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
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
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, the several county departments, and the licensing board herein provided in accordance with the provision 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, but shall not include county shelters established and maintained for the detention of delinquent children or those charged with delinquency.

(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 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 licensing board 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. All licensees, on or before the third Thursday of October, one thousand nine hundred forty-five, and such licensees and subsequent licensees every two years thereafter, desiring to continue as licensed child welfare agencies shall apply to said board for renewal of their licenses. Any licensed child welfare agency failing to apply for and receive a renewal of its license shall thereafter discontinue receiving children for care, maintenance or placement.

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.
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. 4-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 other persons to be appointed by the governor. Of the three persons first to be appointed to membership on said board by the governor, one shall serve for a period of two years, one for a period of four years and one for a period of six years, and thereafter the members to be so appointed shall serve for a term of six years. The said licensing board shall meet on the third Thursday of October in each year, beginning with the year one thousand nine hundred forty-five, for the purpose of passing on applications for licenses and revoking
the licenses of child welfare agencies not conforming to
the laws of this state relating to child welfare. The mem-
ers of 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. The three persons appointed
to membership on said board shall receive a per diem
not to exceed ten dollars per day for time actually spent
attending said meeting and transacting the business of the
board. The said licensing board is hereby authorized, in
its discretion, to employ a field investigator for the pur-
pose of reporting to said board the results of investigations
made by him of child welfare agencies applying to said
board for licenses, said field investigator to receive a
per diem not to exceed ten dollars and his actual and
necessary traveling expenses while engaged in making
such investigations. Should the board employ such field
investigator, his actual and necessary traveling expenses
and his per diem shall be paid by the state department of
public assistance from its appropriation. No more than
three members of said licensing board shall be members
of the same political party.

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 violated any provision of
this article or has failed to maintain the established
standards of care and service. No license of a child wel-
fare agency shall be revoked or its renewal refused unless
the holder of the license shall have at least thirty days’
notice in writing of the grounds of the proposed revoca-
tion or refusal. If such revocation or refusal is protested
by a writing filed with the licensing board within such
thirty-day period, a hearing shall be held, upon at least
thirty days’ written notice to the protestant, at such
place as the licensing board may determine, and oppor-
tunity 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.

Article 3. Private Institutions and Organizations.

Sec. 1. Private Child Welfare Agencies.—Whenever a child welfare agency licensed to place children for adoption shall have been given the permanent care, custody and guardianship of any child and the rights of the parents of such child shall have been terminated by order of a court of competent jurisdiction or by a legally executed relinquishment of parental rights, the child welfare agency may consent to the adoption of such child pursuant to the statutes regulating adoption proceedings.

The parents or the surviving parent of a child or the mother of an illegitimate child may relinquish the child to a child welfare agency licensed to place children for adoption by a written statement acknowledged as deeds are required to be acknowledged by law: Provided, however, That if either of the parents of such child is under
twenty-one years of age, such relinquishment shall not
be valid unless and until the same shall have been ap-
proved in writing by a judge of a juvenile court of the
county in which such parent may reside or in which
such relinquishment is made: Provided, That an unwed
mother may repudiate said relinquishment within one
hundred twenty days from the date of said relinquish-
ment, by a written and acknowledged notice and state-
ment to said child welfare agency to such effect.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C. Morris  
Chairman Senate Committee

Chairman House Committee

Originated in the House

Takes effect from passage.

Thurman Miller  
Clerk of the Senate

Clerk of the House of Delegates

Arnold Lee Tinkers  
President of the Senate

John E. Armor  
Speaker House of Delegates

The within Approved this the 15th day of March, 1945.

Governor

Filed in the office of the Secretary of State of West Virginia  
MAR 16 1945

Wm. S. O'Brien,  
Secretary of State