

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1973**

**ENROLLED**

**SENATE BILL NO. 121**

(By Mr. POFFENBARGER)

PASSED MARCH 9, 1973

In Effect FROM Passage



FILED IN THE OFFICE  
EDGAR F. WELSH III  
SECRETARY OF STATE  
THIS DATE 3-19-73

121

## **ENROLLED**

# **Senate Bill No. 121**

(By Mr. Poffenbarger)

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[Passed March 9, 1973; in effect from passage.]

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AN ACT to amend and reenact section sixteen, article two, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to child welfare; authorizing and empowering the state department of welfare to provide care, support and protective services for certain children; authorizing and empowering such department to accept children for care and to accept custody thereof; authorizing and empowering such state department or any county office of such department to accept temporary custody of children for care from any police officer in an emergency situation for a limited period of time, pending court action; and providing for care in special boarding homes.

*Be it enacted by the Legislature of West Virginia:*

That section sixteen, article two, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

### **ARTICLE 2. STATE RESPONSIBILITIES FOR THE PROTECTION AND CARE OF CHILDREN.**

#### **§49-2-16. State responsibility for child care.**

1 The state department of welfare is hereby authorized and  
2 empowered to provide care, support and protective services  
3 for children who are handicapped by dependency, neglect,  
4 illegitimate birth, mental or physical disability, or who for  
5 other reasons are in need of public service. Such department  
6 is also hereby authorized and empowered in its discretion to

7 accept children for care from their parent or parents,  
8 guardian or relatives and to accept the custody of children  
9 committed to its care by courts exercising juvenile juris-  
10 diction. The state department of welfare or any county  
11 office of such department is also hereby authorized and em-  
12 powered in its discretion to accept temporary custody of  
13 children for care from any police officer in an emergency  
14 situation until a proper order of a court exercising juvenile  
15 jurisdiction can be entered awarding temporary custody to  
16 such department, but such temporary custody prior to the  
17 entry of such court order shall not be for longer than  
18 fifteen days.

19 The state department of welfare shall provide care in  
20 special boarding homes for children needing detention  
21 pending disposition by a court having juvenile jurisdiction  
22 or temporary care following such court action.

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

H. Derral Deaky  
Chairman Senate Committee

Lawrence C. Christensen Jr.  
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard W. Barrow  
Clerk of the Senate

W. A. Blankenship  
Clerk of the House of Delegates

W. J. Booth  
President of the Senate

Lewis J. McManis  
Speaker House of Delegates

The within approved this the 16th  
March  
day of \_\_\_\_\_, 1973.

Paul A. Shaffer Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/15/73  
Time 10:30 a.m.