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

The board of supervisors may appoint an assistant director in
charge of the medium security school who shall be answerable
to the executive director and to the board. The assistant director
in charge of the medium security school shall be provided with
such other personnel as to the board may seem necessary to
assist in maintaining the school, securing the custody of the
juveniles therein, and carrying out general supervision of the
school to the end that order and discipline shall be maintained.
Compensation to be paid the assistant director and all per-
sonnel of said school shall be fixed by the board and paid as
hereinafter provided.

The board of supervisors, shall, within its discretion, have
the power and authority to accept juveniles upon commitment
by the juvenile courts of other counties in West Virginia, and
to make arrangements with the county commission of such
counties for the payment of the fair per capita, per diem cost
for each juvenile so committed, and which payments shall be
credited to the fiscal account of the Cabell County youth center.
The procedure for the release of juveniles committed to the
medium security school shall be as follows:
After a juvenile has been committed to the school he shall be advised by the executive director of his right to apply in writing for release. He shall be afforded and may sign a petition in which he shall state the reasons he thinks are grounds for his release. The executive director shall then call a meeting with the assistant director, the teachers and all other paid employees who have had personal contact with and supervision of said juvenile and said staff shall then review the petition and shall make such recommendations as they deem proper to the next meeting of the board of supervisors. After review of the juvenile’s petition and record the board may take such action as to it may seem proper. If the board be of opinion to recommend the release of the juvenile it shall then submit such recommendation to the juvenile court over the signature of the executive director, the president of the board and the teacher that last had the juvenile in school.

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

§4. Foster homes division.

The foster homes division of the Cabell County youth center shall be erected and maintained at the Cabell County farm at Ona, West Virginia, as homes for Cabell County children who are orphans, homeless, neglected and deserted, or who have been adjudged delinquent and committed thereto, as herein provided, or who, if permitted to run ungoverned or undisciplined, are apt to become delinquent, and which said children are within the age prescribed by the statutes of this state for juveniles.

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

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

The foster homes division shall be made available for any
and all Cabell County children now or hereafter to be under the control of the state or county department of welfare, all Cabell County children cared for by any of the other welfare agencies, youth or child centers, private homes or institutions within the county, and all Cabell County children adjudged to be delinquent pursuant to the provisions of section eleven, article five, chapter forty-nine of the code and pursuant to disposition by the circuit court in accordance with the provisions of subsection (b) (6) of section thirteen, article five, chapter forty-nine, and for the purposes set forth in article five-b, chapter forty-nine of the code.

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

The “cottage parents” and all other personnel required for the efficient operation of said cottages in which children are maintained shall be carefully selected by the board of supervisors or executive director. Said “cottage parents” under the guidance and supervision of the board of supervisors or executive director shall be responsible for the supervision and training of all the children committed to their care; for keeping them in school during school terms and hours; for teaching them to do a reasonable amount of work, and for making each cottage as nearly self-supporting as possible.

Complete supervision of the foster homes division, together with the employment and discharge of any and all personnel including “cottage parents” shall be under the board of supervisors and executive director. The salary of each person so employed shall be reasonable and determined by the board, and when approved by the board of supervisors shall be certified for payment as is provided in section six, as last amended
by chapter two hundred, Acts of the Legislature, regular session, one thousand nine-hundred sixty-three. In advance of the submission by the board of supervisors of the estimate of all monetary needs of the Cabell County youth center to the county commission as provided in section six, as last amended by chapter two hundred, Acts of the Legislature, regular session, one thousand nine-hundred sixty-three, the executive director shall furnish to the board of supervisors an estimate of all reasonable monetary needs of the foster homes division for the next fiscal year, said estimate shall cover all anticipated costs for services for all employees and personnel employed in the reasonable operation of said foster homes, and all other reasonable expenses incident thereto, and which said estimate shall be certified to the board of supervisors and by that board included in the estimate rendered to the county commission of Cabell County as required by paragraph one, section six, as last amended by chapter two hundred, acts of the legislature, regular session, one thousand nine hundred sixty-three.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R. P. Bagley
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the House.

Takes effect from passage.

Todd L. Willis
Clerk of the Senate

Walter B. Blakenship
Clerk of the House of Delegates

Hiram H. Hawkins
President of the Senate

John W. McCormick
Speaker House of Delegates

The within is approved this the 20th day of April, 1981.

Governor