

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959

Comm. Sub. For
ENROLLED

HOUSE BILL No. 214

(By Mr. _____)

PASSED March 2 1959

In Effect 90 days from Passage



Filed in Office of the Secretary of State
of West Virginia

MAR 13 1959

JOE R. BURDETT
SECRETARY OF STATE

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COMMITTEE SUBSTITUTE FOR
House Bill No. 214

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AN ACT to authorize and empower the county court of Cabell county to convert the Cabell county farm at Ona, West Virginia, into a youth center; to create a board of supervisors for the purpose of constructing buildings and making land improvements, and establishing, equipping, developing, operating, financing, administering and managing said youth center; to create as integral parts thereof, (a) a medium security school for juvenile delinquents, (b) a centralized foster home for homeless, abandoned, dependent and neglected children and (c) a recreational center for youth; and to vest authority in the county court of Cabell county to convey land to the Cabell county board of education for building sites for general and special school purposes.

Be it enacted by the Legislature of West Virginia:

Section 1. *Use of County Farm at Ona; Cabell County*

2 *Youth Center; Divisions.*—The county court of Cabell
3 county is hereby authorized and empowered, by order
4 entered of record, to convert the county farm at Ona,
5 West Virginia, into a youth center, to be known as the
6 Cabell county youth center. Its integral parts shall be
7 known as (a) medium security school, division of the
8 Cabell county youth center; (b) foster homes division
9 of the Cabell county youth center; and (c) recreation
10 division of the Cabell county youth center.

Sec. 2. *Board of Supervisors for Cabell County Youth*
2 *Center; Membership; How Elected; Tenure; Compensa-*
3 *tion; Removal; Organization; Powers.*—The Cabell county
4 youth center and its integral parts shall be governed by
5 a board known as the board of supervisors of the Cabell
6 county youth center. It shall be created as hereinafter
7 set forth, for the purposes of constructing buildings and
8 making land improvements, and establishing, equipping,
9 developing, operating, financing, administering and man-
10 aging said youth center and its integral parts.

11 The board of supervisors shall consist of twelve regular
12 members selected one by and from each of the twelve

13 organizations, as follows: Huntington ministerial asso-
14 ciation; Cabell county medical association; Cabell county
15 bar association; county court of Cabell county; council
16 of the city of Huntington; Huntington district labor coun-
17 cil; Women's inter-club council; Cabell county parent-
18 teachers association; Cabell county board of education;
19 community welfare council of Huntington; Ona parent-
20 teachers association; and, the Cabell county farm bureau.

21 The term of each board member so selected shall be for
22 three years and until their successors have been duly
23 chosen and qualified: *Provided, however,* That the first
24 four hereinabove named shall be chosen for a term of one
25 year, the second four hereinabove named shall be chosen
26 for a term of two years and the last four hereinabove
27 named shall be chosen for a term of three years. Upon the
28 expiration of the initial appointments, each person there-
29 after shall be appointed for a term of three years, except
30 that any person appointed to fill a vacancy occurring prior
31 to the expiration of the term for which his predecessor was
32 chosen, shall be chosen only for the remainder of such
33 term. Members shall be eligible to succeed themselves.

34 The mayor of each incorporated municipality within
35 the county, the sheriff of Cabell county, and the Cabell
36 county agricultural agent, shall each be exofficio mem-
37 bers of said board of supervisors, with voting privileges
38 equal to that of each and every other member.

39 The board of supervisors, except the secretary, shall
40 serve without compensation for their services, but may
41 be reimbursed for any expenses incurred in the per-
42 formance of their duties.

43 Each regular member of the board shall be a bona fide
44 citizen and resident of said county and any regular mem-
45 ber thereof who shall cease to be a bona fide citizen and
46 resident of said county shall thereby be disqualified as a
47 member of the board, and his office shall thereupon be-
48 come vacant.

49 Any regular member of the board may be removed
50 from office for incompetency or neglect of duty in office
51 in the same manner and for the same reasons as, by the
52 constitution and statutes of this state, are made and pro-
53 vided for the removal of general county officers. The
54 board shall also be answerable to the county court of

55 Cabell county for the faithful performance of its duties
56 and any regular member thereof may be proceeded against
57 by the county court in the circuit court of said county
58 for removal from the board for cause shown.

59 Within thirty days after the selection of a majority of
60 the total regular membership of said board, and each so
61 selected has qualified by taking an oath in writing to
62 support the constitution of the United States and of West
63 Virginia and to faithfully perform the duties of a member
64 of said board, and has filed said written oath with the
65 clerk of the county court of Cabell county, the said board
66 shall meet and organize by designating one of its mem-
67 bers as president, another vice president and by select-
68 ing a secretary from the board membership or otherwise,
69 and fixing the salary of said secretary. The board shall
70 fix the time and place of its meetings: *Provided, however,*
71 That the board shall hold at least one meeting each cal-
72 endar month, and a majority of the members shall con-
73 stitute a quorum.

74 Said board of supervisors shall provide for the employ-
75 ment of and shall have the power to remove and fix the

76 compensation of such persons as in its opinion may be
77 necessary for the operation, maintenance, administration
78 and management of the property under its control;
79 limited, however, by the authority vested in the depart-
80 ment of public assistance by section four hereof, and
81 limited further by the appropriation of funds for such
82 purposes by the county court of Cabell county. The
83 power and authority to manage and control said youth
84 center shall include the power to make rules and regula-
85 tions and to enforce such rules and regulations as may
86 be necessary for the management and control of the said
87 youth center and each of its integral parts.

Sec. 3. *Medium Security School*.—The medium security
2 school division of the Cabell county youth center, shall
3 be maintained at the Cabell county farm at Ona, West
4 Virginia, by the board of supervisors as an integral part
5 of the Cabell county youth center. It shall be used for the
6 detention and training of juveniles who have been ad-
7 judged delinquent and committed thereto by a court of
8 competent jurisdiction. It shall not be deemed a penal
9 institution, a jail or a prison. It shall be conducted and

10 respected as comparable to a "school away from home."

11 There shall, be maintained at the school, or in close

12 proximity thereto, by the board of supervisors, sufficient

13 class rooms and equipment for the proper education and

14 training, during the regular nine months' school period of

15 all juveniles residing in said medium security school.

16 The board of education of Cabell county, at its own ex-

17 pense, shall furnish sufficient teachers of proper qualifi-

18 cations to adequately staff said class rooms and to fur-

19 nish proper educational training for all those committed

20 to said school, to the end that all those committed shall

21 be allowed and required to progress in education, and in

22 spiritual and moral development in preparation for a

23 return to a normal life.

24 The juveniles while residing in the medium security

25 school, at all times shall be kept separable and apart from

26 and not permitted to mingle or associate with any of the

27 youth using the facilities of the other two divisions of

28 said youth center, or with youth in the public schools

29 of the county: *Provided, however,* That nothing herein

30 contained shall prevent said residents of the school from

31 being assigned to outdoor work in or about the farm dur-
32 ing out of school periods and wherewith they may receive
33 training in healthful pursuits and becoming more nearly
34 self-supporting, said residents of the school shall likewise
35 be not permitted to associate with other juveniles who
36 are not delinquent and not committed to the school.

37 The board of supervisors shall appoint a superintendent
38 who shall be in charge of the medium security school
39 and answerable to the board. The superintendent shall
40 have such other personnel as to the board may seem
41 necessary to assist in maintaining the school, securing
42 the custody of the juveniles therein, and carrying out
43 general supervision of the school to the end that order
44 and discipline shall be maintained. The compensation to
45 be paid the superintendent and personnel of said school
46 shall be fixed by the board and certified and paid as
47 hereinafter provided.

Sec. 4. *Foster Homes Division.*—The foster homes divi-
2 sion of the Cabell county youth center shall be erected and
3 maintained at the Cabell county farm at Ona, West Vir-
4 ginia, as a home for Cabell county children who are

5 orphans, homeless, neglected or deserted, or who, if fur-
 6 ther permitted to run ungoverned or undisciplined, are
 7 apt to become delinquent, and which said children are
 8 within the age prescribed by the statutes of this state for
 9 juveniles.

10 The board of supervisors of the Cabell county youth
 11 center shall cause to be erected and maintained at said
 12 farm sufficient cottages and of capacity to comfortably
 13 house in each cottage not more than twenty children,
 14 each cottage when children are housed therein shall have
 15 as "cottage parents" a husband and wife team in charge,
 16 both of whom shall be persons of good moral character,
 17 experienced in child care, having proper understanding of
 18 children and temperamentally fit to care and rear them.
 19 Each cottage shall be conducted comparable to a well-
 20 ordered home, with proper supervision and understanding
 21 discipline maintained by the "cottage parents." The chil-
 22 dren therein housed shall be treated as members of a
 23 well-ordered family where there is proper intellectual,
 24 physical, spiritual and exemplary moral training. Each
 25 child shall be given a home therein so long as its need

26 therefor exists and it remains a juvenile or until a satis-
27 factory permanent home has been found or it is placed
28 for adoption.

29 The foster homes division shall be made available for
30 any and all Cabell county children now or hereafter to
31 be under the control of the department of public as-
32 sistance, all Cabell county children cared for by any of
33 the other welfare agencies, youth or child centers, private
34 homes or institution within the county.

35 The department of public assistance, at the earliest
36 practicable time after the facilities hereinabove provided
37 have been made ready to receive said children, shall ap-
38 pear before the juvenile court of Cabell county and
39 bring to the court's attention the name of each and every
40 Cabell county child in the custody of the said department,
41 the then whereabouts of each child, and all facts and
42 circumstances which to the department or the court may
43 appear pertinent with relation to each child, and all of
44 which the court shall consider, and having so considered
45 shall then enter an order committing said child to the
46 foster homes division, or otherwise, as to the court may

47 seem just and proper, and the court may from time to
 48 time make such other and further orders for the disposi-
 49 tion of said child or children as may be just or proper:
 50 *Provided, however,* That the above procedure shall apply
 51 only to children of school age. All children of pre-school
 52 age may be maintained at said foster homes or elsewhere,
 53 within the sound discretion of the department of public
 54 assistance, but wherein children of pre-school age are
 55 placed in said foster homes, then such placement shall be
 56 by order of the juvenile court of Cabell county in the same
 57 manner as is hereinabove provided for all other children.

58 For the support and maintenance of the children placed
 59 in said foster homes by the department of public as-
 60 sistance, it shall contribute the standard amount paid by
 61 the department to private foster homes in other counties
 62 of the state. The money so contributed shall be paid to
 63 the county court of Cabell county and by that court set
 64 aside for the use of said foster homes divisions.

65 The "cottage parents" and all other personnel required
 66 for the efficient operation of said cottages in which chil-
 67 dren are maintained shall be carefully selected by the

68 department of public assistance. Said "cottage parents",
69 under the guidance and supervision of the department of
70 public assistance, shall be responsible for the supervision
71 and training of all children committed to their care; for
72 keeping them in school during school terms and hours;
73 for teaching them to do a reasonable amount of work,
74 and for making each cottage as nearly self-supporting as
75 possible. The husband member of the "cottage parents"
76 shall lead and teach the older male children under his
77 care, at reasonable times and seasons, in agricultural prac-
78 tices and methods, in gardening, truck farming, fruit
79 growing, poultry raising, dairying, and like occupations,
80 and upon such land as may be assigned by the board of
81 supervisors for such purposes. The wife member of the
82 "cottage parents" shall lead and teach the older female
83 children under her care, at reasonable times, in the art
84 and practices of home making (cooking, laundering, clean-
85 ing, and the like).

86 The children residing in said foster homes shall be
87 required, when within school age, and when their health
88 and physical condition permits, to attend the public

89 schools. The board of education of said county shall make
 90 provisions for them in the public school at Ona, West
 91 Virginia, or if any one or more of them be in a grade
 92 higher than is taught at Ona, then provision therefor shall
 93 be made in a school wherein such grade is taught.

94 Complete supervision of the foster homes division, to-
 95 gether with the employment and discharge of any and all
 96 personnel including "cottage parents" shall be under the
 97 department of public assistance. The salary of each per-
 98 son so employed shall be reasonable and be determined
 99 by the department, and when approved by the board of
 100 supervisors shall be certified for payment as is provided
 101 in section six hereof. In advance of the submission by the
 102 board of supervisors of the estimate of all monetary needs
 103 of the Cabell county youth center to the county court as
 104 provided in section six hereof, the department of public
 105 assistance shall furnish to the board of supervisors an
 106 estimate of all reasonable monetary needs of the foster
 107 homes division for the next fiscal year, said estimate shall
 108 cover all anticipated costs for services for all employees
 109 and personnel employed in the reasonable operation of

110 said foster homes, and all other reasonable expenses inci-
111 dent thereto, and which said estimate shall be certified
112 to the board of supervisors and by that board included in
113 the estimate rendered to the county court of Cabell
114 county as required by section six, paragraph one, hereof.

Sec. 5. *Recreation Division of the Cabell County Youth*
2 *Center.*—The board of supervisors shall maintain a place
3 for recreation for the youth of Cabell county at the Cabell
4 county farm at Ona, West Virginia. The board is hereby
5 authorized to erect, at said farm, such playgrounds, swim-
6 ming pools, tennis courts, ball parks, golf courses, and
7 such other facilities as to the board may seem advisable,
8 where Cabell county youth may assemble, under proper
9 supervision for play, sport, entertainment, recreation or
10 instruction. The board is also authorized to erect and
11 maintain as the needs require, cottages, assembly halls,
12 kitchens, mess halls, and camping quarters, which may
13 be leased at terms and rates as to the board may appear
14 proper. It is the intent hereof to provide a place for
15 assembly of youth groups from churches, scouts, clubs
16 or any other worthy youth organizations, for purposes

17 hereinabove set out and to the end that the recreation
18 division may be used as a preventive of delinquency in
19 youth and for the building of strong bodies and strong
20 characters.

21 The board of supervisors is authorized to employ a camp
22 manager and such other personnel as may be required
23 to operate said facilities and to the end that the greatest
24 possible value may accrue to youth and that same may
25 be as nearly self-maintaining as possible. The manager
26 and personnel shall be answerable to the board, and under
27 its direct supervision at all times.

Sec. 6. *Financing; Expenditures; Special Fund.*—The
2 board of supervisors shall annually prepare and submit
3 to the county court of Cabell county, in advance of the
4 levy term of said court, an estimate of all the monetary
5 needs of the Cabell county youth center and each of its
6 integral parts, for the next fiscal year, said estimate shall
7 cover anticipated costs, for construction, maintenance and
8 operation of buildings, and all anticipated expenses rela-
9 tive to the operation of said youth center for the ensuing
10 fiscal year. The county court of Cabell county shall re-

11 ceive said estimate and reasonably provide in the annual
12 budget of the county, for the reasonable requirements of
13 said youth center as set forth in said estimate and for
14 each of its divisions. But no obligations shall be incurred
15 or debts contracted by the board of supervisors in excess
16 of said budget, without prior consent of the county court.

17 All current expenses for salaries, supplies and such
18 other things as are required for the efficient operation of
19 the said youth center, including construction costs, shall
20 be certified for payment at the end of each calendar month
21 to the county court of Cabell county by the president and
22 secretary of the board of supervisors, in writing, and
23 signed by each of them. Thereupon the county court shall
24 cause same to be paid out of the separate fund created
25 for said Cabell county youth center, and otherwise to be
26 paid in the same manner as general current county ex-
27 penses are paid.

28 The county court of Cabell county shall have the power
29 and authority to transfer moneys from inactive funds,
30 special unused funds, or the general county fund to a
31 separate fund for the use of the Cabell county youth cen-

32 ter, as needs may require. The county court of Cabell
 33 county is further authorized and empowered to receive
 34 and expend for the purposes herein provided gifts, be-
 35 quests and donations from any person, corporation, firm
 36 or association.

Sec. 7. *Land for School Purposes.*—The county court of
 2 Cabell county is hereby authorized to convey to the board
 3 of education of Cabell county, a portion of said Cabell
 4 county farm, consisting of not more than twenty-five
 5 acres, for the construction of a building or buildings to be
 6 used for general or special school purposes.

Sec. 8. *Provisions Severable.*—The several sections and
 2 provisions of this act are severable. If any section or
 3 provision hereof shall be held unconstitutional all the
 4 remaining sections and provisions of the act shall never-
 5 theless remain valid.

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

W. N. Jasper
Chairman Senate Committee

J. F. Seem
Chairman House Committee

Originated in the House of Delegates

Takes effect *90 days from* passage.

Marion Meyers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ralph Bean
President of the Senate

W. R. Raley
Speaker, House of Delegates

The within _____ this the _____

day of _____, 1959.

Governor

