



**STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

**Earl Ray Tomblin**  
Governor

**Bureau for Children and Families  
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**Michael J. Lewis, M.D., Ph.D.**  
Cabinet Secretary

December 15, 2011

Dear Foster Parent, Pre-adoptive Parent, Kinship Provider:

You play an important role in the life of each child in your care. That is why federal and state laws recognize that foster parents, pre-adoptive parents, and kinship care providers have the right to receive notice of court proceedings and to be heard in such proceedings involving the children in their care.

The purpose of this letter is to give you information about notice and "the right to be heard" in court hearings and multidisciplinary treatment team (MDT) meetings. The Adoption and Safe Families Act (ASFA) recognizes that foster parents, pre-adoptive parents, and kinship providers often have valuable information about the child that can assist the court in making decisions that are in the best interest of the child in foster care. Under ASFA and other laws, foster parents, pre-adoptive parents, and kinship providers must receive notice and be allowed to have input at each stage of the court proceeding, including the preliminary hearing, adjudicatory hearing, dispositional hearing, periodic reviews, permanency hearings, and MDT meetings.

West Virginia recognizes that it has room for improvement in keeping foster parents in the loop. In 2008, the federal Administration for Children and Families conducted a Child and Family Services Review (CFSR) in West Virginia and found that an area in need of improvement is notice and right to be heard for foster parents, pre-adoptive parents, and relative caregivers. As a result of the findings of the CFSR, it was decided that all foster parents, pre-adoptive parents and kinship providers must be informed of their rights to notice and to be heard in court proceedings.

The West Virginia Department of Health and Human Resources (WVDHHR) is responsible for sending notice of court hearings and MDT meetings to the foster parent, pre-adoptive parent, or kinship provider in a timely manner. Specifically, the caseworker assigned to the case sends such notice. It is a requirement of the WVDHHR that the notice be sent fifteen (15) days prior to the MDT or court hearing.

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If you do not receive notice and cannot resolve the issue with the caseworker, you may wish to contact the caseworker's supervisor or community services manager.

"Right to be heard" may mean different things depending on the circumstances of the case and wishes of the foster parent, pre-adoptive parent, or relative care provider. Ways to be heard include testifying in court, writing a letter to the court, attending hearings, talking to the guardian *ad litem* for the child and/or other professionals in the case, participating in MDT meetings, etc.

To help you understand the procedure of a child abuse and neglect court proceeding, we request that you watch *The Time is Now*, a 17-minute video developed by the Court Improvement Program of the Supreme Court of Appeals of West Virginia. This video provides an overview of the court process for a Chapter 49 child abuse and neglect case. You may view the video online at [www.courtsww.gov/court-administration/CIP/time-is-now.html](http://www.courtsww.gov/court-administration/CIP/time-is-now.html) or [www.wvcip.com](http://www.wvcip.com). To borrow a DVD copy of *The Time is Now*, you may ask your Homefinder or contact Mission West Virginia (304-562-0723) to check out a DVD from their lending library. You may also contact the Division of Children's Services of the Supreme Court of Appeals of West Virginia (304-558-0145) for your own copy. During your annual recertification, you and your Homefinder will discuss this video and any questions you may have.

Thank you for all that you do to help the child or children in your care.

Sincerely,



John J. Najmulski  
Commissioner

JJN:mm