

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

ENROLLED

Committee Substitute for
HOUSE BILL No. 48

originating in the House Comm. on the Judiciary
(By Mr. _____)

PASSED March 9 1945

In Effect from Passage

3-15-

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COMMITTEE SUBSTITUTE FOR

House Bill No. 48

[Originating in the House Committee on the Judiciary]

[Passed March 9, 1945; in effect from passage.]

AN ACT to amend sections one and five, article one; sections four, seven, and eight, and to add section four-a, article two; and section one, article three, all of chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to child welfare.

Be it enacted by the Legislature of West Virginia:

That sections one and five, article one; sections four, seven and eight, article two; section one, article three; all of chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, be amended and reenacted and that section 4-a be added to said article two, all 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, the
6 several county departments, and the licensing board
7 herein provided in accordance with the provision of this
8 chapter.

9 The state department of public assistance is desig-
10 nated as the agency to cooperate with the children's
11 bureau of the United States department of labor in ex-
12 tending and improving child welfare services, to com-
13 ply with regulations of the children's bureau, and to
14 receive and expend 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 de-~~
6 partment 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 unmarried
16 mothers and their children, but shall not include county
17 shelters established and maintained for the detention of
18 delinquent children or those charged with delinquency.

19 (6) "Licensing board" means a board consisting of the
20 director of the state department of public assistance, the
21 state commissioner of health and three persons appointed
22 by the Governor.

**Article 2. State and County Responsibilities for the Protection
and Care of Children.**

Section 4. *License for Maintaining Child Welfare Agen-*
2 *cies.*—No person, firm, corporation, association, organiza-
3 tion, municipality or county may establish or maintain
4 a child welfare agency unless licensed to do so by the

5 state licensing board. Applications for such licenses shall
6 be made on forms provided by the state department of
7 public assistance and approved by the state licensing
8 board. Before issuing licenses the licensing board shall
9 investigate the activities and standards of care of the
10 applicant. If satisfied as to the need for the agency, as
11 to financial stability, equipment, good character and in-
12 tent of the applicant, and that the services are conducive
13 to the welfare of children, a license shall be issued. All
14 licensees, on or before the third Thursday of October, one
15 thousand nine hundred forty-five, and such licensees and
16 subsequent licensees every two years thereafter, desiring
17 to continue as licensed child welfare agencies shall apply
18 to said board for renewal of their licenses. Any licensed
19 child welfare agency failing to apply for and receive a
20 renewal of its license shall thereafter discontinue receiv-
21 ing children for care, maintenance or placement.

22 A provisional license may be issued to any agency whose
23 services are needed, but which is temporarily unable to
24 conform to all the provisions of the established standards
25 of care.

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

Sec. 4-a. *State Licensing Board.*—There is hereby cre-
 2 ated 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 of
 5 the board, one of whom shall be the state health com-
 6 missioner, and three other persons to be appointed by the
 7 governor. Of the three persons first to be appointed to
 8 membership on said board by the governor, one shall
 9 serve for a period of two years, one for a period of four
 10 years and one for a period of six years, and thereafter the
 11 members to be so appointed shall serve for a term of six
 12 years. The said licensing board shall meet on the third
 13 Thursday of October in each year, beginning with the
 14 year one thousand nine hundred forty-five, for the pur-
 15 pose of passing on applications for licenses and revoking

16 the licenses of child welfare agencies not conforming to
17 the laws of this state relating to child welfare. The mem-
18 bers of said board shall be paid their actual and necessary
19 traveling expenses, by the state department of public
20 assistance from its appropriation, in traveling to and
21 from said annual meeting. The three persons appointed
22 to membership on said board shall receive a per diem
23 not to exceed ten dollars per day for time actually spent
24 attending said meeting and transacting the business of the
25 board. The said licensing board is hereby authorized, in
26 its discretion, to employ a field investigator for the pur-
27 pose of reporting to said board the results of investigations
28 made by him of child welfare agencies applying to said
29 board for licenses, said field investigator to receive a
30 per diem not to exceed ten dollars and his actual and
31 necessary traveling expenses while engaged in making
32 such investigations. Should the board employ such field
33 investigator, his actual and necessary traveling expenses
34 and his per diem shall be paid by the state department of
35 public assistance from its appropriation. No more than

36 three members of said licensing board shall be members
37 of the same political party.

Sec. 7. *Revocation of License.*—The state licensing board
2 may revoke the license of any child welfare agency in case
3 the licensee shall have wilfully violated any provision of
4 this article or has failed to maintain the established
5 standards of care and service. No license of a child wel-
6 fare agency shall be revoked or its renewal refused unless
7 the holder of the license shall have at least thirty days'
8 notice in writing of the grounds of the proposed revoca-
9 tion or refusal. If such revocation or refusal is protested
10 by a writing filed with the licensing board within such
11 thirty-day period, a hearing shall be held, upon at least
12 thirty days' written notice to the protestant, at such
13 place as the licensing board may determine, and oppor-
14 tunity shall be given for presentation of testimony and
15 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

5 shall have an investigation made, and if the person is
6 conducting a child welfare agency, it shall either issue
7 a license or take action to prevent continued operation
8 of the agency.

Article 3. Private Institutions and Organizations.

Sec. 1. *Private Child Welfare Agencies.*—Whenever a
2 child welfare agency licensed to place children for adop-
3 tion shall have been given the permanent care, custody
4 and guardianship of any child and the rights of the
5 parents of such child shall have been terminated by or-
6 der of a court of competent jurisdiction or by a legally
7 executed relinquishment of parental rights, the child
8 welfare agency may consent to the adoption of such
9 child pursuant to the statutes regulating adoption pro-
10 ceedings.

11 The parents or the surviving parent of a child or the
12 mother of an illegitimate child may relinquish the child
13 to a child welfare agency licensed to place children for
14 adoption by a written statement acknowledged as deeds
15 are required to be acknowledged by law: *Provided, how-*
16 *ever,* That if either of the parents of such child is under

17 twenty-one years of age, such relinquishment shall not
18 be valid unless and until the same shall have been ap-
19 proved in writing by a judge of a juvenile court of the
20 county in which such parent may reside or in which
21 such relinquishment is made: *Provided*, That an unwed
22 mother may repudiate said relinquishment within one
23 hundred twenty days from the date of said relinquish-
24 ment, by a written and acknowledged notice and state-
25 ment to said child welfare agency to such effect.

Enr. Com. Sub. for H. B. No. 48] 10

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

Charles C Morris

Chairman Senate Committee

J. H. DeBryer, Jr.

Chairman House Committee

Originated in the

House

Takes effect

from

passage.

Howard Hughes

Clerk of the Senate

Steff

Clerk of the House of Delegates

Amos W. Pickens

President of the Senate

John E. Amor

Speaker House of Delegates

The within

approved

this the

15th

day of

March

, 1945.

Wm. S. O'Brien

Governor.



Filed in the office of the Secretary of State
of West Virginia

MAR 16 1945

Wm. S. O'BRIEN,

Secretary of State