

No: 1558

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OFFICE OF THE GOVERNOR

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

— ● —

# ENROLLED

Com. Sub. for  
HOUSE BILL No. 1558

(By ~~MR.~~ Del. Huss & Del. Casey)

— ● —

Passed March 10, 1984

In Effect Ninety Days From Passage



**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**H. B. 1558**

(By DELEGATE SLUSS and DELEGATE CASEY)

[Passed March 10, 1984; in effect ninety days from passage.]

AN ACT to amend article five, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eighteen, relating to after-care plans for children committed to certain institutions and facilities; providing for preparation and submission of a plan to the committing court forty-five days prior to the child's discharge; specifying contents of plan; requiring comments by probation officers or community mental health facility personnel within twenty-one days receipt of the plan and providing for comments by interested persons within twenty-one days; providing a hearing and waiver thereof and an order adopting the plan as submitted or as modified; and imposing additional duties and responsibilities upon probation officers and other persons.

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

That article five, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eighteen, to read as follows:

**ARTICLE 5. JUVENILE PROCEEDINGS.**

**§49-5-18. After-care plans; submission to the court; comments to be submitted; hearing on the plan and adoption thereof.**

- 1     (a) Forty-five days prior to the discharge of a child from

2 any institution or facility pursuant to subdivision five, six or  
3 seven, subsection (b), section thirteen of this article, the  
4 director of such institution or facility shall have prepared and  
5 shall forward to the committing court a copy of the child's  
6 proposed after-care plan. Copies of the plan shall also be  
7 sent to: (1) The child's parents, if any, or legal guardian if the  
8 child is not living with his parents, (2) the child's lawyer,  
9 (3) the child's probation officer or community mental health  
10 center professional, and (4) the prosecuting attorney of the  
11 county in which the original commitment proceedings were  
12 held.

13 (b) The after-care plan shall contain a detailed description  
14 of the training, schooling, counseling and treatment received  
15 while at the institution or facility and the same proposed for  
16 the child upon his discharge. The plan shall describe any  
17 problems the child may have, the source of those problems  
18 and describe how those problems will be addressed by the  
19 after-care plan. Attached to the plan shall be a list of the  
20 persons who are to receive copies of this plan.

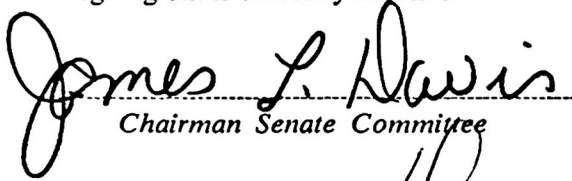
21 (c) Within twenty-one days of the receipt of the plan, the  
22 child's probation officer or community mental health center  
23 professional shall, and any other person who received a copy of  
24 the plan pursuant to subsection (a) of this section may, submit  
25 written comments concerning the plan to the court: *Provided*,  
26 That if any person does submit comments upon the plan, he  
27 shall also send copies of those comments to every other per-  
28 son who received a copy of the plan pursuant to subsection (a)  
29 of this section from the director.

30 (d) Within the twenty-one days provided in subsection (c)  
31 of this section it shall be the responsibility and duty of the  
32 child's probation officer or the community mental health  
33 center professional who receives a copy of the after-care plan  
34 to contact all other persons, organizations and agencies to be  
35 involved in executing the plan and to determine whether such  
36 persons, organizations and agencies are capable of and will be  
37 adequately prepared to execute the provisions of the plan:  
38 *Provided*, That if a hearing is held to discuss the plan as  
39 provided in subsection (e) of this section, representatives of

40 such persons, organizations or agencies may be required to  
41 appear unless excused by the court.

42 (e) The judge to whom the plan was sent shall within  
43 forty-five days of receipt of the plan schedule and hold a  
44 hearing to consider the plan including any comments or ob-  
45 jections submitted in response thereto: *Provided*, That if no  
46 adverse comments or objections are submitted, a hearing  
47 need not be held. The court shall consider the after-care plan as  
48 submitted and shall within five days of the hearing or within  
49 forty-five days of the receipt of the plan if no hearing is held  
50 issue an order which adopts the plan as submitted or as  
51 modified in response to comments and objections: *Provided*,  
52 *however*, That the plan as adopted by order of the court shall  
53 be in the best interests of the child and be in conformity with  
54 the state's interest in youth as embodied in subsection (b),  
55 section thirteen of this article: *Provided further*, That the  
56 court shall appoint either the child's probation officer or a  
57 community health center professional to act as supervisor  
58 of the plan, which supervisor shall make a report commenting  
59 on the progress of the child to the court every sixty days or  
60 until the court shall determine that no such report is necessary  
61 or that after-care is no longer needed.

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

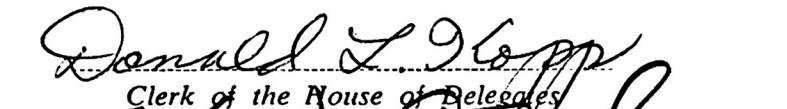
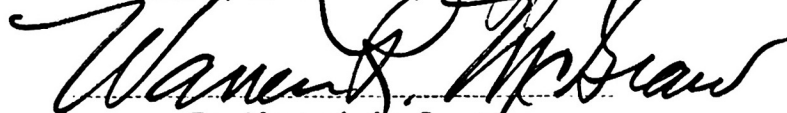
  
Chairman Senate Committee

  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates  
  
President of the Senate

  
Speaker House of Delegates

The within incorporated this the 30  
day of March, 1984.

  
Governor

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SECY. OF STATE