

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974

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ENROLLED

HOUSE BILL No. 1279

(By Mrs. Anne G. Polan)

— ● —

PASSED March 9 1974

In Effect 90 days Passage



C 641

FILED IN THE OFFICE

EDGAR F. HESKELL III

SECRETARY OF STATE

THIS DATE 3-22-74

1279

ENROLLED

H. B. 1279

(By MRS. SMIRL and MR. POLAN)

[Passed March 9, 1974; in effect ninety days from passage.]

AN ACT to amend and reenact sections three and four, chapter one hundred seventy-eight, acts of Legislature, regular session, one thousand nine hundred fifty-nine, as last amended and reenacted by chapter two hundred, acts of the Legislature, regular session, one thousand nine hundred sixty-three, relating to the Cabell County youth center; medium security school for the detention of youths pending hearing before the juvenile court and for juveniles adjudged delinquent; commingling of juveniles; centralized foster home for homeless, abandoned, dependent and neglected children; time when petition for release may be filed; use of youth center facilities for a diagnostic clinic and treatment center.

Be it enacted by the Legislature of West Virginia:

That sections three and four, chapter one hundred seventy-eight, acts of the Legislature, regular session, one thousand nine hundred fifty-nine, as last amended by chapter two hundred, acts of the Legislature, regular session, one thousand nine hundred sixty-three, be amended and reenacted to read as follows:

CABELL COUNTY YOUTH CENTER.

§3. Medium security school.

- 1 The medium security school of the Cabell County youth cen-
- 2 ter shall be maintained at the Cabell County farm at Ona, West
- 3 Virginia, by the board of supervisors as one of the divisions of
- 4 the Cabell County youth center. It may be used for the deten-
- 5 tion of juveniles pending hearing before the juvenile court of

6 Cabell County within the discretion of the judge of said court;
7 and it shall be used for the training of juveniles who have been
8 adjudged delinquent and committed thereto by said court. It
9 shall not be deemed a penal institution, a jail or a prison. It
10 shall be conducted and respected as comparable to a "school
11 away from home." There shall be maintained at the school, or
12 in close proximity thereto, by the board of supervisors, suffi-
13 cient classrooms and equipment for the proper education and
14 training during the regular nine months school period, of all
15 juveniles residing in said medium security school. The board of
16 education of Cabell County, at its own expense, shall fur-
17 nish sufficient teachers of proper qualifications to adequately
18 staff said classrooms and to furnish proper educational train-
19 ing for all those committed to said school, to the end that
20 those so committed shall be allowed and required to progress
21 in education and in spiritual and moral development in prep-
22 aration for a return to a normal life.

23 The board of supervisors may appoint an assistant director
24 in charge of the medium security school who shall be answer-
25 able to the executive director and to the board. The assistant
26 director in charge of the medium security school shall be pro-
27 vided with such other personnel as to the board may seem
28 necessary to assist in maintaining the school, securing the cus-
29 tody of the juveniles therein, and carrying out general super-
30 vision of the school to the end that order and discipline shall
31 be maintained. Compensation to be paid the assistant director
32 and all personnel of said school shall be fixed by the board
33 and paid as hereinafter provided.

34 The board of supervisors, shall, within its discretion, have
35 the power and authority to accept juveniles upon commitment
36 by the juvenile courts of other counties in West Virginia, and
37 to make arrangements with the county court of such counties
38 for the payment of the fair per capita, per diem cost for each
39 juvenile so committed, and which payments shall be credited
40 to the fiscal account of the Cabell County Youth center.

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

43 After a juvenile has been committed to the school he shall
44 be advised by the executive director of his right to apply in

45 writing for release. He shall be afforded and may sign a peti-
46 tion in which he shall state the reasons he thinks are grounds
47 for his release. The executive director shall then call a meeting
48 with the assistant director, the teachers and all other paid
49 employees who have had personal contract with and supervi-
50 sion of said juvenile and said staff shall then review the peti-
51 tion and shall make such recommendations as they deem prop-
52 er to the next meeting of the board of supervisors. After re-
53 view of the juvenile's petition and record the board may take
54 such action as to it may seem proper. If the board be of opin-
55 ion to recommend the release of the juvenile, it shall then sub-
56 mit such recommendation to the juvenile court over the sig-
57 nature of the executive director, the president of the board and
58 the teacher that last had the juvenile in school.

59 Within a reasonable time thereafter the juvenile court shall
60 review the case history of the juvenile and after considering
61 the recommendations of the staff and the board, shall enter
62 such order as to the court may seem to be in the best interest
63 of the juvenile.

§4. Foster homes division.

1 The foster homes division of the Cabell County youth
2 center shall be erected and maintained at the Cabell County
3 farm at Ona, West Virginia, as homes for Cabell County
4 children who are orphans, homeless, neglected or deserted,
5 or who, if permitted to run ungoverned or undisciplined, are
6 apt to become delinquent, and which said children are within
7 the age prescribed by the statutes of this state for juveniles.

8 The board of supervisors of the Cabell County youth
9 center shall cause to be erected and maintained at said farm
10 sufficient cottages and of capacity to comfortably house in
11 each cottage not more than twenty children. Each cottage
12 when children are housed therein shall have as "cottage
13 parents" a husband and wife team in charge, both of whom
14 shall be persons of good moral character, experienced in
15 child care, having proper understanding of children and
16 temperamentally fit to care and rear them. Each cottage
17 shall be conducted comparable to a well-ordered home, with
18 proper supervision and understanding discipline maintained

19 by the "cottage parents." The children therein housed shall
20 be treated as members of a well-ordered family where there
21 is proper intellectual, physical, spiritual and exemplary moral
22 training. Each child shall be given a home therein so long
23 as its need therefore exists and it remains a juvenile or until
24 a satisfactory permanent home has been found or it is placed
25 for adoption.

26 A part of the facilities of the foster homes division may
27 be utilized for a diagnostic clinic and treatment center.

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

34 Both the West Virginia and Cabell County departments of
35 welfare, at the earliest practicable time after the facilities
36 hereinabove provided have been made ready to receive said
37 children, shall appear before the juvenile court of Cabell
38 County and bring to the court's attention the name of each
39 and every child then in Cabell County and in the custody of
40 both of the said departments, the whereabouts of each child,
41 and all the facts and circumstances which to the department
42 or the court may appear pertinent with relation to each
43 child, and all of which the court shall consider, and having
44 so considered shall then enter an order committing said
45 child to the foster homes division, or releasing it to the
46 department as to the court may seem just and proper, and
47 the court may from time to time make such other and further
48 orders for the disposition of said child or children as may
49 be just or proper: *Provided*, That the above procedure shall
50 apply only to children of school age. All children of pre-
51 school age may be maintained at said foster homes division
52 or elsewhere, within the sound discretion of the departments
53 of welfare, but wherein children in preschool age are placed
54 in said foster division, then such placement shall be by
55 order of the juvenile court of Cabell County in the same
56 manner as hereinabove provided for all other children.

57 For the support and maintenance of the children placed
58 in said foster homes division by the departments of welfare,
59 they shall contribute the standard amount paid by the depart-
60 ments to private foster homes in other counties of the state.
61 The money so contributed shall be paid to the county court
62 of Cabell County and by that court set aside for the use of
63 said foster homes division.

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

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

93 Complete supervision of the foster homes division, to-
94 gether with the employment and discharge of any and all
95 personnel including "cottage parents" shall be under the

96 West Virginia department of welfare. The salary of each
97 person so employed shall be reasonable and be determined
98 by the department, and when approved by the board of
99 supervisors shall be certified for payment as is provided in
100 section six hereof. In advance of the submission by the
101 board of supervisors of the estimate of all monetary needs
102 of the Cabell County youth center to the county court as
103 provided in section six hereof, the West Virginia department
104 of welfare shall furnish to the board of supervisors an
105 estimate of all reasonable monetary needs of the foster
106 homes division for the next fiscal year, said estimate shall
107 cover all anticipated costs for services for all employees
108 and personnel employed in the reasonable operation of said
109 foster homes, and all other reasonable expenses incident
110 thereto, and which said estimate shall be certified to the
111 board of supervisors and by that board included in the
112 estimate rendered to the county court of Cabell County as
113 required by section six, paragraph one, hereof.

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

H. Daniel Darby
Chairman Senate Committee

Clarence C. Chustard
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Carson
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

H. T. Brotherton, Jr.
President of the Senate

Louis M. McManis
Speaker House of Delegates

The within approved this the 20th
March day of _____, 1974.

Arthur A. Haase, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/18/74

Time 3:05 p.m.