I. Financial Support for Children in Abuse and Neglect Cases

A. Subsidized adoptions and legal guardianships, W. Va. Code § 49-2-17:

1. Contract between the DHHR and adoptive parents or legal guardians.

2. Contract can be for special services, monetary payments, medical care or can simply preserve the right to seek assistance at a later date. W. Va. Code § 49-2-17(c).

B. Relative care assistance: TANF

1. Not based on relative's income, but the relative must be a blood relation to the child.

2. Monetary payment and/or medical card.

3. The relative will apply in the county where the relative lives.

C. Relative as foster care provider:

1. The relative becomes a certified foster parent and is therefore, eligible to receive a foster care payment for the child.

D. SSI and other funds from Social Security

E. Syl. Pt. 2, in part, *In re Adoption of: Jamison Nicholas C.*, 639 S.E.2d 821 (W. Va. 2006): The West Virginia Department of Health and Human Resources has an affirmative duty to notify prospective adoptive parents and prospective legal guardians of the availability of assistance for the care of a potentially special needs child in instances where the Department has responsibility for placement and care of the child or is otherwise aware of the child.

F. Direct payment of attorney fees for an adoption: W. Va. Code § 49-2-17(b).

II. Reinstatement of Parental Rights

A. What is the legal basis for requesting the restoration of parental rights? W.Va. Code § 49-6-6(c)

B. Who has standing to request the restoration of parental rights? The child (his or her guardian ad litem) or the Department

C. In what circumstance is it barred? If the child has been adopted

D. What is the standard of proof? Clear and convincing evidence of a material change in circumstances and that such placement and/or restoration is in the child's best interests

E. What may be restored? Placement of the child and/or restoration of parental or custodial rights

III. Pros and Cons of Placements

A. Relative Placements

Relatives may be more invested in making the placement work, but may lack the necessary skills and/or training.
The children will be less apt to lose touch with their extended family.
The relatives may not be willing to maintain appropriate boundaries with the child's parents.
The relatives may not appreciate the seriousness of the abuse or neglect.

B. Guardianship

It may leave the child open to a future change in placement if the parent's rights have not been terminated.
It may make the placement feel less real.
A child will not receive the social security benefits of an adopted child should the guardian pass away.

C. Adoption

The child may feel disloyal if he or she is adopted, especially if he or she has reached the age of 12 and must consent.
The child may want to have some input into his or her name.