

# Children's Rights

"There is no trust more sacred than the one the world holds with children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and that they can grow up in peace."  
-- Kofi Annan

Brenda Waugh, Attorney at Law, L.C.  
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# “We must work together to be sure that children’s basic needs-security, family, health care, food and shelter are met.”



Children have historically been deprived of many of the rights that adults enjoy. In the last fifty years, those rights have expanded. Children now have rights that are recognized in cases involving abuse or neglect by a parent or in receiving compensation for their injuries. Our office works with children and their families to protect their fundamental rights.

Ms. Waugh has dedicated her legal career to improving the lives of West Virginia’s children. She has served both Berkeley and Kanawha Counties as an Assistant Prosecuting Attorney, prosecuting perpetrators of child abuse. Ms. Waugh also served as chairperson of the West Virginia State Bar Commission on Children and the Law and was appointed by the West Virginia Supreme Court to serve on two separate committees to work to improve the lives of West Virginia’s children.

Since 1959, the United Nations has recognized certain children’s rights. Many of these rights are incorporated into the laws of the United States and West Virginia. They include the right to:

Be safe and cared for by his or family  
Not to be separated for his her family except when the child may be harmed

Freedom of thought, conscious, and religion

For the government to ensure the survival and development of the child to the maximum extent possible

Be free from discrimination

**Some questions you  
may have about children's  
rights.**

**Does your office ever represent children?**

Yes. Our office has worked with many families in securing rights for children. We have represented children in cases involving injuries, as victims of crime, and in child abuse and neglect matters. We have represented babies, toddlers, elementary age children, pre-adolescents and adolescents.

**What is a Guardian Ad Litem?**

A Guardian Ad Litem is a person approved or appointed by the court to represent the interests of the child. In certain family law and child abuse cases, the court will appoint a guardian ad litem to advocate for the interest of the child.

**What is a “next friend”?**

Since children are unable to file law suits in their own names, a parent or guardian files on behalf of the child. In those circumstances, the parent is called the “next friend” in court proceedings.

**When does the government have the right**

**Can the parents get the child back once the government removes the child?**

If the parents are willing to take the action necessary through a court imposed “improvement period,” the child may be returned to his or her family.

I got into trouble when I was fourteen. Will my future employers have access to my records with the courts?

In most cases, they will not. If your crime was serious enough that the Prosecuting Attorney tried your case as an adult status case, the records are public. Otherwise, they are sealed and your future employer should not have access to them.

**My brother has just been sent to juvenile hall. What does that mean?**

In West Virginia, children under the age of 18 who are alleged to have committed most crimes are charged as juveniles and will be provided with services through the juvenile court systems. Usually, these proceedings take place in the same courtroom as other proceedings. In certain cases, the children may be detained in a juvenile detention or other facility.



### **Does my child have a right to an education?**

In the United States, most every child has the right to attend public schools and receive an education. A child may lose that right under very narrow circumstances due to extreme disciplinary problems. When a child wishes to enroll in school and does not have the requisite documentation, he or she may be provisionally enrolled.

What is the IDEA and how does it protect my child's right to receive an education?

The Individuals with Disabilities Education Act (IDEA) (formerly called P.L. 94-142 or the Education for all Handicapped Children Act of 1975) requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs.



**What is the Convention on the Rights of the Child?**

The Convention on the Rights of the Child is an international treaty that recognizes the human rights of children, defined as persons up to the age of 18 years. The Convention establishes in international law that States Parties must ensure that all children—without discrimination in any form—benefit from special protection measures and assistance; have access to services such as education and health care; can develop their personalities, abilities and talents to the fullest potential; grow up in an environment of happiness, love and understanding; and are informed about and participate in, achieving their rights in an accessible and active manner.



**How many countries have ratified the Convention on the Rights of the Child?**

More countries have ratified the Convention than any other human rights treaty in history—192 countries are State Parties to the Convention.

**. Who has not ratified the Convention on the Rights of the Child?**

The Convention on the Rights of the Child is the most widely and rapidly ratified human rights treaty in history. Only two countries, Somalia and the United States, have not ratified this celebrated agreement. Somalia is currently unable to proceed to ratification as it has no recognized government. By signing the Convention, the United States has signaled its intention to ratify—but has yet to do so.



**How can I tell if my child's rights have been denied or infringed upon?**

The only way that you can be confident that you have protected your child's interests is to consult with an experienced attorney and have all of your questions answered. Our office never charges for the initial meeting in any personal injury case. Contact Brenda Waugh at 304-263-6601 to arrange for your free meeting today



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