

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 106

(By Mr. Holdering)



PASSED March 7, 1963

In Effect July 1, 1963. ~~Passage~~



Filed in Office of the Secretary of State
of West Virginia 3-15-63

JOE F. BURDETT
SECRETARY OF STATE

106

ENROLLED
House Bill No. 106
(By MR. HOLDERBY)

[Passed March 7, 1963; in effect July 1, 1963.]

AN ACT to amend and reenact chapter one hundred seventy-eight, acts of the Legislature, regular session, one thousand nine hundred fifty-nine, authorizing and empowering 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 the detention of youth pending hearing before the juvenile court and for juveniles adjudged delinquent; (b) a centralized foster home for homeless, abandoned,

dependent and neglected children and (c) a recreational center for youth; and to authorize the power of purchase and of eminent domain for the acquisition of real estate for the use and benefit of the Cabell county youth center.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred seventy-eight, acts of the Legislature, regular session, one thousand nine hundred sixty-one, be amended and reenacted to read as follows:

Cabell County Youth Center.

Section 1. Cabell County Court Authorized to Convert County Farm at Ona into a Youth Center.—The county court of Cabell county is hereby authorized and empowered to convert the county farm at Ona, West Virginia, into a youth center to be known as the Cabell county youth center. Its integral parts shall be known as (a) medium security school division of the Cabell county youth center; (b) foster homes division of the Cabell county youth center; (c) recreation division of the Cabell county youth center.

Sec. 2. Board of Supervisors; Composition; How Elected; Terms of Members; Reimbursement of Expenses;

3 Qualifications; Removal; Oath; Organization; Powers.—

4 The Cabell county youth center and its integral parts
5 shall be governed by a board known as the board of
6 supervisors of the Cabell county youth center, and
7 which said board of supervisors shall be created as
8 hereinafter set forth, for the purpose of establishing,
9 constructing buildings and making land improvements,
10 equipping, developing, operating, financing, administer-
11 ing and managing said youth center and its integral
12 parts.

13 The board of supervisors shall consist of twelve regular
14 members elected one by and from each of the following
15 organizations: Huntington ministerial association; Cab-
16 ell county medical association; Cabell county bar
17 association; county court of Cabell county; Huntington
18 district labor council; womens inter-club council; Cabell
19 county parent-teachers association; Cabell county board
20 of education; family services, inc.; Ona parent-teachers
21 association; Cabell county department of welfare; and
22 the juvenile division of the Huntington police depart-
23 ment.

24 The terms of the first four hereinabove named shall
25 expire on the thirtieth day of June, one thousand nine
26 hundred sixty-three; the terms of the second group of
27 four hereinabove named shall expire on the thirtieth
28 day of June, one thousand nine hundred sixty-four; and
29 the terms of all the remaining members hereinabove
30 named shall expire on the thirtieth day of June, one
31 thousand nine hundred sixty-five. Upon the expiration
32 of the terms specifically set out hereinabove, each per-
33 son thereafter shall be appointed for a term of three
34 years, except that any person appointed to fill a vacancy
35 occurring prior to the expiration of the term for which
36 his predecessor was chosen, shall be chosen only for the
37 remainder of such term. Members shall be eligible to
38 succeed themselves.

39 The mayor of the city of Huntington, or someone
40 designated by him, the mayors of the towns of Barbours-
41 ville and of Milton, the Sheriff of Cabell county, or a
42 deputy sheriff designated by him, and the Cabell county
43 agricultural agent shall be ex officio members of said
44 board of supervisors with voting privileges equal to

45 that of each and every other member.

46 The board of supervisors shall serve without compen-
47 sation except they may be reimbursed for any expenses
48 incurred in the performance of their duties.

49 Each regular member of the board of supervisors shall
50 be a bona fide citizen and resident of said county and
51 any regular member thereof who shall cease to be a
52 bona fide citizen and resident of said county shall thereby
53 be disqualified as a member of the board, and his office
54 shall thereupon become vacant.

55 Any regular member of the board of supervisors may
56 be removed from office for dishonesty, incompetency or
57 neglect of duty in office in the same manner and for the
58 same reasons as, by the constitution and statutes of this
59 state, are made and provided for the removal of general
60 county officers.

61 Prior to entering upon their duties each member of
62 the board of supervisors shall take an oath in writing to
63 support the constitution of the United States and of the
64 state of West Virginia and to faithfully perform the
65 duties of a member of said board. Said oaths shall be

66 filed in the office of the clerk of the county court of
67 Cabell county.

68 The board shall designate one of its members as presi-
69 dent, another as vice president, and shall select a secre-
70 tary from the board membership or otherwise. It shall
71 fix the time and place of its meetings: *Provided, how-*
72 *ever,* That it shall hold at least one meeting each calendar
73 month, and six members present shall constitute a
74 quorum.

75 The board of supervisors shall provide for the employ-
76 ment of an executive director whose duties shall be to
77 execute the orders of the board of supervisors and
78 direct the overall management of the youth center. The
79 board shall also have the power to employ and fix the
80 compensation of any and all persons as in its opinion
81 may be necessary for the operation, maintenance, admin-
82 istration and management of the property under its
83 control, limited however, by the authority vested in the
84 West Virginia department of welfare by section four
85 hereof, and limited further by the appropriation of funds
86 for such purposes by the county court of Cabell county.

87 The board of supervisors shall have the power to make
88 rules and regulations and to enforce same, as may be
89 necessary for the management and control of the youth
90 center and each of its integral parts.

Sec. 3. Medium Security School.—The medium security school of the Cabell county youth center shall be
2 rity school of the Cabell county youth center shall be
3 maintained at the Cabell county farm at Ona, West Virginia, by the board of supervisors as one of the divisions
4 ginia, by the board of supervisors as one of the divisions
5 of the Cabell county youth center. It may be used for
6 the detention of juveniles pending hearing before the
7 juvenile court of Cabell county within the discretion
8 of the judge of said court; and it shall be used for the
9 training of juveniles who have been adjudged delinquent
10 and committed thereto by said court. It shall not be
11 deemed a penal institution, a jail or a prison. It shall
12 be conducted and respected as comparable to a "school
13 away from home." There shall be maintained at the
14 school, or in close proximity thereto, by the board of
15 supervisors, sufficient class rooms and equipment for
16 the proper education and training during the regular
17 nine months school period, of all juveniles residing in

18 said medium security school. The board of education
19 of Cabell county, at its own expense, shall furnish
20 sufficient teachers of proper qualifications to adequately
21 staff said class rooms and to furnish proper educational
22 training for all those committed to said school, to the
23 end that those so committed shall be allowed and
24 required to progress in education and in spiritual and
25 moral development in preparation for a return to a
26 normal life.

27 The juveniles while residing in the medium security
28 school shall be kept separate and apart from the youth
29 using the facilities of the two other divisions of said
30 youth center, or with other youth in the public schools
31 of the county. Nothing herein contained, however, shall
32 prevent the residents of the medium security school
33 from being assigned to outdoor work in and about the
34 farm, at proper times, so long as they are not in company
35 with other juveniles who are not committed to the
36 school.

37 The board of supervisors may appoint an assistant
38 director in charge of the medium security school who

39 shall be answerable to the executive director and to
40 the board. The assistant director in charge of the medium
41 security school shall be provided with such other person-
42 nel as to the board may seem necessary to assist in
43 maintaining the school, securing the custody of the
44 juveniles therein, and carrying out general supervision
45 of the school to the end that order and discipline shall
46 be maintained. Compensation to be paid the assistant
47 director and all personnel of said school shall be fixed
48 by the board and paid as hereinafter provided.

49 The board of supervisors, shall, within its discretion,
50 have the power and authority to accept juveniles upon
51 commitment by the juvenile courts of other counties in
52 West Virginia, and to make arrangements with the
53 county court of such counties for the payment of the
54 fair percapita, per diem cost for each juvenile so
55 committed, and which payments shall be credited to the
56 fiscal account of the Cabell county youth center.

57 The procedure for the release of juveniles committed
58 to the medium security school shall be as follows:

59 After a juvenile has been committed to the school

60 for at least six months he shall be advised by the execu-
61 tive director of his right to apply in writing for release.
62 He shall be afforded and may sign a petition in which
63 he shall state the reasons he thinks are grounds for his
64 release. The executive director shall then call a meeting
65 with the assistant director, the teachers and all other
66 paid employees who have had personal contact with
67 and supervision of said juvenile and said staff shall then
68 review the petition and shall make such recommenda-
69 tions as they deem proper to the next meeting of the
70 board of supervisors. After review of the juvenile's
71 petition and record the board may take such action as
72 to it may seem proper. If the board be of opinion to
73 recommend the release of the juvenile, it shall then
74 submit such recommendation to the juvenile court over
75 the signature of the executive director, the president
76 of the board and the teacher that last had the juvenile
77 in school.

78 Within a reasonable time thereafter the juvenile
79 court shall review the case history of the juvenile and
80 after considering the recommendations of the staff and

81 the board, shall enter such order as to the court may
82 seem to be in the best interest of the juvenile.

Sec. 4. Foster Homes Division.—The foster homes
2 division of the Cabell county youth center shall be
3 erected and maintained at the Cabell county farm at Ona,
4 West Virginia, as homes for Cabell county children who
5 are orphans, homeless, neglected or deserted, or who, if
6 permitted to run ungoverned or undisciplined, are apt
7 to become delinquent, and which said children are within
8 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
15 have as "cottage parents" a husband and wife team in
16 charge, both of whom shall be persons of good moral
17 character, experienced in child care, having proper under-
18 standing of children and temperamentally fit to care
19 and rear them. Each cottage shall be conducted com-

20 parable to a well-ordered home, with proper supervision
21 and understanding discipline maintained by the "cottage
22 parents". The children therein housed shall be treated
23 as members of a well-ordered family where there is
24 proper intellectual, physical, spiritual and exemplary
25 moral training. Each child shall be given a home therein
26 so long as its need therefor exists and it remains a
27 juvenile or until a satisfactory permanent home has been
28 found or it is placed 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 state or county department
32 of welfare, all Cabell county children cared for by any
33 of the other welfare agencies, youth or child centers,
34 private homes or institution within the county.

35 Both the West Virginia and Cabell county departments
36 of welfare, at the earliest practicable time after the facili-
37 ties hereinabove provided have been made ready to re-
38 ceive said children, shall appear before the juvenile court
39 of Cabell county and bring to the court's attention the
40 name of each and every child then in Cabell county and

41 in the custody of both of the said departments, the where-
42 abouts of each child, and all facts and circumstances
43 which to the department or the court may appear perti-
44 nent with relation to each child, and all of which the
45 court shall consider, and having so considered shall then
46 enter an order committing said child to the foster homes
47 division, or releasing it to the department as to the court
48 may seem just and proper, and the court may from time
49 to time make such other and further orders for the dispo-
50 sition of said child or children as may be just or proper:
51 *Provided, however,* That the above procedure shall apply
52 only to children of school age. All children of pre-school
53 age may be maintained at said foster homes division or
54 elsewhere, within the sound discretion of the departments
55 of welfare, but wherein children of pre-school age are
56 placed in said foster division, then such placement shall
57 be by order of the juvenile court of Cabell county in
58 the same manner as hereinabove provided for all other
59 children.

60 For the support and maintenance of the children placed
61 in said foster homes division by the departments of wel-

62 fare, they shall contribute the standard amount paid by
63 the departments to private foster homes in other counties
64 of the state. The money so contributed shall be paid to
65 the county court of Cabell county and by that court set
66 aside for the use of said foster homes division.

67 The "cottage parents" and all other personnel required
68 for the efficient operation of said cottages in which chil-
69 dren are maintained shall be carefully selected by the
70 West Virginia department of welfare. Said "cottage
71 parents", under the guidance and supervision of the West
72 Virginia department of welfare, shall be responsible for
73 the supervision and training of all the children committed
74 to their care; for keeping them in school during school
75 terms and hours; for teaching them to do a reasonable
76 amount of work, and for making each cottage as nearly
77 self-supporting as possible. The husband member of the
78 "cottage parents" shall lead and teach the older male
79 children under his care, at reasonable times and seasons,
80 in agricultural practices and methods, which may include
81 gardening, truck farming, fruit growing, poultry raising,
82 dairying, and like occupations, and upon such land as

83 may be assigned by the board of supervisors for such pur-
84 poses. The wife member of the "cottage parents" shall
85 lead and teach the older female children under her care,
86 at reasonable times, in the art and practices of home
87 making which may include cooking, laundering, cleaning,
88 and the like.

89 The children residing in said foster homes shall be
90 required, when within school age, and when their health
91 and physical condition permits, to attend the public
92 schools. The board of education of said county shall
93 make provisions for them in the public school at Ona,
94 West Virginia, or if any one or more of them be in a
95 grade higher than is taught at Ona, then provision there-
96 for shall be made in a school wherein such grade is
97 taught.

98 Complete supervision of the foster homes division,
99 together with the employment and discharge of any
100 and all personnel including "cottage parents" shall
101 be under the West Virginia department of welfare.
102 The salary of each person so employed shall be reason-
103 able and be determined by the department, and when
104 approved by the board of supervisors shall be certi-

105 fied for payment as is provided in section six hereof.
106 In advance of the submission by the board of
107 supervisors of the estimate of all monetary needs of
108 the Cabell county youth center to the county court
109 as provided in section six hereof, the West Virginia
110 department of welfare shall furnish to the board of
111 supervisors an estimate of all reasonable monetary
112 needs of the foster homes division for the next fiscal
113 year, said estimate shall cover all anticipated costs for
114 services for all employees and personnel employed in
115 the reasonable operation of said foster homes, and all
116 other reasonable expenses incident thereto, and which
117 said estimate shall be certified to the board of super-
118 visors and by that board included in the estimate ren-
119 dered to the county court of Cabell county as required
120 by section six, paragraph one, hereof.

Sec. 5. Recreation Division; Recreational Facilities;

2 **Operating Personnel.**—The board of supervisors is author-
3 ized to maintain a place for recreation for the youth of
4 Cabell county at the Cabell county farm at Ona, West
5 Virginia. The board is hereby authorized to erect, at

6 said farm, such playgrounds, swimming pools, tennis
7 courts, ball parks, golf courses, and such other facilities
8 as to the board may seem advisable, where Cabell county
9 youth may assemble, under proper adult supervision for
10 play, sport, entertainment, recreation or instruction. The
11 board is also authorized to erect and maintain as the
12 needs require, cottages, assembly halls, kitchens, mess
13 halls, and camping quarters, which may be leased at
14 terms and rates as to the board may appear proper. It
15 is the intent hereof to provide a place for assembly of
16 youth groups from churches, scouts, clubs or any other
17 worthy youth organizations, for purposes hereinabove
18 set out and to the end that the recreation division may
19 be used as a preventive of delinquency in youth and
20 for the building of strong bodies and strong characters.

21 The board of supervisors is authorized to employ a
22 camp manager and such other personnel as may be re-
23 quired to operate said facilities and to the end that the
24 greatest possible value may accrue to youth and that
25 same may be as nearly self-supporting as possible. The
26 manager and personnel shall be answerable to the board,

27 and under the direct supervision of the executive director.

**Sec. 6. Estimate of Construction, Maintenance and
2 Operating Costs; County Court to Provide Funds; Pay-
3 ment of Expenses; Special Fund; Gifts and Bequests.—**

4 The board of supervisors shall annually prepare and sub-
5 mit to the county court of Cabell county, in advance of the
6 levy term of said court, an estimate of all the monetary
7 needs of the Cabell county youth center and each of its
8 integral parts, for the next fiscal year, said estimate shall
9 cover anticipated costs for construction, maintenance and
10 operation of buildings, and all anticipated expenses rela-
11 tive to the operation of said youth center for the ensuing
12 fiscal year. The county court of Cabell county shall re-
13 ceive said estimate and provide in the annual budget of
14 the county, for the reasonable requirements of said youth
15 center as set forth in said estimate and for each of its
16 divisions. But no obligations shall be incurred or debts
17 contracted by the board of supervisors in excess of said
18 budget, without prior consent of the county court.

19 All current expenses for salaries, supplies and such
20 other things as are required for the efficient operation of

21 the said youth center, including construction costs, shall
22 be certified for payment at the end of each calendar
23 month to the county court of Cabell county by the presi-
24 dent and secretary of the board of supervisors, in writing,
25 and signed by each of them. Thereupon the county court
26 shall cause same to be paid out of the separate fund
27 created for said Cabell county youth center, and other-
28 wise to be paid in the same manner as general current
29 county expenses are paid.

30 The county court of Cabell county shall have the power
31 and authority to transfer moneys from inactive funds,
32 special unused funds, or the general county fund to a
33 separate fund for the use of the Cabell county youth
34 center, as needs may require. The county court of Cabell
35 county is further authorized and empowered to receive
36 and expend for the purposes herein provided, gifts,
37 bequests and donations from any person, corporation,
38 firm or association.

Sec. 7. Acquisition of Land by Purchase; Condemna-
2 **tion Proceedings.**—The county court of Cabell county,
3 upon request of the board of supervisors of the Cabell

4 county youth center, shall have the right to purchase real
5 estate including the power of eminent domain to institute
6 proper proceedings to condemn land for the use and bene-
7 fit of the Cabell county youth center. Reasonable requests
8 by the board of supervisors for the purchase or con-
9 demnation of land for the use and benefit of the Cabell
10 county youth center shall be complied with by the county
11 court of Cabell county.

Sec. 8. Provisions Severable.—The several sections
2 and provisions of this act are severable. If any section or
3 provision hereof shall be held unconstitutional all the re-
4 maining sections and provisions of the act shall neverthe-
5 less remain valid.

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

O. Ray Parker
Chairman Senate Committee

Ethel L. Crandall
Chairman House Committee

Originated in the House.

Takes effect July 1, 1963, ~~passage~~

Francis Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Cannon
President of the Senate

Julius W. Singleton
Speaker House of Delegates

The within approved this the 14th
day of March, 1963.

W. M. Baum
Governor

