

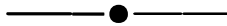
FILED

2004 MAR 25 P 4:11

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



ENROLLED

House Bill No. 4598

(By Delegates Mahan, Amores and Palumbo)



Passed March 10, 2004

In Effect Ninety Days from Passage

FILED

2004 MAR 25 P 4: 11

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

H. B. 4598

(BY DELEGATES MAHAN, AMORES AND PALUMBO)

[Passed March 10, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §49-1-5 of the code of West Virginia, 1931, as amended, relating to restricting courts from requiring conditions on the out-of-home placement of children inconsistent with existing licensing regulations.

Be it enacted by the Legislature of West Virginia:

That §49-1-5 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

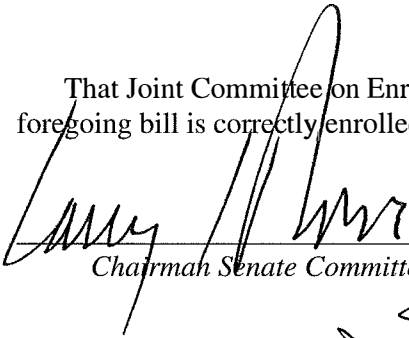
ARTICLE 1. PURPOSES; DEFINITIONS.

§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 into the
4 bed space of the facility available to accommodate additional
5 children and the ability of the child welfare agency to meet the
6 particular needs of the child. A court shall not order the
7 placement of a child in a particular facility if it has reached its

8 licensed capacity or order conditions on the placement of the
9 child which conflict with licensure regulations applicable to the
10 facility promulgated pursuant to the provisions of article two-b
11 of this chapter and articles one-a, nine and seventeen, chapter
12 twenty-seven of this code. Further, a child welfare agency is not
13 required to accept placement of a child at a particular facility if
14 the facility remains at licensed capacity or is unable to meet the
15 particular needs of the child. A child welfare agency is not
16 required to make special dispensation or accommodation,
17 reorganize existing child placement, or initiate early release of
18 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.



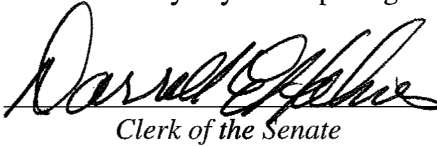
Chairman Senate Committee



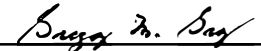
Chairman House Committee

Originating in the House.

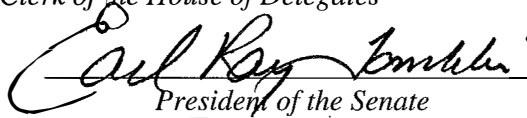
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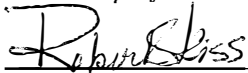
Clerk of the Senate



Clerk of the House of Delegates

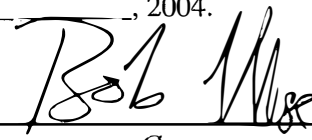


President of the Senate



Speaker of the House of Delegates

The within is approved this the 25th
day of March, 2004.



Governor

PRESENTED TO THE

GOVERNOR

DATE 3/19/04

TIME 3:00 p.m.