WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED

HOUSE BILL No. 588

(BY MR. RAUSO, 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
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 Physicians and Others.

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

Sec. 2. Reports.—Any duly licensed physician or sur-
geon, resident physician or surgeon, or intern, or doctor
of the healing arts, examining, attending or treating a
child under the age of eighteen years, or any registered
nurse, any visiting nurse, any school teacher or any social
worker, acting in his or her official capacity as such,
having a reason to believe that a child under the age of
eighteen years has had serious injury or injuries inflicted
upon him or her as a result of abuse or neglect, shall re-
port the matter promptly to the prosecuting attorney of
the county in which the injury or abuse occurred or if
the county in which the injury or abuse occurred be
unknown, to the prosecuting attorney of the county in which such injury or abuse be discovered or reported: Provided, That when attendance with respect to a child is pursuant to the performance of services as a member of the staff of a hospital or similar institution, such staff member shall immediately notify the superintendent, manager, or other person in charge of the institution, who shall immediately make the report to the prosecuting attorney. If the report is not made in writing in the first instance, it shall be reduced to writing by the maker thereof as soon as may be practicable thereafter and shall contain the names and addresses of the child and his or her parent or parents, or other person or persons responsible for his or her care, if known, the name of the person or persons delivering or accompanying the child for treatment, if known, the child's age, the nature and extent of the child's injury or injuries, including any evidence of previous injury or injuries, and any other information that the maker of the report believes to be helpful in establishing the cause of the injury and the identity of the person or persons responsible therefor, and
such written report shall be immediately filed with the
prosecuting attorney.

Sec. 3. Action on Reporting.—The prosecuting attor-
ney, to whom such report has been made, shall forth-
with investigate, or cause to be investigated, such report
in order to determine the cause of such injury and de-
terminate 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 im-
mediately 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 respon-
sible 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 par-
ticipating 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
Mar. 13, 1965
11:20am