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 NINETY Days From Passage
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 particular facility or for services of a child welfare agency licensed by the department, a court shall make inquiry into the bed space of the facility available to accommodate additional children and the ability of the child welfare agency to meet the particular needs of the child. A court shall not order the placement of a child in a particular facility if it has reached its licensed capacity. Further, a child welfare agency is not required to accept placement of a child at a particular facility if the facility remains at licensed capacity or is unable to meet the particular needs of the child. A child welfare agency is not required to make special dispensation or accommodation, reorganize existing child placement, or initiate early release of children in placement to reduce actual occupancy at the facility.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the Senate.

In 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........... this the 24th

Day of ........................., 1908

Governor
PRESENTED TO THE
GOVERNOR
Date 3/18/49
Time 11:06 AM