WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1943

ENROLLED

HOUSE BILL No. 286

(By Mr. Callaham and Mr. Davis)

PASSED March 11, 1943

In Effect from Passage
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House Bill No. 286

(By Mr. Callahan and Mr. Davis)

[Passed March 11, 1943; in effect from passage.]

AN ACT to amend and reenact chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one as amended by chapter one hundred five, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, and as last amended by chapter seventy-three, acts of the Legislature, regular session, one thousand nine hundred forty-one, by amending section one and section five, article one, chapter forty-nine, and sections one, three, four, seven and eight, article two, chapter forty-nine, all relating to child welfare.

Be it enacted by the Legislature of West Virginia:

That chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter one hundred five, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, and as last amended by chapter
seventy-three, acts of the Legislature, regular session, one thousand nine hundred forty-one, by amending section one and section five, article one, chapter forty-nine, and sections one, three, four, seven and eight, article two, chapter forty-nine of the code, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Article 1. Purposes; Definitions.

Section 1. Purpose.—The purpose of this chapter is to provide a comprehensive system of child welfare throughout the state.

The child welfare service of the state shall be administered by the state department of public assistance and the several county departments and the licensing board herein provided in accordance with the provisions of this chapter.

The state department of public assistance is designated as the agency to cooperate with the children's bureau of the United States Department of Labor in extending and improving child welfare services, to comply with regulations of the children's bureau, and to receive and expend federal funds for these services.
Sec. 5. Definitions.—For the purposes of this chapter:

1. "State Department" means the state department of public assistance.

2. "State Board" means the state advisory board.

3. "Director" means the director of the state department of public assistance.

4. "County Department of Public Assistance" means the county director, the county council, and the employees and appointees of the county council.

5. "Child Welfare Agency" means any agency or institution maintained by a municipality or county, or any agency or institution maintained by a person, firm, corporation, association or organization to receive children for care and maintenance or for placement in a family home, or any institution that provides care for unmarried mothers and their children.

6. "Licensing Board" means a board consisting of the director of the state department of public assistance, the state commissioner of health and three persons appointed by the Governor.
Article 2. State and County Responsibilities for the Protection and Care of Children.

Section 3-a. **State Licensing Board.**—There is hereby created a state licensing board which shall consist of five persons, one of whom shall be the director of the state department of public assistance who shall be president of the board, one of whom shall be the state health commissioner and three persons to be appointed by the governor from the executives of duly licensed agencies for a term of six years. However, the first members named hereunder shall be selected from the executives of child welfare agencies duly licensed during the year one thousand nine hundred forty-two, one of whom shall be appointed for a term of two years, one for a term of four years and one for a term of six years, and which said boards of licensers shall meet on the third Thursday of October in each year, beginning with the year one thousand nine hundred forty-three, for the purpose of passing on applications for licenses and revoking the licenses of any agencies not conforming to the laws of this state relating to child welfare and the members of the said
board shall be paid their actual and necessary traveling expenses by the state department of public assistance from its appropriation in traveling to and from said annual meeting.

Sec. 4. License for Maintaining Child Welfare Agencies.

—No person, firm, corporation, association, organization, municipality or county may establish or maintain a child welfare agency unless licensed to do so by the state licensing board. Applications for such licenses shall be made on forms provided by the state department of public assistance and approved by the state licensing board. Before issuing licenses the department shall investigate the activities and standards of care of the applicant. If satisfied as to the need for the agency, as to financial stability, equipment, good character and intent of the applicant, and that the services are conducive to the welfare of children, a license shall be issued.

A provisional license may be issued to any agency whose services are needed, but which is temporarily unable to conform to all the provisions of the established standards of care. All licenses heretofore issued by the state de-
partment of public assistance shall be in full force and effect until suspended or revoked by the state licensing board.

Each license shall specify in general terms the kind of child welfare work the licensee is authorized to undertake, the number of children that can be received and their ages and sex, and if authorized to place and supervise children in family homes, the area that the agency is equipped to serve.

Sec. 7. Revocation of License.—The state licensing board may revoke the license of any child welfare agency in case the licensee shall have wilfully and substantially violated any provision of this article or has failed to maintain the established standards of care and service. No license of a child welfare agency shall be revoked or its renewal refused unless the holder of the license shall have notice in writing of the grounds of the proposed revocation or refusal. If such revocation or refusal is protested, a hearing shall be held, upon at least thirty days' written notice, and opportunity shall be given for presentation of testimony and cross-examination of witnesses.
Sec. 8. Violation.—Whenever the state licensing board shall be advised, or shall have reason to believe, that any person is conducting or maintaining a child welfare agency without a license as required by this act, it shall have an investigation made, and if the person is conducting a child welfare agency, it shall either issue a license or take action to prevent continued operation of the agency.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

[Signatures]

Clerk of the Senate

Clerk of the House of Delegates

The within this the day of , 1943.

[Signature]

Governor.

Filed in the office of the Secretary of State of West Virginia on MAR 19 1943.

Wm. S. O'Brien,
Secretary of State