

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time _____

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981

— ● —

ENROLLED

Com. Sub. for

HOUSE BILL No. 1591

(By Mr. Chambers)

— ● —

Passed April 10, 1981

In Effect From Passage



No: 1591

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1591
(By MR. CHAMBERS)

[Passed April 10, 1981; in effect from passage.]

AN ACT to amend and reenact sections three and four, chapter one hundred seventy-eight, acts of the Legislature, regular session, one thousand nine hundred fifty-nine, as last amended and reenacted by chapter one hundred forty-seven, acts of the Legislature, regular session, one thousand nine hundred seventy-four, relating to the Cabell County youth center; medium security school for the detention of juveniles adjudged delinquent; and providing that the board of supervisors and executive director shall be responsible for its operation.

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 one hundred forty-seven, acts of the Legislature, regular session, one thousand nine hundred seventy-four, 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
- 2 center shall be maintained at the Cabell County farm at Ona,
- 3 West Virginia by the board of supervisors as one of the

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

23 The board of supervisors may appoint an assistant director in
24 charge of the medium security school who shall be answerable
25 to the executive director and to the board. The assistant director
26 in charge of the medium security school shall be provided with
27 such other personnel as to the board may seem necessary to
28 assist in maintaining the school, securing the custody of the
29 juveniles therein, and carrying out general supervision of the
30 school to the end that order and discipline shall be maintained.
31 Compensation to be paid the assistant director and all per-
32 sonnel of said school shall be fixed by the board and paid as
33 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 commission of such
38 counties for the payment of the fair per capita, per diem cost
39 for each juvenile so committed, and which payments shall be
40 credited 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 em-
49 ployees who have had personal contact with and supervision of
50 said juvenile and said staff shall then review the petition and
51 shall make such recommendations as they deem proper to the
52 next meeting of the board of supervisors. After review of the
53 juvenile's petition and record the board may take such action
54 as to it may seem proper. If the board be of opinion to recom-
55 mend the release of the juvenile it shall then submit such
56 recommendation to the juvenile court over the signature of the
57 executive director, the president of the board and the teacher
58 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 the
61 recommendations of the staff and the board, shall enter such
62 order as to the court may seem to be in the best interest of the
63 juvenile.

§4. Foster homes division.

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

9 The board of supervisors of the Cabell County youth center
10 shall cause to be erected and maintained at said farm sufficient
11 cottages and of capacity to comfortably house in each cottage
12 not more than twenty children.

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

15 The foster homes division shall be made available for any

16 and all Cabell County children now or hereafter to be under
17 the control of the state or county department of welfare, all
18 Cabell County children cared for by any of the other welfare
19 agencies, youth or child centers, private homes or institutions
20 within the county, and all Cabell County children adjudged
21 to be delinquent pursuant to the provisions of section eleven,
22 article five, chapter forty-nine of the code and pursuant to
23 disposition by the circuit court in accordance with the provi-
24 sions of subsection (b) (6) of section thirteen, article five,
25 chapter forty-nine, and for the purposes set forth in article
26 five-b, chapter forty-nine of the code.

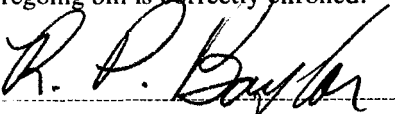
27 For the support and maintenance of the children placed in
28 said foster homes division by the department of welfare, they
29 shall contribute the standard amount paid by the departments
30 to private foster homes in other counties of the state. The
31 money so contributed shall be paid to the county commission
32 of Cabell County and by the commission set aside for the use
33 of said foster homes division. The executive director is further
34 authorized to contract with the department of welfare for the
35 provision of services and support and maintenance of such
36 children.

37 The "cottage parents" and all other personnel required for
38 the efficient operation of said cottages in which children are
39 maintained shall be carefully selected by the board of super-
40 visors or executive director. Said "cottage parents" under the
41 guidance and supervision of the board of supervisors or execu-
42 tive director shall be responsible for the supervision and train-
43 ing of all the children committed to their care; for keeping
44 them in school during school terms and hours; for teaching
45 them to do a reasonable amount of work, and for making each
46 cottage as nearly self-supporting as possible.

47 Complete supervision of the foster homes division, together
48 with the employment and discharge of any and all personnel
49 including "cottage parents" shall be under the board of super-
50 visors and executive director. The salary of each person so
51 employed shall be reasonable and determined by the board,
52 and when approved by the board of supervisors shall be certi-
53 fied for payment as is provided in section six, as last amended

54 by chapter two hundred, Acts of the Legislature, regular ses-
55 sion, one thousand nine-hundred sixty-three. In advance of
56 the submission by the board of supervisors of the estimate of all
57 monetary needs of the Cabell County youth center to the coun-
58 ty commission as provided in section six, as last amended by
59 chapter two hundred, Acts of the Legislature, regular session,
60 one thousand nine-hundred sixty-three, the executive director
61 shall furnish to the board of supervisors an estimate of all
62 reasonable monetary needs of the foster homes division for the
63 next fiscal year, said estimate shall cover all anticipated costs
64 for services for all employees and personnel employed in the
65 reasonable operation of said foster homes, and all other reason-
66 able expenses incident thereto, and which said estimate shall be
67 certified to the board of supervisors and by that board included
68 in the estimate rendered to the county commission of Cabell
69 County as required by paragraph one, section six, as last
70 amended by chapter two hundred, acts of the legislature, regu-
71 lar session, one thousand nine hundred sixty-three.

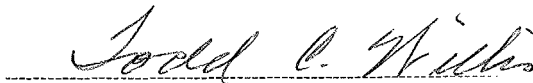
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

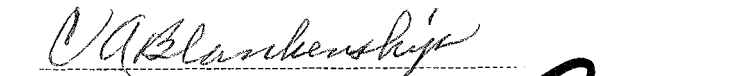
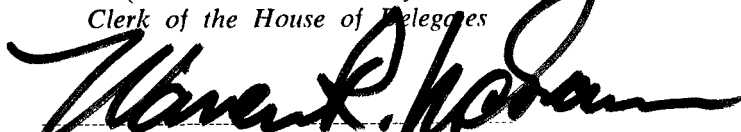

Chairman Senate Committee

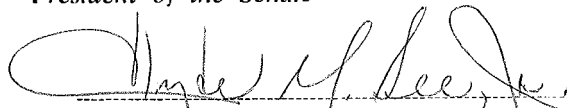

Chairman House Committee

Originated in the House.

Takes effect from passage.


Clerk of the Senate


Clerk of the House of Delegates

President of the Senate


Speaker House of Delegates

The within is approved this the 28
day of April, 1981.


Governor

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SECY. OF STATE