

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



ENROLLED

House Bill No. 4791

(By Delegates Staton, Hines, C. White,
L. White, Mahan, Capito and Wills)



Passed March 11, 2000

In Effect Ninety Days from Passage

ENROLLED

H. B. 4791

(BY DELEGATES STATON, HINES, C. WHITE,
L. WHITE, MAHAN, CAPITO AND WILLS)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend article six, 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 ten-a, relating to resolution of disputes between prosecuting attorneys and the department of health and human resources in child abuse and neglect cases; and clarifying a prosecutor's ability to file an abuse or neglect petition independently of the department.

Be it enacted by the Legislature of West Virginia:

That article six, 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 ten-a, to read as follows:

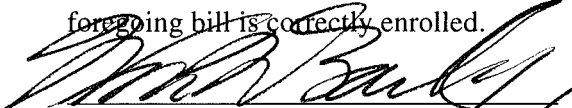
ARTICLE 6. PROCEDURE IN CASES OF CHILD NEGLECT OR ABUSE.

§49-6-10a. Dispute resolution.

1 (a) Whenever, pursuant to the provisions of this article, a
2 prosecuting attorney acts as counsel for the department of
3 health and human resources and a dispute arises between the
4 prosecuting attorney and the department's representative
5 because an action proposed by the other is believed to place the
6 child at imminent risk of abuse or serious neglect, either the
7 prosecuting attorney or the department's representative may
8 contact the secretary of the department and the executive
9 director of the West Virginia prosecuting attorneys institute for
10 prompt mediation and resolution. The secretary may designate
11 either his or her general counsel or the director of social
12 services to act as his or her designee and the executive director
13 may designate an objective prosecuting attorney as his or her
14 designee.

15 (b) Nothing in this code shall be construed to limit the
16 authority of a prosecuting attorney to file an abuse or neglect
17 petition, including the duties and responsibilities owed to its
18 client the department of health and human resources, in his or
19 her fulfillment of the provisions of chapter forty-nine, article
20 six of this code.

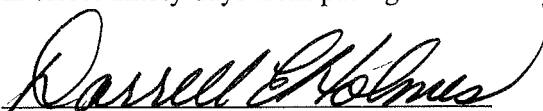
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

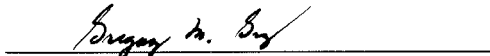

Chairman Senate Committee



Chairman House Committee


Originating in the House.

In effect ninety days from passage.

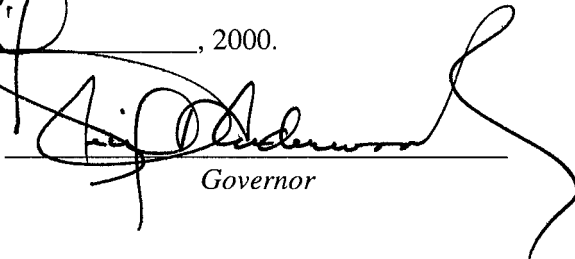

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 5th
day of April, 2000.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/31/00

Time 3:50pm