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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

— ● —

ENROLLED

Com. Sub. For
HOUSE BILL No. 2847

(By Mr. Dels. Douglas and Staton)

— ● —

Passed March 9, 1991

In Effect Ninety days From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2897
(By DELEGATES DOUGLAS AND STATON)

[Passed March 9, 1991; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article five, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to noncustodial counseling of a child and his or her parent or guardian.

Be it enacted by the Legislature of West Virginia:

That section three, article five, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5. JUVENILE PROCEEDINGS.

§49-5-3. Noncustodial counseling of a child.

1 The court at any time, or the state department or
2 other official upon a request from a parent, guardian,
3 or custodian, may, without institution of proceedings
4 under this article, refer a child alleged to be delinquent
5 to a counselor at the state department or a community
6 mental health center or other professional counselor in
7 the community. In the event the child refuses to respond
8 to such reference the state department may serve a
9 notice by first-class mail or personal service of process
10 upon the child, setting forth the facts and stating that
11 the department will seek a noncustodial order from the

12 court directing the child to submit to counseling. The
13 notice shall set forth the time and place for the hearing
14 on the matter. The court or referee after hearing may
15 direct the child to participate in a noncustodial period
16 of counseling not to exceed six months. Upon recommen-
17 dation of the department, and with the consent of the
18 child's parent or guardian, the court or referee may also
19 allow the participation of such parent or guardian in
20 said counseling. No information obtained as the result
21 of such counseling shall be admissible in a subsequent
22 proceeding under this article except a dispositional
23 proceeding.

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

Somer Duck
Chairman Senate Committee

Ernest C. Yancey
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Harold E. McKinnon
Clerk of the Senate

Donald L. Hopp
Clerk of the House of Delegates

Keith F. Smith
President of the Senate

BBPCCR
Speaker of the House of Delegates

The within *is approved* this the *27th*
day of *March*, 1991.

Yaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/91

Time 4:50 pm