

Rights of Juveniles in Custody or Detention

State Code 49-5-16a

Under the West Virginia Code, juveniles in custody or detention have, at minimum, the following rights:

1. A juvenile may not be punished by physical force, deprivation of nutritious meals, deprivation of family visits or forced solitary confinement.
2. A juvenile must be given the opportunity to participate in daily physical exercise.
3. A juvenile in a state facility may not be locked alone in a room, except for sleeping hours, unless unresponsive to reasonable direction and control.
4. A juvenile must be given access to daily showers.
5. A juvenile must be provided with his or her own clothing or individualized, clean clothing supplied by the facility.
6. A juvenile must be given constant access to writing materials and must be allowed to send mail without limitation, censorship or prior reading. The juvenile must also be able to receive mail without prior reading, although mail may be opened in the juvenile's presence to inspect it for contraband.
7. A juvenile may make and receive regular phone calls without being charged. He or she can also make and receive long distance phone calls to his or her family without charge at least once a week.
8. A juvenile has the right to receive visitors daily and on a regular basis.
9. A juvenile shall be given immediate access to medical care as necessary.
10. If a juvenile is in a juvenile detention facility or juvenile corrections facility, he or she must be provided access to education, including teaching, educational materials and books.
11. If a juvenile requests access to an attorney, he or she must be afforded reasonable access.
12. A juvenile has a right to a grievance procedure, including some mechanism in place for appeal.

All juveniles must be given a copy of these and any other rights afforded to them upon admission to their respective facilities.