

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965



## ENROLLED

*Com. Sub. for*

HOUSE BILL No. 588

(By *M. Representative in the Committee*  
*on the Judiciary*)



PASSED March 9, 1965

In Effect Ninety days from Passage



FILED IN THE OFFICE OF  
JOE F. BURDETT  
SECRETARY OF STATE  
THIS DATE 3-15-65

885 #

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 588**  
(Originating in the Committee on the Judiciary.)

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[Passed March 9, 1965; in effect ninety days from passage.]

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AN ACT to amend chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article six-a, relating to reporting certain physical abuse of children to the prosecuting attorney, the duties of the prosecuting attorney upon receiving such report, and the conferring of immunity upon physicians and surgeons and other professional personnel and institutions who report such physical abuse of children.

*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, be amended

by adding thereto a new article, designated article six-a, to read as follows:

**Article 6-a. Reports of Child Abuse by Physicans and Others.**

**Section 1. Declaration of Policy.**—It is the policy of  
2 this state to provide for the protection of children who  
3 have had physical injury inflicted upon them and who,  
4 in the absence of appropriate reports concerning their  
5 conditions and circumstances, may be further threatened  
6 by the conduct of those responsible for such injury.

**Sec. 2. Reports.**—Any duly licensed physician or sur-  
2 geon, resident physician or surgeon, or intern, or doctor  
3 of the healing arts, examining, attending or treating a  
4 child under the age of eighteen years, or any registered  
5 nurse, any visiting nurse, any school teacher or any social  
6 worker, acting in his or her official capacity as such,  
7 having a reason to believe that a child under the age of  
8 eighteen years has had serious injury or injuries inflicted  
9 upon him or her as a result of abuse or neglect, shall re-  
10 port the matter promptly to the prosecuting attorney of  
11 the county in which the injury or abuse occurred or if  
13 the county in which the injury or abuse occurred be

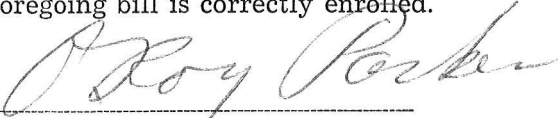
13 unknown, to the prosecuting attorney of the county in  
14 which such injury or abuse be discovered or reported:  
14 *Provided*, That when attendance with respect to a child  
16 is pursuant to the performance of services as a member  
17 of the staff of a hospital or similar institution, such staff  
18 member shall immediately notify the superintendent,  
19 manager, or other person in charge of the institution,  
20 who shall immediately make the report to the prosecuting  
21 attorney. If the report is not made in writing in the first  
22 instance, it shall be reduced to writing by the maker  
23 thereof as soon as may be practicable thereafter and  
24 shall contain the names and addresses of the child and  
25 his or her parent or parents, or other person or persons  
26 responsible for his or her care, if known, the name of the  
27 person or persons delivering or accompanying the child  
28 for treatment, if known, the child's age, the nature and  
29 extent of the child's injury or injuries, including any evi-  
30 dence of previous injury or injuries, and any other infor-  
31 mation that the maker of the report believes to be help-  
32 ful in establishing the cause of the injury and the iden-  
33 tity of the person or persons responsible therefor, and


34 such written report shall be immediately filed with the  
35 prosecuting attorney.

**Sec. 3. Action on Reporting.**—The prosecuting attorney, to whom such report has been made, shall forthwith investigate, or cause to be investigated, such report in order to determine the cause of such injury and determine the person or persons responsible, if any. If it is found that any person wilfully inflicted such injury or abused such child, the prosecuting attorney shall immediately take, or cause to be taken, such action as may be necessary to prevent any further injury or abuse to such child, and to punish the person or persons responsible for such injury as provided by law.

**Sec. 4. Immunity from Liability.**—Any person making a report pursuant to the provisions of this article, or participating in a judicial proceeding resulting therefrom, shall be presumed to be acting in good faith and if acting in good faith, shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

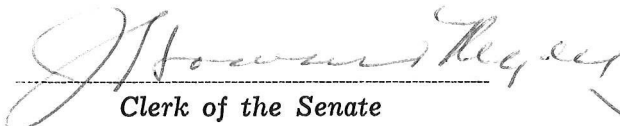
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

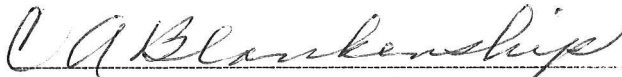
  
Chairman Senate Committee

  
Chairman House Committee

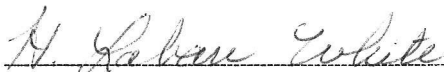
Originated in the House.

Takes effect ninety days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within approved this the 15  
day of March, 1965.

  
Governor

Presented to Governor's Office  
Apr. 13, 1965  
11:20am