

WEST VIRGINIA LAW

§49-6E-1. Accepting possession of certain abandoned children.

A hospital or health care facility operating in this state, shall, without a court order, take possession of a child if the child is voluntarily delivered to the hospital or health care facility by the child's parent within thirty days of the child's birth and the parent did not express an intent to return for the child. A hospital or health care facility that takes possession of a child under this section shall perform any act necessary to protect the physical health or safety of the child. In accepting possession of the child, the hospital or health care facility may not require the person to identify themselves, but shall otherwise respect the person's desire to remain anonymous.

§49-6E-2. Notification of possession of abandoned child.

(a) Not later than the close of the first business day after the date on which a hospital or health care facility takes possession of a child under section one of this article, the hospital or health care facility shall notify the child protective services division of the department of health and human resources that it has taken possession of the child and shall provide to the department of health and human resources division of child protective services any information provided by the parent delivering the child. The hospital or health care facility shall refer any inquiries about the child to the department of health and human resources protective services division.

(b) The department of health and human resources shall assume the care, control and custody of the child as of the time of delivery of the child to the hospital or health care facility, and may contract with private child care agency for the care and placement of the child after the child leaves the hospital or health care facility.

§49-6E-3. Filing petition after accepting possession of abandoned child.

A child of whom the department of health and human resources assumes care, control and custody under the provisions of this article shall be deemed an abandoned child and be treated in all respects as a child taken into custody under the provisions of section nine, article six of this chapter. Upon taking custody of a child under the provisions of this article, the department with the cooperation of the county prosecuting attorney shall cause a petition to be presented pursuant to the provisions of section three, article six of this chapter. Thereafter, the department shall proceed in compliance with the provisions of article six of this chapter.

§49-6E-4. Affirmative defense for certain prosecutions.

It is an affirmative defense to prosecution under subsection (a), section four, article eight-d, chapter sixty-one of this code if a parent charged under that section delivered the child, for whom the parent is charged, within thirty days of the child's birth.

§49-6E-5. Placement of child for adoption.

The child shall be eligible for adoption as an abandoned child under article four, chapter forty-eight of the code.