

SB 479

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



## ENROLLED

*Committee Substitute For*  
SENATE BILL NO. 479

(By Senator WALKER, ET AL)



PASSED MARCH 10, 1999

In Effect SIXTY Days From Passage

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OFFICE OF THE CLERK OF THE SENATE  
STATE OF WEST VIRGINIA

## ENROLLED

COMMITTEE SUBSTITUTE

FOR

### Senate Bill No. 479

(SENATORS WALKER, BAILEY, FANNING  
AND KESSLER, *original sponsors*)

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[Passed March 10, 1999; in effect ninety days from passage.]

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AN ACT to amend article one, 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 five, relating to limiting judicial imposition to require acceptance of children by child welfare agencies in excess of the facility's licensed capacity; authorizing facilities to refuse a child under certain circumstances; and authorizing facilities to decline to make accommodations when at capacity.

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

That article one, 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 five, to read as follows:

**ARTICLE 1. PURPOSES; DEFINITIONS.**

**§49-1-5. Limitation on out of home placement.**

1 Before any child may be directed for placement in a  
2 particular facility or for services of a child welfare agency  
3 licensed by the department, a court shall make inquiry  
4 into the bed space of the facility available to accommodate  
5 additional children and the ability of the child welfare  
6 agency to meet the particular needs of the child. A court  
7 shall not order the placement of a child in a particular  
8 facility if it has reached its licensed capacity. Further, a  
9 child welfare agency is not required to accept placement  
10 of a child at a particular facility if the facility remains at  
11 licensed capacity or is unable to meet the particular needs  
12 of the child. A child welfare agency is not required to  
13 make special dispensation or accommodation, reorganize  
14 existing child placement, or initiate early release of  
15 children in placement to reduce actual occupancy at the  
16 facility.

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

*[Signature]*

Chairman Senate Committee

*[Signature]*

Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

*[Signature]*

Clerk of the Senate

*[Signature]*

Clerk of the House of Delegates

*[Signature]*

President of the Senate

*[Signature]*

Speaker House of Delegates

The within *approved* this the *24th*  
Day of *March*, 19*08*

*[Signature]*

Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/99

Time 11:06 am