

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-29-81

Time _____

No: 117

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981

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ENROLLED

Committee Substitute for
SENATE BILL NO. 117

(By Ms. Chace)

—•—

PASSED April 9, 1981

In Effect July 1, 1981 ~~Repealed~~

OFFICE
SECY. OF STATE

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COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 117

(MS. CHACE, *original sponsor*)

[Passed April 9, 1981; in effect July 1, 1981.]

AN ACT to amend article one, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-four; and to further amend said chapter forty-eight by adding thereto a new article, designated article two-c, all relating to domestic violence and the funding of shelters and programs; assessing additional fifteen dollar marriage license fee to be paid into special revenue account; stating legislative purpose; defining terms; creating family protection subcommittee to governor's committee on crime, delinquency and corrections; outlining certain duties of the governor's committee on crime, delinquency and corrections and the family protection subcommittee; establishing requirement for funding applications; establishing criteria for awarding funds; requiring annual reports of shelters, programs and the subcommittee; directing the governor's committee to seek funds and assistance from other agencies; and requiring law-enforcement and other public officers to refer certain persons to shelters and programs.

Be it enacted by the Legislature of West Virginia:

That article one, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-four; and that said chapter forty-eight be amended by adding thereto a new article, designated article two-c, all to read as follows:

ARTICLE 1. MARRIAGE.

§48-1-24. Additional fee to be collected for each marriage license issued.

1 In addition to any fee heretofore established for the
2 issuance of a marriage license, the county clerk shall collect a
3 sum of fifteen dollars for each marriage license issued which
4 additional sum shall be paid into a special revenue account of
5 the state treasury to be dispersed to local family protection
6 shelters as provided in article two-c of this chapter.

ARTICLE 2C. FAMILY PROTECTION SHELTER SUPPORT ACT.

§48-2C-1. Purpose.

1 The Legislature hereby declares its intent to assist local
2 communities in maintaining shelters to provide services and
3 to house and care for, on a temporary basis, victims of
4 domestic violence or abuse and their children.

§48-2C-2. Definitions.

1 As used in this article, unless the context clearly requires
2 otherwise:

3 (a) "Family protection program" or "program" means a
4 program offered by a locally controlled organization
5 comprised of concerned individuals organized primarily for
6 the purpose of providing shelter and services to victims of
7 domestic violence or abuse and their children,

8 (b) "Family protection shelter" or "shelter" means a
9 facility created for the purpose of receiving, on a temporary
10 basis, persons who are victims of domestic violence or abuse
11 and their children and for providing services to them, which
12 services may include counseling services where appropriate,

13 (c) "Family protection subcommittee" or "subcommittee"
14 means that subcommittee of the governor's committee on
15 crime, delinquency and corrections established pursuant to
16 section three of this article, and

17 (d) "Governor's committee" means the governor's
18 committee on crime, delinquency and corrections established
19 as a state planning agency by the provisions of section one,
20 article nine, chapter fifteen of this code.

§48-2C-3. Family protection subcommittee created; organization; special meetings; quorum.

1 (a) A subcommittee of the governor's committee on crime,
2 delinquency and corrections shall be created and assigned

3 primary responsibility for review and administration of
4 programs for the funding of family protection shelters and
5 programs. The subcommittee shall be comprised of five
6 members of the governor's committee who represent
7 consumers or the public-at-large. At least three of the
8 members of the subcommittee shall be persons identified in
9 their separate communities across the state for past and
10 continuing involvement in local activities promoting local
11 family protection shelters and programs.

12 (b) The subcommittee shall elect a chairperson and a
13 vice-chairperson. Special meetings may be held upon the call
14 of the chairperson or of a majority of the subcommittee
15 members. A majority of the members of the subcommittee
16 constitutes a quorum for the transaction of business.

§48-2C-4. Duties of governor's committee.

1 It is the duty of the governor's committee, upon
2 recommendation of the family protection subcommittee:

3 (a) To receive and consider applications for the
4 development and maintenance of shelters and to approve or
5 reject the same within forty-five days after receipt of
6 applications,

7 (b) To facilitate the formation and operation of the family
8 protection subcommittee,

9 (c) To distribute funds to a shelter within forty-five days
10 after approval of its proposal,

11 (d) To evaluate annually each shelter to determine its
12 compliance with the goals and objectives set out in its
13 original application for funding,

14 (e) To seek appropriate additional funding to supplement
15 the state appropriations for shelters and programs, and

16 (f) To award to shelters for each fiscal year a total sum
17 equal to no less than ninety-five percent of the total funds
18 collected and paid over during that fiscal year to the special
19 revenue account established pursuant to section twenty-four,
20 article one of this chapter and to expend during said period a
21 sum not in excess of five percent of said funds for costs of
22 administering the provisions of this article.

§48-2C-5. Funding application requirements.

1 (a) A shelter or program may apply to the governor's
2 committee for a grant of funds as provided by this article. The
3 application shall include all of the following:

4 (1) Evidence that the organization submitting the
5 application is incorporated in this state as a nonprofit
6 corporation,

7 (2) A list of the incorporators of the corporation and a list
8 of the officers and the board of directors,

9 (3) The proposed budget of the shelter or program for the
10 following fiscal year,

11 (4) A summary of the services proposed to be offered in
12 the following fiscal year by the shelter or program,

13 (5) An evaluation of local needs for a shelter or program,
14 and

15 (6) An estimate of the number of people to be served by
16 the shelter or program during the following fiscal year.

17 (b) In order to qualify for a grant of funds under this
18 article, each family protection shelter or program shall:

19 (1) Provide or propose to provide a facility which will
20 serve as temporary shelter to receive, care and provide
21 services for persons who are victims of domestic violence or
22 abuse and their children,

23 (2) Be incorporated in this state as a nonprofit corporation,

24 (3) Have a board of directors which represents the racial,
25 ethnic and socio-economic diversity of the community to be
26 served, including at least one person who is or has been a
27 victim of domestic violence or abuse,

28 (4) Receive at least sixty-five percent of its funds from
29 sources other than funds distributed under this article. These
30 sources may be public or private and may include
31 contribution of goods or services, and

32 (5) Require persons employed by or volunteering services
33 to the shelter or program to maintain the confidentiality of
34 any information which may identify individuals served by it.

35 (c) A family protection shelter or program may not be
36 funded initially if it is shown that it discriminates in its
37 services on the basis of race, religion, age, sex, marital status,
38 natural origin or ancestry. If such discrimination occurs after
39 initial funding, the shelter or program may not be refunded
40 until the discrimination ceases.

41 (d) A family protection shelter program may not be
42 refunded if its original application projected the provision of
43 residential services and such services were not provided in
44 the first six months following disbursement of the original
45 funds under this article: *Provided*, That upon a subsequent

46 showing that the funds were used in the manner proposed in
47 the original application, the shelter or program is not barred
48 from subsequent funding.

§48-2C-6. Award provisions.

- 1 Grants made pursuant to this article shall be awarded on
- 2 the basis of the following criteria:
- 3 (a) Demonstration of local need for proposed services,
- 4 (b) Merit of project as proposed,
- 5 (c) Demonstration of local control of the shelter or
- 6 program,
- 7 (d) Administrative design and efficiency of the project,
- 8 and
- 9 (e) No portion of the award granted shall be used for
- 10 salaries, wages or personal services.

§48-2C-7. Annual reports of shelter and programs.

- 1 A shelter or program receiving funds pursuant to this
- 2 article shall file an annual report with the subcommittee by
- 3 the thirty-first day of each October for the prior fiscal year.
- 4 The report shall include statistics on the number of persons
- 5 served, the relationship of the victim to the abuser, services
- 6 provided to the abuser, the number of referrals made for
- 7 medical, psychological, financial, educational, vocational,
- 8 child care or legal services and shall include the results of an
- 9 independent audit. No information contained in the report
- 10 may identify any person served by the shelter or enable any
- 11 person to determine the identity of any such person.

§48-2C-8. Governor's committee annual reports.

- 1 By the first day of January of each year, the subcommittee
- 2 shall submit to the governor and, upon request to members of
- 3 the Legislature, a report which shall contain, but not be
- 4 limited to, the following information:
- 5 (a) A summary of the work and activities of the governor's
- 6 committee and the subcommittee relating to administration
- 7 of this article during the preceding fiscal year,
- 8 (b) The number of persons treated or assisted by shelters
- 9 receiving funding through the governor's committee, and
- 10 (c) A listing of services or efforts organized to prevent the
- 11 potential for domestic violence or abuse as identified by the
- 12 subcommittee, the estimated annual costs of services to
- 13 prevent the potential for domestic violence, identification of

14 possible funding sources for such services and the projected
15 benefits of providing such services.

§48-2C-9. Referral to shelters.

1 Where shelters are available, any law-enforcement officer or
2 any public authority investigating an alleged incident of
3 domestic violence shall advise the person subject to abuse of
4 the availability of the family protection shelter to which such
5 person may be admitted.

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

R. P. Bayler
Chairman Senate Committee

Sam E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1981.

Todd C. Kules
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Thomas A. Blanton
President of the Senate

James H. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *29*

day of *April*, 1981.

John R. Rhyne
Governor

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