

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1943



ENROLLED

HOUSE BILL No. 286

(By Mr. Callahan and Mr. Davis)



PASSED March 11, 1943

In Effect from Passage

286

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(BY MR. CALLAHAN AND MR. DAVIS)

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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
2 provide a comprehensive system of child welfare through-
3 out the state.

4 The child welfare service of the state shall be admin-
5 istered by the state department of public assistance and
6 the several county departments and the licensing board
7 herein provided in accordance with the provisions of this
8 chapter.

9 The state department of public assistance is designated
10 as the agency to cooperate with the children's bureau of
11 the United States Department of Labor in extending and
12 improving child welfare services, to comply with regula-
13 tions of the children's bureau, and to receive and expend
14 federal funds for these services.

Sec. 5. *Definitions.*—For the purposes of this chapter:

2 (1) “State Department” means the state department
3 of public assistance.

4 (2) “State Board” means the state advisory board.

5 (3) “Director” means the director of the state depart-
6 ment of public assistance.

7 (4) “County Department of Public Assistance” means
8 the county director, the county council, and the employees
9 and appointees of the county council.

10 (5) “Child Welfare Agency” means any agency or in-
11 stitution maintained by a municipality or county, or any
12 agency or institution maintained by a person, firm, cor-
13 poration, association or organization to receive children
14 for care and maintenance or for placement in a family
15 home, or any institution that provides care for unmar-
16 ried mothers and their children.

17 (6) “Licensing Board” means a board consisting of the
18 director of the state department of public assistance, the
19 state commissioner of health and three persons appointed
20 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
2 created a state licensing board which shall consist of five
3 persons, one of whom shall be the director of the state
4 department of public assistance who shall be president
5 of the board, one of whom shall be the state health com-
6 missioner and three persons to be appointed by the gov-
7 ernor from the executives of duly licensed agencies for a
8 term of six years. However, the first members named
9 hereunder shall be selected from the executives of child
10 welfare agencies duly licensed during the year one thou-
11 sand nine hundred forty-two, one of whom shall be ap-
12 pointed for a term of two years, one for a term of four
13 years and one for a term of six years, and which said
14 boards of licensers shall meet on the third Thursday of
15 October in each year, beginning with the year one thou-
16 sand nine hundred forty-three, for the purpose of pass-
17 ing on applications for licenses and revoking the licenses
18 of any agencies not conforming to the laws of this state
19 relating to child welfare and the members of the said

20 board shall be paid their actual and necessary traveling
21 expenses by the state department of public assistance
22 from its appropriation in traveling to and from said an-
23 nual meeting.

Sec. 4. *License for Maintaining Child Welfare Agencies.*

2 —No person, firm, corporation, association, organization,
3 municipality or county may establish or maintain a child
4 welfare agency unless licensed to do so by the state licens-
5 ing board. Applications for such licenses shall be made
6 on forms provided by the state department of public as-
7 sistance and approved by the state licensing board. Be-
8 fore issuing licenses the department shall investigate the
9 activities and standards of care of the applicant. If sat-
10 isfied as to the need for the agency, as to financial stability,
11 equipment, good character and intent of the applicant,
12 and that the services are conducive to the welfare of
13 children, a license shall be issued.

14 A provisional license may be issued to any agency whose
15 services are needed, but which is temporarily unable to
16 conform to all the provisions of the established standards
17 of care. All licenses heretofore issued by the state de-

18 partment of public assistance shall be in full force and
19 effect until suspended or revoked by the state licensing
20 board.

21 Each license shall specify in general terms the kind
22 of child welfare work the licensee is authorized to under-
23 take, the number of children that can be received and
24 their ages and sex, and if authorized to place and super-
25 vise children in family homes, the area that the agency
26 is equipped to serve.

Sec. 7. *Revocation of License.*—The state licensing
2 board may revoke the license of any child welfare agency
3 in case the licensee shall have wilfully and substantially
4 violated any provision of this article or has failed to
5 maintain the established standards of care and service.
6 No license of a child welfare agency shall be revoked or
7 its renewal refused unless the holder of the license shall
8 have notice in writing of the grounds of the proposed
9 revocation or refusal. If such revocation or refusal is pro-
10 tested, a hearing shall be held, upon at least thirty days'
11 written notice, and opportunity shall be given for pre-
12 sentation of testimony and cross-examination of witnesses.

Sec. 8. *Violation.*—Whenever the state licensing board
2 shall be advised, or shall have reason to believe, that
3 any person is conducting or maintaining a child welfare
4 agency without a license as required by this act, it shall
5 have an investigation made, and if the person is conduct-
6 ing a child welfare agency, it shall either issue a license or
7 take action to prevent continued operation of the agency.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Roy F. Johnson
Chairman Senate Committee

Fred F. Rotkopf
Chairman House Committee

Originated in the House of Delegates
Takes effect from passage.

Fred B. Madkins
Clerk of the Senate

J. R. Shipp
Clerk of the House of Delegates

James Paule
President of the Senate

John E. Anwar
Speaker House of Delegates

The within _____ this the _____

day of _____, 1943.

Governor.



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

Wm. S. O'BRIEN,
Secretary of State