received no notice of the petition and hearing, nor were you given the opportunity to be heard
- Your relative has been placed in foster care and the DHHR is unwilling to complete a home study for you

8. How can I find an attorney to help me in an abuse and neglect proceeding?

If you are a participant in the WV WORKS program or a recipient of the WV WORKS Kinship Relative Care Check, you should ask your WV WORKS caseworker for a referral to Legal Aid of West Virginia. If you do not participate in or receive benefits from WV WORKS, you may apply for Legal Aid by calling the intake line at 1-866-255-4370 or apply online at www.lawv.net. If you do not qualify for Legal Aid or if you wish to hire a private attorney, you may use the WV State Bar Lawyer Referral Service to help you find an attorney by visiting: <https://wvlawyerreferral.org/>. If you just have questions and need legal information, you can call Tuesday Legal Connect on Tuesday evenings from 6:00 p.m. until 8:00 p.m. by calling **1-800-642-3617**.

Tips if your grandchildren or other minor relatives are involved in an abuse and neglect proceeding:

- **Be proactive and cooperative:**
 - Reach out to the local DHHR and make it known that you are willing and able to provide a home for the child. (See page 45 for the DHHR directory)
 - Cooperate with the DHHR to do a home study of your house.
 - Take the Parent Resources for Information, Development, and Education (PRIDE) classes to become a foster parent. Talk to the DHHR worker to sign up for these classes.
- **Be understanding:**
 - Local DHHRs are often understaffed and workers are overworked. The caseworker on your case may be busy handling many cases for other abused children. It may seem that they do not want you to have the child. Do not be discouraged. Continue to follow-through and complete all the steps that they ask of you.
- **Be patient but persistent:**
 - These cases sometimes have lengthy delays. You must be “patient but persistent.” Keep in touch with the worker. Ask the worker if there is anything else you need to do. If not, be patient but keep in regular contact with the worker as the case unfolds.

Stabilizing Custody for Relatives in Your Care

Taking legal action to establish some type of custody, whether it be guardianship or adoption, can provide stability for your minor relatives and can assist you in having the legal right to make decisions for and seek services on behalf of the children in your care. The following is a discussion of the two main types of legal action relatives may take to secure custody:

Infant Guardianship

1. What is an infant guardianship under West Virginia law?

An infant guardianship is when someone other than a child's birth parent asks a Judge to give them custody of the child. Infant guardianships are often referred to as just a guardianship. A guardianship gives the guardian the rights and responsibilities of a parent, without terminating the parents' rights. The guardian is responsible for the child's well-being, protection, and education. A guardianship will usually remain in place until someone asks the Judge to terminate it or until the child turns 18.

2. What is the difference between a guardianship and adoption?

Adoption, unlike guardianship, terminates the parents' rights and creates a new parent-child relationship between the child and the adopting parent. An adopted child gets a new birth certificate with their adoptive parents listed on it. Other differences are:

How long it lasts: Adoptions cannot be undone. They are permanent. Guardianships can last a long time, but they can be terminated by the Judge later if the reasons that led to the guardianship are fixed. For example, if a child's parents have received drug treatment, a Judge may set aside the guardianship and return the rights to the parents.

Where you file: In West Virginia, you can ask for an infant guardianship in Family Court or in Circuit Court. You can only ask for adoptions in Circuit Court.

When you should file: You can file for a guardianship at any time. If you want custody of a child who does not live with you because you believe the child is not safe, you can ask for a guardianship immediately. Adoptions can only be filed after the child has lived with you for a period of six months or more. You may want to file for a guardianship while an adoption is pending.

3. Who can become a guardian?

A child's biological parents are his or her guardians. When parents are unable or unwilling to take care of the child, a Judge may appoint someone else to be the child's guardian to look out for the child. Any person who has a relationship with the child and who is concerned for the child's well-being can file a petition with the Judge to be appointed as guardian of a child. The Judge cannot appoint a parent or other person whose rights have been terminated. A guardianship will not be put in place if the custody of the child is an issue in another court case.

4. How do I become a guardian?

You must file a petition in either Family Court or Circuit Court. The Judge will look at the facts and decide whether to appoint you as the child's guardian.

5. When will the court appoint a guardian for the child?

The Judge may appoint a guardian for a child if the court finds that it is in the child's best interest and either:

- The parents agree;
- The parents' rights have been terminated;
- The parents are unwilling or unable to exercise their rights (for example, when the parent is in prison);
- If the parents have abandoned the child for more than six months; or
- If there are rare circumstances that would result in serious problems for the child.

6. What is abandonment?

Abandonment is when the birth parent fails to provide care for his or her child. West Virginia law says that a parent has legally abandoned a child, if, for the past six months:

- The parent knows where the child lives; **and**
- The parent has not financially supported the child; **and**
- The parent does not visit or communicate with the child.

7. Do the child's parents have to agree to a guardianship?

No. One way to get a guardianship is to have the parents agree to the appointment of another guardian. This is called consent. If the parents will agree to the guardianship, it is best to get this in writing. If the parents do not consent, the Judge can still appoint a guardian for the child if there is cause to grant the guardianship over the parents' objections.

8. Are guardianships permanent?

No. A guardianship is not permanent because the guardianship can be removed by the Judge. However, a guardianship can last for a long time, even until a child turns 18.

Guardianships can also be as little as six months, if the Judge believes that such a short time is all that is necessary to keep the child safe and serve the child's best interests.

9. Does a guardianship mean that the child's parents lose their rights?

No. Guardianship does not end a parent's rights to the child forever. Instead, legal guardianship allows someone else to make decisions regarding the child's care and well-being during the guardianship.

10. Do I have to be a foster parent to get a guardianship?

No. You do not have to be a foster parent to file for guardianship.

11. Can a parent have a guardianship removed?

Yes. Parents can ask the Judge to remove a guardianship. The parent must show the Judge that there has been a significant change in their circumstances and that removing the guardianship is in the best interests of the child.

12. Can I receive financial benefits to help take care of the child?

Yes. While a guardian assumes financial responsibility for the child during the guardianship, there is some assistance available. Guardians may receive cash assistance for the children from the DHHR through WV WORKS, known as a Kinship Relative Caretaker Check. The children will also qualify for Medicaid and a clothing voucher. Guardians who are low income may qualify for other assistance provided by the DHHR such as SNAP (food stamps) and child care assistance. See page 14 for information on benefits available.

13. Can I represent myself in an infant guardianship case?

Yes. The Supreme Court of Appeals of West Virginia has forms online that you can use to file a petition for a guardianship, available at <http://www.courtswv.gov/lower-courts/infant-guardianship/index-infant-guardian.html>.

You can also pick up the guardianship forms at your local Legal Aid office at no cost.

If you can, you should always try to discuss legal guardianship with a lawyer to understand your choices and your rights. If you are a participant in the WV WORKS program or a recipient of the WV WORKS Kinship Relative Care Check, you should ask your WV WORKS caseworker for a referral to Legal Aid of West Virginia. If you do not participate in or receive benefits from WV WORKS, you may apply for Legal Aid by calling their intake line at 1-866-255-4370 or apply online at www.lawv.net. If you do not qualify for Legal Aid or if you wish to hire a private attorney, you may use the WV State Bar Lawyer Referral Service to help you find an attorney by visiting: <https://wvlawyerreferral.org/>.

If you just have questions and need legal information, you can call Tuesday Legal Connect on Tuesday evenings from 6:00 p.m. until 8:00 p.m. by calling **1-800-642-3617**.

Adoption

1. What does adoption mean under West Virginia law?

Adoption is when someone other than the birth parents asks a Judge to give them all the legal rights and responsibilities to a child that a parent would have. In West Virginia, you file for adoption in Circuit Court. Adoption terminates the biological parents' rights to a child and creates a new parent-child relationship between the adopting parent and the child.

2. What are the differences between adoption and guardianship?

How long it lasts: Adoptions are permanent, while guardianships only last until the child turns 18 or someone petitions the Court to terminate the guardianship.

Where you file: In West Virginia, you can ask for guardianship in Family Court or Circuit Court. You can only ask to adopt a child in Circuit Court.

When should you file: An adoption can only be granted after a child has resided with you for a period of six months or more. A guardianship can be filed at any time, even if the child has not resided with you.

3. How do I begin an adoption?

You file a petition for adoption with the Circuit Clerk in the county where you live. You need to send a copy of your petition to the child's birth mother and anyone who claims to be the father (unless a Judge terminated both birth parents' rights in an abuse and neglect case). You also need to send a copy any other person who claims legal or physical custody of the child.

After you file the adoption paperwork, the Circuit Judge will schedule a hearing no sooner than 45 days from the date of the filing of the Petition.

4. Under what circumstances can an adoption be granted?

An adoption can be granted if both parents consent to the adoption; one parent consents and the following applies to the other parent; or neither parent consents, but the following applies to both parents:

1. The birth parent's parental rights have been terminated by a Judge; **OR**
2. The birth parent has abandoned the child; **OR**
3. The birth parent is deceased.

5. What is abandonment?

Abandonment is when a birth parent has demonstrated a settled purpose to forego all duties and relinquish all parental claims to a child. This means that the parents have left the child in another person's care and have failed to communicate with or support that child for a period of six months or more.

West Virginia law says that:

A parent has legally abandoned a child over six months old if that parent knows where that child lives and, for six months or longer:

1. Does not support the child financially and
2. Does not visit or stay in touch with the child.

A father has legally abandoned a baby under six months old if the father says he is not the father and he does not support the child financially or stay in touch with the child.

A Judge can terminate a parent's parental rights if he or she has abandoned a child for a period of more than six months, and an adoption can then be granted.

6. What if it is not the birth parent's fault that they cannot support the child or stay in touch with the child?

If a birth parent's lack of contact or support is not voluntary, then the Court will not find that the parent has abandoned the child. For example, if the persons wishing to adopt the children withheld their contact information from the parents; or if the parent is prevented from supporting or contacting the child due to disability or incarceration, the Court will likely not find that the parent has abandoned the child. If one or both parents refuse to consent to the adoption and have not abandoned the child, the adoption will not be granted.

7. What is consent?

When birth parents freely agree to an adoption, they are giving "consent." For an adoption to go forward, West Virginia law requires that both the birth mother and father consent to the adoption unless a Judge cut off their rights or they abandoned the child. If a Judge cut off the rights of one parent or one parent abandoned the child, then only the other parent needs to consent.

8. Does consent to an adoption need to be in writing?

For consent to be legal, the parent must give the consent in writing and sign and date the written consent in front of a notary public. The following things must be listed on a birth parent consent:

- The birth parent's current address;
- The name, date of birth, and current address of the child;
- That the birth parent allows the adoptive parent to make decisions about the child's medical treatment;
- That the adoption terminates the birth parent's rights forever;
- Whether the child is from a Native American Indian tribe; and
- Whether the child owns any property.

The Circuit Court Judge may agree to an adoption without written consent if the birth parent comes in person to the adoption hearing and gives consent in front of the Judge.

9. What if the birth father is unknown?

If the birth mother is not sure who the birth father is, she will need to file a document called an "affidavit" with the court. The affidavit should state:

- Whether the birth mother was married or living with a man at the time she got pregnant;
- Whether any man gave the birth mother money to support the child or for pregnancy costs;
- Whether the birth mother listed a father on the birth certificate or told anyone at the hospital where she gave birth the name of a father;
- Whether the birth mother listed a father when she applied for public assistance;
- Whether the birth mother told any man that he may be the birth father; and
- Whether any man, anywhere, has claimed to be the father.

The affidavit should also state:

- The last known address of any man listed above;
- That the mother understands that if she does not name a birth father, it can delay an adoption; and
- That the birth mother understands that the fathers identify will be used only for adoption.

If the birth mother states in an affidavit that she is unsure who the father is, the Judge will review the information and decide if the unknown father is likely to be identified. If the Judge can identify a likely father, the Judge will notify the father of the adoption hearings. If the Judge cannot identify a likely father, then the Judge may publish notice of the final adoption hearing in a local newspaper.

10. Does a child have to agree to an adoption?

Children under the age of 12 do not have to agree to an adoption. If a child is under the age of 12, the Court can order the adoption based on the child's best interests, even if the child does not want it. If a child who is being adopted is over the age of 12, he or she usually needs to agree to the adoption in front of the Judge. The Judge can ignore the wishes of a child 12 or older if the Judge believes the adoption is in the child's best interest.

11. Do I have to be screened to adopt a child?

You will have to testify that you can financially support the child and that you are of good moral character, meaning that you don't have any significant criminal history. The Judge may also ask the Department of Health and Human Resources (DHHR) or an agency to do a "home study" of where you live. Home studies help the Judge decide if your home is safe for the child. Once social workers from DHHR or another agency visit, they will report to the Judge. Sometimes the Judge does not require a home study if the children have been staying with the adoptive parents for some time.

12. What are the legal effects of an adoption?

When the Judge enters the final adoption order, the order terminates the birth parents' legal rights and duties. The adoptive parents take on all the legal and financial rights and duties of the parents.

13. Can I receive any tax benefits for adopting a child?

If you adopt a child, you can claim that child as a tax dependent, just as you would a biological child. There are also adoption tax credits that you can take advantage of. You should consult with a tax professional to find out what tax benefits there are when adopting a child.

14. Are there benefits I will gain or lose if I adopt a child?

If you get a WV WORKS Relative Caretaker check from DHHR, you will lose that check and the associated benefits if you adopt the child. If you get a Social Security Disability check or Veterans' Benefits, your adopted child will qualify for any benefits that a natural born child would be entitled to.

15. Can I represent myself in an adoption hearing?

While there is nothing to prevent a person from representing themselves in an adoption, it would be very difficult to do so. The Supreme Court of Appeals of West Virginia does not have forms you can fill out for adoption. You will probably need a lawyer to at least help you complete the forms or give you the information you need for the forms you file.



LEGAL INFORMATION

If you are a participant in the WV WORKS program or a recipient of the WV WORKS Kinship Relative Care Check, you should ask your WV WORKS caseworker for a referral to Legal Aid of West Virginia. If you do not participate in or receive benefits from WV WORKS, you may apply for Legal Aid by calling the intake line at 1-866-255-4370 or apply online at www.lawv.net. If you do not qualify for Legal Aid or if you wish to hire a private attorney, you may use the WV State Bar Lawyer Referral Service to help you find an attorney by visiting: <https://wvlawyerreferral.org/>. If you just have questions and need legal information, you can call Tuesday Legal Connect on Tuesday evenings from 6:00 p.m. until 8:00 p.m. by calling **1-800-642-3617**.

Grandparent Visitation Rights

1. Do grandparents have legal rights to visits with their grandchildren in West Virginia?

West Virginia law protects a grandparent's right to visit with a grandchild in some situations. At the same time, West Virginia law also protects the parent-child relationship from interference by grandparents.

The Legislature passed a specific West Virginia statute about grandparent visitation. This law defines when and how grandparents may seek a court order forcing a parent to permit the grandparent to spend time with the grandchild. The West Virginia Supreme Court has been emphatic that this law is the “exclusive means through which a grandparent may seek visitation with a grandchild.”

2. What should I do if I want to have visitation with my grandchild?

First, talk to the child's parents. Tell them you want to see your grandchild. Try to reach an agreement. It is always best to try to resolve the issue with the parents instead of asking for court-ordered visitation.

3. In West Virginia, is a grandparent permitted to seek court-ordered visitation with a grandchild?

Yes. Under West Virginia law, a court should grant “reasonable” visitation to a grandparent when two general conditions are met:

- Visitation would be in the best interests of the child, and
- Visitation would not substantially interfere with the parent-child relationship.

For example, grandparent visitation may be awarded when the parent through whom the grandparent is related has passed away, is deployed in the military, is incarcerated, is unable to be located, or is otherwise unavailable to allow access to the grandchild.

In making decisions about grandparent visitation, however, courts must give “significant weight” to the wishes of the fit parent. The decision is not based ONLY on the “best interests of the child.” The courts must also recognize that the US Constitution protects the right of a fit parent to make decisions regarding the care, custody and control of his or her children, including decisions related to when a grandparent should see his or her child.

4. What if my own son or daughter will not let me visit with my grandchild during his parenting time? Or if I want to visit with the grandchild more than my own son or daughter lets me?

You will not likely be successful in seeking grandparent visitation. If your own child has custody or visitation, the law presumes that no order of grandparent visitation should be issued. The assumption is that you can see the grandchildren when they are with your son or daughter.

To overcome the objection of your own child, the law requires you to present a very strong case. You must make a “clear and convincing” showing that visitation is in the child’s best interest. This will be particularly hard when the parent (your child) is a fit and proper parent but does not want you to see the grandchildren.

Here is how the two situations compare:

- If your own child is absent or unavailable to express his or her wishes about your visits, you must show that visitation is “probably” in the best interest of the child, even after the court gives special weight to the wishes of the parent.
- If your own child objects to your visits, you must show “clear and convincing” evidence that visitation is in the best interest of the child, even after the court gives special weight to the wishes of the parent. Not just “probably,” but “clear and convincing.” In the legal system this is a big difference.

5. How does the court figure out whether grandparent visitation is the in “best interests” of the child?

Always remember that the court will look at the best interests of the child and give special weight to the preferences of a fit and proper parent. These disputes are not decided according to what’s best for the grandparent. They are decided based on the best interests of the child.

The judge will consider a long list of factors to assess the best interests of the child. These include:

1. The child’s age;
2. The relationship between the child and the grandparent;
3. The relationship between the child’s parents and the grandparent;
4. The time since the child last had contact with the grandparent;
5. The effect grandparent visitation would have on the relationship between the child and the child’s parents;
6. Any custody and visitation arrangement that already exists between the parents with regard to the child;
7. The time available to the child and his or her parents, including the child’s school schedule, each parent’s work schedule, or the holiday and vacation schedules;
8. The good faith of the grandparent in filing the motion or petition;

9. Any history of physical, emotional, or sexual abuse or neglect performed, assisted or allowed by the grandparent;
10. Whether the child has lived with the grandparent for a significant period, with or without the child's parent or parents;
11. Whether the grandparent has been a significant caretaker for the child;
12. The preference of the parents with regard to the requested visitation. The court must give "special weight" to this factor, assuming the parent is fit and capable; and
13. Any other factor which the Court might think is relevant to the best interests of the child.

6. Under the law, who qualifies as a "grandparent" who can file for visitation?

A "grandparent" is defined as any of the following:

- any biological grandparent; **or**
- a person married to a biological grandparent; **or**
- any person granted custody of the grandchild's biological parent.

7. Who can seek grandparent visitation?

If the grandchild is living in West Virginia, any grandparent of that child can ask for court-ordered visitation. The grandparent does not have to live in West Virginia. If the grandchild does not live in West Virginia, no grandparent visitation case can be filed in West Virginia.

8. Where do I file for visitation?

You must file your petition in the Family Court in the county where the child lives. This may not necessarily be where the grandparent lives. However if there is already an abuse and neglect case in circuit court involving the grandchild, you must file your request for visitation in that action in circuit court.

If the child's parents already are going through a custody or divorce case in Family Court, you must file to intervene in that pending Family Court case for a grandparent visitation order.

9. Can a court take away a grandparent's rights?

Yes, if it is proven that the grandparent violated the rules and conditions of the court-ordered visitation.

Resources for Relative Caregivers

Public Benefits

- Apply for food, medical and health care assistance at your local DHHR. (See page 45 for the DHHR location in your county)
- Apply for assistance with formula and food for the baby or toddler in your care through the Special Supplemental Nutrition Program for Women, Infants and Children, known as WIC, at your local WIC office. Children receiving a WV Medical Card automatically qualify for WIC regardless of household income. (See page 49 for the WIC office in your area)
- Apply for housing assistance at your local housing authority. (See page 53 for the Housing Authority in your area)
- Apply for child care assistance through the WV Child Care Resource and Referral Agencies (CCR&R). (See page 62 for the WV CCR&R agency in your area)

Services and Support

- **WV Birth to Three**
 - www.wvdhhr.org/birth23
 - Provides a system of services and supports for children under age three who have a delay in their development or may be at risk of having a delay.

- Grandparents may call to make a referral for their grandchildren. (See page 60 for the Birth to Three agency serving your county)
- **WV Autism Training Center**
 - Call 304-696-2840
 - www.marshall.edu/atc
 - The West Virginia Autism Training Center exists to support West Virginians diagnosed with Autism Spectrum Disorder as they pursue a life of quality.
- **Healthy Grandfamilies Program**
 - www.healthygrandfamilies.com
 - An 8 week series of workshops on topics such as navigating the school and legal systems, social media, and nutrition. The program provides support from a social worker and fellowship with other grandparents providing care to their grandchildren.
- **WV Relatives as Parent Program (WV RAPP)**
 - 1-866-CALL-MWV (1-866-225-5698)
 - www.missionwv.org
 - Provides information, assistance and training to relatives caring for children who are not their own.
- **WV Parents as Teachers Program**
 - www.parentsasteachers.org
 - Provides support and engagement of parents and grandparents to promote the optimal early development, learning and health of their children or grandchildren.

- See page 63 for a list of agencies that provide this program in your area.

Other Resources:

Consumer Protection Division - WV Attorney General's Office

- Call 1-800-368-8808
- Consumers who believe they are the victim of unlawful consumer practices can file a complaint with the **Consumer Protection Division**.

West Virginia Coalition Against Domestic Violence

- <http://www.wvcadv.org>
- National Domestic Violence Hotline: 1-800-799-SAFE
- Help and resources for victims of domestic violence.

West Virginia 211

- <http://www.wv211.org/> or dial 211
- A link to community resources in West Virginia.

Education Resources

• **West Virginia Department of Education**

- www.wvde.us
- Information for students about scholarships, credit recovery, and AP course fee waivers.
- Information for parents about assessment results, immunizations, and college readiness.

• **College Foundation of West Virginia**

- www.cfwv.com
- Resources for students and parents on college, career planning, financial aid, and more.

- **Pathways to the Future**
 - <http://www.pathwayswv.org>
 - Provides resources, tools, and contacts to help students with disabilities.
 - Includes information on planning for education, career, and independent living after high school.
- **WorkForce Innovation and Opportunity Act (WIOA) Youth Program**
 - <http://www.hrdfwv.org/wioa-youth-programs.html>
 - Helps low-income young adults achieve education goals.

Job Training and Preparation

- **Workforce West Virginia**
 - <http://workforcewv.org>
 - Can provide paid training in certain job fields, hosts job fairs, and provides an online portal for job searches.
- **Job Corps**
 - www.jobcorps.gov
 - Federally-funded program that provides academic and career training for students.
 - Available to young adults between 16 and 24 who meet eligibility requirements and guidelines.
- **YouthBuild**
 - <http://rchawv.org/youthbuild/youthbuild-3.html>

RESOURCES

- Participants earn money while obtaining valuable experience building houses, with both classroom and on the job experience, during this 10-month program
- Out of school youth between 16 and 24 can apply
- **Employment for Independent Living**
 - <http://www.hrdfwv.org/employment-for-independent-living.html>
 - Helps youth, 16 to 21 who are aging out of foster care or turned 18 in state's custody, find employment and develop work skills

Legal Aid of West Virginia

Mission Statement: Legal Aid of West Virginia advocates for low-income, vulnerable West Virginians, seeks equal access to justice, and creates system change in order to improve client safety, health, housing, income and access to resources.

Programs

Legal Unit: Provides free legal information, advice and representation to qualifying individuals in a wide variety of civil matters, including family law, housing, public benefits, and expungements. Legal Aid of West Virginia does NOT handle criminal matters, personal injury, or medical malpractice cases.

Behavioral Health Unit: Provides support and advocacy to individuals and families dealing with mental or behavioral disorders. This unit includes the **FAST** program which provides support and advocacy for children who have a mental health co-occurring or co-existing diagnosis and who are struggling in or experiencing discrimination in school or early learning programs because of their mental health challenges.

Long-term and Eldercare (Ombudsman): Protects the rights of seniors and others living in long-term health care facilities.

How to Apply:

- Call: 1-866-255-4370
Hours: M, W-F – 8:30 a.m. – 3:00 p.m.
T – 8:30 a.m. – 12:30 p.m.; 6:00 p.m. – 8:00 p.m.
- Visit: www.lawv.net
- Ask your WV WORKS caseworker for a referral.
- If you are a victim of domestic violence, you may request a referral from your local domestic violence shelter.

Other Legal Resources in West Virginia

Legal Information by Phone:

Legal Aid's Law Line- 1-866-985-2948

Listen to recorded phone messages with information on common legal problems like divorce, custody, domestic violence, housing, DHHR benefits and how to represent yourself in court. Each message is 2-3 minutes. Available 24 hours a day, 7 days a week.

Legal Information Hotline:

Tuesday Legal Connect- 1-800-642-3617

On Tuesday evenings from 6 - 8 p.m., volunteer attorneys for the West Virginia State Bar answer phone calls to provide legal information and referrals. This information and the call are free.

Legal Information Online:

Legal Aid's Self-Help Library

www.lawv.net/resources/self-help-library

Legal Aid of West Virginia's Self-Help Library is a place where you can find information about civil legal problems, such as divorce, housing issues, bankruptcy, and more.

West Virginia Senior Legal Aid

<http://www.seniorlegalaid.net>

West Virginia Senior Legal Aid has legal Frequently Asked Questions on several topics, particularly focusing on issues faced by senior citizens age 60 and over.

Court Forms:

West Virginia Judiciary

<http://www.courtswv.gov/legal-community/court-forms.html>

The website for the West Virginia Supreme Court of Appeals has several forms available for persons to use and file on their own.

Legal Advice Website:

West Virginia Free Legal Answers

<http://wv.freelegalanswers.org>

West Virginia Free Legal Answers is a website where low-income persons can post legal questions and receive free brief advice from a volunteer attorney. To sign up go to <http://wv.freelegalanswers.org>, answer the eligibility questions, create an account and submit the legal question you need answered. West Virginia Free Legal Answers is a program of the West Virginia State Bar and American Bar Association.

Lawyer Referrals to Lawyers:

West Virginia Lawyer Referral Service

<http://www.wvlawyerreferral.org/>

The Lawyer Referral Service assists people in finding lawyers that are currently taking referrals in specific practice areas. Lawyers in West Virginia are not certified by the West Virginia State Bar in any specific areas of law, but they may have experience or interest in that specific area of practice. On this website, you can search for an attorney in your area. By signing up for this service, the attorney agrees to see you as a client for an initial consultation for a fee of no more than \$25 for the first 30 minutes of the consultation.

Apply for free legal help:

In addition to Legal Aid, there are organizations in West Virginia that provide free civil legal help if you qualify for their services. To apply for services, you will need to contact each organization.

- **Mountain State Justice - 1-800-319-7132**

If you qualify, provides free legal assistance to low-income consumers who are facing home foreclosure; were lied to in the process of

obtaining a loan; purchased a defective home or car; or have received unfair charges on loans or credit accounts. You can also contact Mountain State Justice if you would like to apply for free legal assistance if you are a prisoner or know a prisoner that is being unfairly or unsafely treated in a jail or correctional facility.

- **West Virginia Senior Legal Aid (WVSLA) - 1-800-229-5068**
If you qualify, provides free civil legal services for senior West Virginians age 60 and over. The person age 60 or over who needs legal help must be the one who actually calls WVSLA, not someone else calling on his or her behalf.
- **WVU College of Law Clinical Law Program - 1-304-293-7249**
If you qualify, provides free legal services to low-income persons, generally in north central West Virginia, in a number of areas including family law, social security, and other public benefits, property issues, consumer debt relief, bankruptcy, and immigration. The Clinic does not take new cases during holiday or summer breaks when law students are not in school.

DHHR County Directory

Barbour County

49 Mattaliano Drive
Philippi, WV 26416
304-457-9030

Berkeley County

433 Mid-Atlantic Park
Martinsburg, WV 25402
304-267-0100

Boone County

156 Resource Lane
Foster, WV 25081
304-369-7802

Braxton County

3708 Sutton Lane
Sutton, WV 26601
304-765-7344

Brooke County

100 Municipal Plaza,
Suite 600
Weirton, WV 26062
304-794-3060

Cabell County

2699 Park Avenue,
Suite 100
Huntington, WV 25704
304-528-5800

Calhoun County

85 Industrial Park Road
Grantsville, WV 26147
304-354-6118

Clay County

94 Main Street
Clay, WV 25043
304-587-4268

Doddridge County

22 Herbert Ave
Smithburg, WV 26436
304-873-2031

Fayette County

1400 Virginia Street
Oak Hill, WV 25901
304-465-9613

Gilmer County

1493 WV Hwy East
Glenville, WV 26351
304-462-0412

Grant County

53 Kiess Drive
Petersburg, WV 26847
304-257-4211

Greenbrier County

316 Maplewood Ave.,
Suite 3
Lewisburg, WV 24901
304-647-7476

Hampshire County

24954 Northwestern Pike
Romney, WV 26757
304-822-3060

Hancock County

100 Municipal Plaza,
Suite 600
Weirton, WV 26062
304-794-3060

Hardy County

149 Robert C. Byrd Industrial Park
Moorefield, WV 26836
304-538-2391

Harrison County

153 West Main St.,
Suite D
Clarksburg, WV 26330
304-627-2295

Jackson County

4285 Cedar Lakes Road
Ripley, WV 25271
304-373-2560

Jefferson County

239 Willow Spring Drive
Charles Town, WV 25414
304-724-2600

Kanawha County

4190 Washington Street
Charleston, WV 25313
304-746-2360

Lewis County

91 Arnold Avenue
Weston, WV 26452
304-269-6820

Lincoln County

8209 Court Avenue
Hamlin, WV 25523
304-824-5811

Logan County

130 Stratton Street
Logan, WV 25601
304-792-7095

Marion County

416 Adams Street
Fairmont, WV 26554
304-368-4420

Marshall County

400 Teletech Drive, Suite 2
Moundsville, WV 26041
304-843-4120

Mason County

1406 Kanawha Street
Point Pleasant, WV 25550
304-675-0880

McDowell County

840 Virginia Ave.
Welch, WV 24801
304-436-8302

Mercer County

350 Davis Street
Princeton, WV 24740
304-425-8738

Mineral County

18 N. Tornado Way
Keyser, WV 26726
304-788-4150

Mingo County

203 East Third Ave.
Williamson, WV 25661
304-235-4680

Monongalia County

114 S. High Street
Morgantown, WV 26507
304-285-3175

Monroe County

174 Route 3 East
Union, WV 24983
304-772-3013

Morgan County

62 Regal Court
Berkeley Springs, WV 25411
304-258-1350

Nicholas County

707 Professional Park Drive
Summersville, WV 26651
304-872-0803

Ohio County

69 16th Street
Wheeling, WV 26003
304-232-4411

Pendleton County

100 Thorn Creek Rd,
Suite 200
Franklin, WV 26807
304-358-2305

Pleasants County

1655 South Pleasants
Highway
St. Marys, WV 26170
304-684-9244

Pocahontas County

211 Vanhalla Lane
Marlinton, WV 24954
304-799-2540

Preston County

18351 Veteran's Memorial
Highway
Kingwood, WV 26537
304-329-4340

Putnam County

12531 Winfield Road
Winfield, WV 25213
304-586-1520

Raleigh County

407 Neville Street
Beckley, WV 25801
304-256-6930

Randolph County

1027 N. Randolph Ave.
Elkins, WV 26241
304-637-5560

Ritchie County

220 West Main Street
Harrisville, WV 26362
304-643-2934

Roane County

677 Ripley Road, Suite 3
Spencer, WV 25276
304-927-0956

Summers County

320 Summers Street,
Suite A
Hinton, WV 25951
304-466-2807

Taylor County

235 Barrett Street
Grafton, WV 26354
304-265-6103

Tucker County

9346 Seneca Trail
Parsons, WV 26287
304-478-3212

Tyler County

210 Main Street
Middlebourne, WV 26149
304-758-2127

Upshur County

34 Auction Lane
Buckhannon, WV 26201
304-473-4230

Wayne County

26452 East Lynn Road
Wayne, WV 25570
304-272-6311

Webster County

110 North Main St.,
Suite 201
Webster Springs, WV 26288
304-847-2861

Wetzel County

1236 North State Route 2
New Martinsville, WV 26155
304-455-0902

Wirt County

Court Street
Elizabeth, WV 25143
304-275-6551

Wood County

400 5th Street
Parkersburg, WV 26102

Wyoming County

1767 Bearhole Road
Pineville, WV 24874
304-732-6900

WIC Offices by County

Barbour County

23 Wabash Ave.
Philippi, WV 26416
304-457-3362

Berkeley County

109A Tavern Road
Martinsburg, WV 25401
304-267-5477

Boone County

213 Kenmore Drive
Danville, WV 25053
304-369-7967

Braxton County

537 Enterprise Drive
Gassaway, WV 26624
304-364-8778

Brooke County

192 Industrial Park Lane
Beech Bottom, WV 26030
304-394-5090

Cabell County

5187 Rt. 60 E., Suite 12
Huntington, WV 25705
304-302-2013

Calhoun County

186 Hospital Drive,
Building 2, Suite 3
Grantsville, WV 26147
304-354-6898

Clay County

452 Main St.
Clay, WV 25043
304-587-2323

Doddridge County

60 Pennsylvania St.
West Union, WV 26456
304-873-1173

Fayette County

1822 East Main St.
Oak Hill, WV 25901
304-465-5314

DIRECTORY

Gilmer County

212 East Main St.
Glennville, WV 26351
304-462-5750

Grant County

23 Hospital Drive
Petersburg, WV 26847
304-257-4936

Greenbrier County

170 Coleman Drive,
Suite 7
Lewisburg, WV 24901
304-647-7430

Hampshire County

24940 Northwestern Pike
Romney, WV 26757
304-822-5703

Hancock County

2619 Pennsylvania Ave.
Weirton, WV 26062
304-723-3153

Hardy County

712 N. Main St.
Moorefield, WV 26836
304-538-3382

Harrison County

103 East Main St.
Bridgeport, WV 26330
304-848-9680

Jackson County

600 S. Church St., Suite 2
Ripley, WV 25271
304-372-8525

Jefferson County

107 E. 4th Ave.
Ranson, WV 25438
304-725-2028

Kanawha County

4188 W. Washington St.
Charleston, WV 25313
304-746-7880

Cedar Grove location:

408 Alexander St.
Cedar Grove, WV 25039
304-595-3283

Lewis County

2 Brown Ave.
Weston, WV 26452
304-269-1318

Lincoln County

357 Walnut St.
Hamlin, WV 25523
304-824-4008

Logan County

102 Third St.
Logan, WV 25601
304-752-5400

Marion County

532 Pennsylvania Ave.
Fairmont, WV 26554
304-366-2387

Marshall County

500 Teletech Drive
Moundsville, WV 26041
304-845-1800

Mason County

701 22nd St.
Point Pleasant, WV 25550
304-675-5279

McDowell County

17 McDowell Street
Welch, WV 24801
304-436-6122

Mercer County

286 Blue Prince Road
Bluefield, WV 24701
304-325-3922

Mineral County

541 Harley O. Staggers Drive
Keyser, WV 26726
304-788-1683

Mingo County

114 Grace Street
Delbarton, WV 25670
304-475-2295

Monongalia County

1000 Elmer Prince Drive
Morgantown, WV 26505
304-598-5181

Monroe County

108 Back Valley Road
Lindside, WV 24951
304-753-5582

Morgan County

106 Sand Mine Road
Berkeley Springs, WV 25411
304-258-6074

Nicholas County

852 Northside Drive,
Suite 22
Summersville, WV 26651
304-872-0826

Ohio County

45 18th Street
Wheeling, WV 26003
304-234-3888

Pendleton County

299 Confederate Road
Franklin, WV 26807
304-358-3088

Pleasants County

605 Cherry Street
St. Marys, WV 26170
304-684-2217

Pocahontas County

819 Third Ave.
Marlinton, WV 24954
304-799-6550

Preston County

1343 N. Preston HWY,
Suite 2
Kingwood, WV 26537
304-329-1957

Putnam County

Putnam Village Shopping
Center
Teays, WV 25569
304-757-4200

Raleigh County

1600 Harper Road
Beckley, WV 25801
304-255-9034

Randolph County

107 Davis St.
Elkins, WV 26241
304-636-8100

Ritchie County

125 West Main St.
Harrisville, WV 26362
304-643-4082

Roane County

200 Main Street, East
Spencer, WV 25276
304-927-4977

Summers County

312 3rd Ave.
Hinton, WV 25951
304-466-5900

Taylor County

101 Beech St.
Grafton, WV 26354
304-265-2890

Tucker County

206 Senior Lane
Parsons, WV 26287
304-478-3096

Tyler County

403 South 2nd Ave.
Paden City, WV 26159
304-337-2011

Upshur County

33 Southfork Plaza Dr.
Buckhannon, WV 26201
304-472-4714

Wayne County

42 McGinnis Drive
Wayne, WV 25570
304-272-3951

Ft. Gay Family Health Ctr
71 Wayne St.
Ft. Gay, WV 25514

DIRECTORY

Webster County

80 North Main St.
Webster Springs, WV 26288
304-847-2601

Wetzel County

403 South 2nd Ave.
Paden City, WV 26159
304-337-2011

Wirt County

88 Senior Circle
Elizabeth, WV 26143
304-275-3150

Wood County

211 6th Street
Parkersburg, WV 26101
304-428-3688

Vienna Location:

1605 34th Street
Vienna, WV 26105
304-428-3688

Wyoming County

Route 10, Main Street
Oceana, WV 24870
304-682-0475

Housing Authority Offices by County

Barbour County

Housing Authority of
Randolph County
1404 N. Randolph Ave.
Elkins, WV 26241
304-636-6495

Berkeley County

703 S. Porter Ave.
Martinsburg, WV 25401
304-263-8891

Boone County

Housing Authority of Boone
County
Black Diamond Arbors
Danville, WV 25053
304-369-3442

Braxton County

Raleigh County Housing
Authority
282 George St.
Beckley, WV 25801
304-255-5164

Brooke County

Housing Authority of the City
of Weirton
525 Cove Road
Weirton, WV 26062
304-797-8530

Cabell County

Housing Authority of the City
of Huntington
300 7th Avenue West
Huntington, WV 25701
304-526-4400

Calhoun County

Housing Authority of the
County of Jackson
75 Whispering Way
Ripley, WV 25271
304-372-2343

Clay County

Charleston/Kanawha Housing
Authority
1525 Washington St., West
Charleston, WV 25387
304-348-6451 ext. 322

Doddridge County

Parkersburg Housing
Authority
1901 Cameron Ave.
Parkersburg, WV 26101
304-428-6400

Fayette County

Raleigh County Housing
Authority
282 George St.
Beckley, WV 25801
304-255-5164

Gilmer County

Housing Authority of the
County of Jackson
75 Whispering Way
Ripley, WV 25271
304-372-2343

Grant County

Grant County Housing
Authority
Johnson Run Road
PO Box 125
Petersburg, WV 26847
304-257-4087

Greenbrier County

Greenbrier Co. Housing
Authority
142 Maplewood Ave.
Lewisburg, WV 24901
304-645-4966

Hampshire County

Housing Authority of the City
of Romney
100 Valley View Drive
Romney, WV 26757
304-822-5296

Hancock County

Housing Authority of the City
of Weirton
525 Cove Road
Weirton, WV 26062
304-797-8530

Hardy County

Housing Authority of the City
of Keyser
470 Virginia St.
Keyser, WV 26726
304-788-2225

Harrison County

Clarksburg/Harrison Regional
Housing Authority
433 Baltimore Ave.
Clarksburg, WV 26301
304-623-3323

Jackson County

Housing Authority of the
County of Jackson
75 Whispering Way
Ripley, WV 25271
304-372-2343

Jefferson County

Housing Authority of the City
of Martinsburg
703 S. Porter Ave.
Martinsburg, WV 25401
304-263-8891

Kanawha County

Charleston/Kanawha Housing
Authority
1525 Washington St., West
Charleston, WV 25387
304-348-6451 ext. 322

Housing Authority of the City
of Dunbar
900 Dutch Hollow Road
Dunbar, WV 25064
304-768-8006

Housing Authority of the City
of St. Albans
650 6th Street
St. Albans, WV 25177
304-727-5441

Housing Authority of the City
of South Charleston
520 Goshorn Street
So. Charleston, WV 25309
304-768-9315

Lewis County

Housing Authority of the City
of Weston
124 E. 1st Street
Weston, WV 26452
304-269-6159

Housing Authority of
Randolph County (Lewis
County)
1404 N. Randolph Ave.
Elkins, WV 26241
304-636-6495

Lincoln County

Boone County Housing and
Redevelopment Authority
824 Lick Creek Road
Danville, WV 25053
304-369-3442

Logan County

Housing Authority of Mingo
County
5026 Helena Avenue
Delbarton, WV 25670
304-475-4663

Marion County

Fairmont/Morgantown
Housing Authority
103 12th Street
Fairmont, WV 26555
304-363-0860

Marshall County

Housing Authority of
Benwood and McMechen
2200 Marshall Street
Benwood, WV 26031
304-233-0830

Housing Authority of the City
of Moundsville
501 Tenth St.
Moundsville, WV 26041
304-845-3141

Mason County

Housing Authority of the City
of Point Pleasant
404 Second Street
Point Pleasant, WV 25550
304-675-4414

McDowell County

Housing Authority of Mingo
County
5026 Helena Avenue
Delbarton, WV 25670
304-475-4663

Mercer County

Housing Authority of the City
of Bluefield
1600 Hill Avenue
Bluefield, WV 24701
304-325-9653

Mineral County

Housing Authority of the City
of Keyser
470 Virginia St.
Keyser, WV 26726
304-788-2225

Housing Authority of the City
of Piedmont
51 Jones Street
Piedmont, WV 26750
304-355-2929

Mingo County

Housing Authority of Mingo
County
5026 Helena Avenue
Delbarton, WV 25670
304-475-4663

Housing Authority of the City
of Williamson
1612 W. 6th Avenue
Williamson, WV 25661
304-235-3270

Monongalia County

Fairmont/Morgantown
Housing Authority
103 12th Street
Fairmont, WV 26555
304-363-0860

Monroe County

Raleigh Co. Housing
Authority
282 George St.
Beckley, WV 25801
304-255-5164

Morgan County

Greenbrier Co. Housing
Authority
142 Maplewood Ave.
Lewisburg, WV 24901
304-645-4966

Nicholas County

Raleigh Co. Housing
Authority
282 George St.
Beckley, WV 25801
304-255-5164

Ohio County

Housing Authority of the City
of Wheeling
11 Community Street
Wheeling, WV 26003
304-242-4447 ext. 109

Pendleton County

Housing Authority of
Randolph County
1404 N. Randolph Ave.
Elkins, WV 26241
304-636-6495

Pleasants County

Housing Authority of the City
of Parkersburg
1901 Cameron Avenue
Parkersburg, WV 26101
304-428-6400

Pocahontas County

Raleigh Co. Housing
Authority
282 George St.
Beckley, WV 25801
304-255-5164

Preston County

Fairmont/Morgantown
Housing Authority
103 12th Street
Fairmont, WV 26555
304-363-0860

Putnam County

Charleston/Kanawha Housing
Authority
1525 Washington St., West
Charleston, WV 25387
304-348-6451

Raleigh County

Raleigh County Housing
Authority
282 George St.
Beckley, WV 25802
304-255-5164

Housing Authority for the City
of Beckley
100 Beckwoods Drive
Beckley, WV 25801
304-256-1772

Randolph County

Housing Authority of
Randolph County
1404 N. Randolph Ave.
Elkins, WV 26241
304-636-6495

Housing Authority of the City
of Elkins
Gateway Apartments
1 Stoddard Ave.
Elkins, WV 26241
304-636-6793

Ritchie County

Parkersburg Housing
Authority
1901 Cameron Ave.
Parkersburg, WV 26101
304-428-6400

Roane County

Housing Authority of the City
of Spencer
601 Market Street
Spencer, WV 25276
304-927-4181

Summers County

Raleigh County Housing
Authority
282 George St.
Beckley, WV 25801
304-255-5164

Taylor County

Housing Authority of the City
of Grafton
131 East Main Street
Grafton, WV 26354
304-265-1183

Tucker County

Housing Authority of
Randolph County
1404 N. Randolph Ave.
Elkins, WV 26241
304-636-6495

Tyler County

Parkersburg Housing
Authority
1901 Cameron Ave.
Parkersburg, WV 26101
304-428-6400

Upshur County

Housing Authority of
Randolph County
1404 N. Randolph Ave.
Elkins, WV 26241
304-636-6495

Housing Authority of the City
of Buckhannon
23 ½ Hinkle Drive
Buckhannon, WV 26210
304-472-1305

Wayne County

Housing Authority of Mingo
County
5026 Helena Avenue
Delbarton, WV 25670
304-475-4663

Webster County

Raleigh County Housing
Authority
282 George St.
Beckley, WV 25801
304-255-5164

Wetzel County

Parkersburg Housing
Authority
1901 Cameron Ave.
Parkersburg, WV 26101
304-428-6400

Wirt County

Parkersburg Housing
Authority
1901 Cameron Ave.
Parkersburg, WV 26101
304-428-6400

Wood County

Parkersburg Housing
Authority
1901 Cameron Ave.
Parkersburg, WV 26101
304-428-6400

Wyoming County

Housing Authority of Mingo
County
5026 Helena Avenue
Delbarton, WV 25670
304-475-4663

WV Birth to Three

www.wvdhhr.org/birth23

Region 1:

Brooke, Hancock, Marion, Marshall, Monongalia, Ohio, Tyler, Wetzel

Catholic Charities West Virginia
2000 Main Street, Suite 222
Wheeling, WV 26003
1-800-619-5697

Region 2:

Calhoun, Doddridge, Gilmer, Harrison, Pleasants, Ritchie, Wirt, Wood

The Arc of Mid-Ohio Valley
912 Market St.
Parkersburg, WV 26101
1-866-401-8919

Region 3:

Clay, Jackson, Kanawha, Roane

River Valley Child Development
1 Players Club Drive, Ste. 160
Charleston, WV 25311
1-844-885-0618

Region 4:

Boone, Cabell, Lincoln, Logan, Mason, Mingo, Putnam, Wayne

River Valley Child Development
432 2nd Street
Huntington, WV 25701
1-866-982-8855

Region 5:

Barbour, Lewis, Preston, Randolph, Taylor, Tucker, Upshur

Mountainheart Community Services
1200 Harrison Ave., Suite 220
Elkins, WV 26241
1-800-449-7790

Region 6:

Braxton, Greenbrier, Monroe, Nicholas, Pocahontas, Summers, Webster

Mountainheart Community Services
25 Red Oak Shopping Center
Lewisburg, WV 24901
1-866-229-0461

Region 7:

Fayette, McDowell, Mercer, Raleigh, Wyoming

MountainHeart Community Services
1411 North Walker Street
Princeton, WV 24740
1-866-207-6198

Region 8:

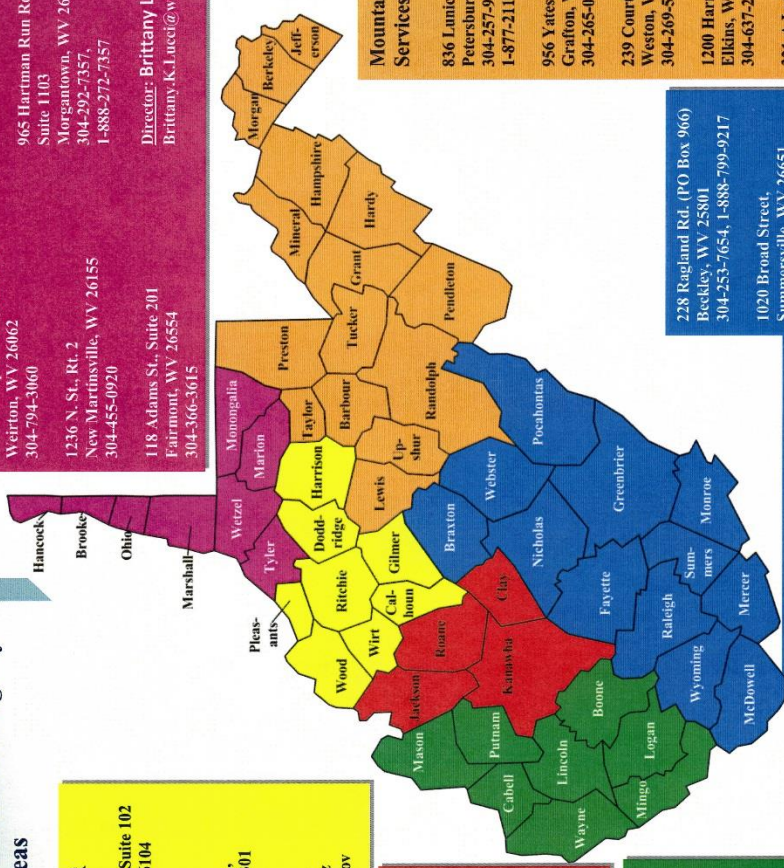
Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton

RESA 8 Child Development Services
109 S. College Street
Martinsburg, WV 25401
Phone: 1-800-367-3728

DIRECTORY

Child Care Resource and Referral Agencies (child care assistance)

West Virginia Child Care Resource and Referral Agency Areas



Child Care Resource Center
Catholic Charities West Virginia
2000 Main St., Suite 100
Wheeling, WV 26003
304-232-1603,
1-800-585-1603

965 Hartman Run Rd.,
Suite 1103
Morgantown, WV 26505
304-292-7357,
1-888-272-7357

Director: **Brittany Lucci**
Brittany.L.Lucci@wv.gov

MountainHeart Community Services North

836 Lunice Ck HWY (PO Box 728)
Petersburg, WV 26847
304-257-9375,
1-877-211-KIDS(5437)

956 Yates Avenue (PO Box 32)
Grafton, WV 26354
304-265-0142, 1-877-811-KIDS(5437)

239 Court Ave. (PO Box 630)
Weston, WV 26452
304-269-5332, 1-866-232-9227

1200 Harrison Ave., Suite 220
Elkins, WV 26241
304-637-2840, 1-877-862-3103

321-A Lutz Avenue
Martinsburg, WV 25404
304-262-1584, 1-888-915-7653

Director: **Willette Bolinger**
Willette.J.Bolinger@wv.gov

Child Care Resource Center
100 Municipal Plaza, Suite 600
Weirton, WV 26062
304-794-3060

1236 N. St., Rt. 2
New Martinsville, WV 26155
304-455-0920

118 Adams St., Suite 201
Fairmont, WV 26554
304-366-3615

MountainHeart Community Services South

228 Ragland Rd. (PO Box 966)
Beckley, WV 25801
304-253-7654, 1-888-799-9217

1020 Broad Street,
Summersville, WV 26651
304-872-9200, 1-866-598-4452

330 Red Oak Shopping Center
Suite 6
Ronceverte, WV 24970
(PO Box 1610)
Lewisburg, WV 24901
304-647-3800, 1-855-843-0720

Director: **Margaret Younce**
Margaret.A.Younce@wv.gov

Choices CCR&R

4421 Emerson Ave., Suite 102
Parkersburg, WV 26104
304-485-2668,
1-866-966-2668

315 North Ohio Ave.,
Clarksburg, WV 26301
304-622-6528,
1-866-622-6528

Director: **Kristy Ritz**
Kristy.A.Ritz@wv.gov

Connect CCR&R

1 Player's Club Drive
Charleston, WV 25311
304-414-4488,
1-888-595-8290

Director: **Toni McKinley**
Toni.L.McKinley@wv.gov

Link CCR&R

611 7th Ave., Suite 100
Huntington, WV 25701
304-523-9540,
1-800-894-9540

19 Circle Drive
Logan, WV 25601
304-752-3932

Director: **Cristie Dunbar**
Cristie.R.Dunbar@wv.gov

WVDEH, Bureau for Children & Families
Updated: February 2018

Parents as Teachers Agencies by County

This is compiled information obtained on the internet and is as accurate as possible. When contacting the agency, ask for the Parents as Teachers Program.

Barbour County

Allegheny Highlands Parents
as Teachers
39 S. Main St.
Philippi, WV 26416
304-457-2691
304-478-3827

Berkeley County

Burlington United Methodist
Family Services
120 Hope Lane
Burlington, WV 26710
304-788-2342
304-260-5884

Boone County

Cornerstone Family
Interventions, Inc.
331 State Street, Suite 300
Madison, WV 25130
304-369-5283

Braxton County

Clay-Braxton Parents as
Teachers
PO Box 120
242 Church St.
Clay, WV 26043
304-587-2445

Brooke County

Brooke Hancock Family
Resource Network
1300 Potomac Ave.
Weirton, WV 26062
304-748-7850

Cabell County

No parents as teachers
program, similar services may
be available from:

Mountain State Healthy
Families
304-523-9587

Calhoun County

Children's Home Society of
West Virginia
1717 St. Mary's Avenue
Parkersburg, WV 26102
304-485-0650

Clay County

Clay-Braxton Parents as
Teachers
PO Box 120
242 Church St.
Clay, WV 25043
304-587-2445

Clay-Nicholas
Parents as Teachers
PO Box 168
190 Riverside Drive
Richwood, WV 26261
304-286-3182

Doddridge County
Doddridge County Starting
Points Center, Inc.
1171 WV Route 18 N., Suite
3, 1034
West Union, WV 26456
304-873-3500

Fayette County
New River Health MIHOW
19 Jefferson St.
Fayetteville, WV 25840
304-469-2415

Gilmer County
Children's Home Society of
West Virginia
1717 St. Mary's Avenue
Parkersburg, WV 26102
304-485-0650

Grant County
Burlington United Methodist
Family Services
120 Hope Lane
Burlington, WV 26710
304-788-2342
304-260-5884

Greenbrier County
Rainelle Medical Center
176 Medical Center Drive
Rainelle, WV 25962
304-438-6188

Hampshire County
Burlington United Methodist
Family Services
120 Hope Lane
Burlington, WV 26710
304-260-5884

Hancock County
Brooke Hancock Family
Resource Network
1300 Potomac Ave.
Weirton, WV 26062
304-748-7850

Hardy County
Burlington United Methodist
Family Services
120 Hope Lane
Burlington, WV 26710
304-788-2342
304-260-5884

Harrison County
Harrison County Parents as
Teachers
127 W. Main St.
Clarksburg, WV 26301
304-622-0292

Jackson County

Children's Home Society
1717 St. Mary's Ave.
Parkersburg, WV 26101
304-485-0650

Jefferson County

Burlington United Methodist
Family Services
120 Hope Lane
Burlington, WV 26710
304-788-2342
304-260-5884

Kanawha County

Regional Family Resource
Network
1078 Main St.
Elkview, WV 25071
304-595-5521

Lewis County

Lewis County Family
Resource Network
240 Court Ave.
Weston, WV 26452
304-269-4000

Lincoln County

Cornerstone Family
Interventions, Inc.
331 State Street, Suite 300
Madison, WV 25130
304-369-5283

Logan County

No parents as teachers
program, similar services may
be available from:

Mountain State Healthy
Families
304-523-9587

Marion County

* Available services for
Marion County may be
limited.

Harrison County Parents as
Teachers

127 W. Main St.
Clarksburg, WV 26301
304-622-0292

Marshall County

Marshall County Family
Resource Network
1501 Second St.
Moundsville, WV 26041
304-845-3300

Mason County

No parents as teachers
program, similar services may
be available from:

Mountain State Healthy
Families
304-523-9587

McDowell County

The Community Crossing,
Inc.
225 Maple Ave.
Welch, WV 24801
304-436-8300 ext. 101

Mercer County

REACHH FRC
205 Thorn St.
Princeton, WV 24740
304-466-2226

Mineral County

Burlington United Methodist
Family Services
120 Hope Lane
Burlington, WV 26710
304-788-2342
304-260-5884

Mingo County

Able Families, Inc.
PO Box 1249
Kermit, WV 25674
304-393-4987

Monongalia County

Mon County FRC/The
Shack/MIHOW
537 Blue Horizon Drive
Morgantown, WV 26501
304-983-7700 ext. 204

Monroe County

Monroe County Early
Headstart
PO Box 330
Union, WV 24983
304-772-3284

Morgan County

Burlington United Methodist
Family Services
120 Hope Lane
Burlington, WV 26710
304-788-2342
304-260-5884

Nicholas County

Clay-Nicholas Parents as
Teachers
PO Box 168
190 Riverside Drive
Richwood, WV 26261
304-846-4479

Ohio County

Ohio County MIHOW
94 Finch Ave.
Wheeling, WV 26003
304-232-4590

Pendleton County

Burlington United Methodist
Family Services
120 Hope Lane
Burlington, WV 26710
304-788-2342
304-260-5884

Pleasants County

Children's Home Society of
West Virginia
1717 St. Mary's Avenue
Parkersburg, WV 26102
304-485-0650

Pocahontas County

Greenbrier/Pocahontas
Parents as Teachers
2161 Douthards Creek Rd.
Marlinton, WV 24954
304-799-6339

Preston County

Preston County Caring
Council, Inc.
Preston-Taylor Parents as
Teachers
105 West High Street
Kingwood, WV 26537
304-329-1968

Putnam County

No parents as teachers
program; similar services may
be available from:

Mountain State Healthy
Families
304-523-9587

Raleigh County

New River Health MIHOW
19 Jefferson St.
Fayetteville, WV 25840
304-469-2415

Randolph County

Allegheny Highlands PAT
305 Henry Ave.
Elkins, WV 26241
304-636-4454

Ritchie County

Children's Home Society
59 Stadium Drive
Pennsboro, WV 26415
304-659-3988

Roane County

Children's Home Society of
West Virginia
1717 St. Mary's Avenue
Parkersburg, WV 26102
304-485-0650

Summers County

REACHH Family Resource
Center
411 Temple Street
Hinton, WV 25951
304-466-2226

Taylor County

Taylor County Family
Resource Network
#1 Prospect Street
Grafton, WV 26354
304-903-8362

Tucker County

Tucker County Family
Resource Network
Allegheny Highlands PAT
100 Education Lane
Parsons, WV 26287
304-478-3827

Tyler County

Wetzel County Center for
Children and Families
Rt. 2 Box 107
New Martinsville, WV 26155
304-455-2468

Upshur County

Lewis County Family
Resource Network
240 Court Ave.
Weston, WV 26452
304-269-4000

Wayne County

No parents as teachers
program, similar services may
be available from:

Mountain State Healthy
Families
304-523-9587

Webster County

Nicholas County Starting
Points
190 Riverside Drive
Richwood, WV 26261
304-846-4479

Wetzel County

Wetzel County Center for
Children and Families
Rt. 2 Box 107
New Martinsville, WV 26155
304-455-2468

Wirt County

Children's Home Society of
West Virginia
1717 St. Mary's Avenue
Parkersburg, WV 26102
304-485-0650

Wood County

Children's Home Society of
West Virginia
1717 St. Mary's Avenue
Parkersburg, WV 26102
304-485-0650

Wyoming County

MountainHeart Community
Services
PO Box 1509
Oceana, WV 24870
304-682-6535

Legal Aid of West Virginia Offices by County

**** Please note that you cannot apply for services or speak to an attorney by visiting or calling a local office. You can visit a local office to pick up forms or browse our brochures. We also offer a direct phone line to our intake system in the lobbies of each of our offices to apply for services. **Please call 1-866-255-4370 to apply for services, or apply online at www.lawv.net.****

Barbour County

224 Third St.
PO Box 229
Elkins, WV 26241
304-635-7600

Berkeley County

301 W. Burke St., Suite B
Martinsburg, WV 25401
304-263-8871

Boone County

922 Quarrier Street,
4th Floor
Charleston, WV 25301
304-343-4481

Braxton County

922 Quarrier Street,
4th Floor
Charleston, WV 25301
304-343-4481

Brooke County

The Mull Center
1025 Min Street,
Suite 76
Wheeling, WV 26003
304-232-1260

Cabell County

418 8th Street, 2nd Floor
Huntington, WV 25701
304-697-2070

Calhoun County

327 9th Street
Parkersburg, WV 26101
304-485-7522

Clay County

922 Quarrier Street,
4th Floor
Charleston, WV 25301
304-343-4481

DIRECTORY

Doddridge County

110 S. Third St.
Clarksburg, WV 26301
304-623-6649

Fayette County

115B South Kanawha Street
Beckley, WV 25801
304-255-0561

Gilmer County

110 S. Third St.
Clarksburg, WV 26301
304-623-6649

Grant County

224 Third St.
PO Box 229
Elkins, WV 26241

Greenbrier County

125 Green Lane
Lewisburg, WV 24901
304-645-3131

Hampshire County

301 W. Burke St., Suite B
Martinsburg, WV 25401
304-263-8871

Hancock County

The Mull Center
1025 Main Street,
Suite 716
Wheeling, WV 26003
304-232-1260

Hardy County

301 W. Burke St., Suite B
Martinsburg, WV 25401
304-263-8871

Harrison County

110 S. Third St.
Clarksburg, WV 26301
304-623-6649

Jackson County

327 9th Street
Parkersburg, WV 26101
304-485-7522

Jefferson County

301 W. Burke St., Suite B
Martinsburg, WV 25401
304-263-8871

Kanawha County

922 Quarrier Street,
4th Floor
Charleston, WV 25301
304-343-4481

Lewis County

110 S. Third St.
Clarksburg, WV 26301
304-623-6649

Lincoln County

922 Quarrier Street,
4th Floor
Charleston, WV 25301
304-343-4481

Logan County

107 Stratton St.
Logan, WV 25601
304-752-4178

Marion County

165 Scott Ave., Suite 209
Morgantown, WV 26508
304-296-0001

Marshall County

The Mull Center
1025 Main Street,
Suite 716
Wheeling, WV 26003
304-232-1260

Mason County

418 8th Street, 2nd Floor
Huntington, WV 25701
304-697-2070

McDowell County

1519 North Walker St.
Princeton, WV 24740
304-487-1463

Mercer County

1519 North Walker St.
Princeton, WV 24740
304-487-1463

Mineral County

301 W. Burke St., Suite B
Martinsburg, WV 25401
304-263-8871

Mingo County

107 Stratton St.
Logan, WV 25601
304-752-4178

Monongalia County

165 Scott Ave., Suite 209
Morgantown, WV 26508
304-296-0001

Monroe County

125 Green Lane
Lewisburg, WV 24901
304-645-3131

Morgan County

301 W. Burke St., Suite B
Martinsburg, WV 25401
304-263-8871

Nicholas County

115B South Kanawha St.
Beckley, WV 25801
304-255-0561

Ohio County

The Mull Center
1025 Main Street,
Suite 716
Wheeling, WV 26003
304-232-1260

Pendleton County

224 Third St.
PO Box 229
Elkins, WV 26241
304-635-7600

Pleasants County

327 9th Street
Parkersburg, WV 26101
304-485-7522

Pocahontas County

125 Green Lane
Lewisburg, WV 24901
304-645-3131

Preston County

165 Scott Ave., Suite 209
Morgantown, WV 26508
304-296-0001

Putnam County

922 Quarrier Street, 4th Floor
Charleston, WV 25301
304-343-4481

Raleigh County

115B South Kanawha Street
Beckley, WV 25801
304-255-0561

Randolph County

224 Third St.
PO Box 229
Elkins, WV 26241
304-635-7600

Ritchie County

327 9th Street
Parkersburg, WV 26101
304-485-7522

Roane County

327 9th Street
Parkersburg, WV 26101
304-485-7522

Summers County

125 Green Lane
Lewisburg, WV 24901
304-645-3131

Taylor County

110 S. Third St.
Clarksburg, WV 26301
304-623-6649

Tucker County

224 Third St.
PO Box 229
Elkins, WV 26241
304-635-7600

Tyler County

The Mull Center
1025 Main Street,
Suite 716
Wheeling, WV 26003
304-232-1260

Upshur County

224 Third St.
PO Box 229
Elkins, WV 26241
304-635-7600

Wayne County

418 8th Street, 2nd Floor
Huntington, WV 25701
304-697-2070

Webster County

922 Quarrier Street,
4th Floor
Charleston, WV 25301
304-343-4481

Wetzel County

The Mull Center
1025 Main Street,
Suite 716
Wheeling, WV 26003
304-232-1260

Wirt County

327 9th Street
Parkersburg, WV 26101
304-485-7522

Wood County

327 9th Street
Parkersburg, WV 26101
304-485-7522

Wyoming County

1519 North Walker St.
Princeton, WV 24740
304-487-1463