

**H. B. 2263**

(By Delegate Cowles)

[Introduced January 23, 2015; referred to the  
Committee on the Judiciary.]

A BILL to amend and reenact §49-7-26 of the Code of West Virginia, 1931, as amended, relating to the responsibilities of prosecuting attorneys when representing the Department of Health and Human Resources.

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

That §49-7-26 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 7. GENERAL PROVISIONS.**

**§49-7-26. Duty of prosecuting attorney.**

The prosecuting attorney shall render to the State Department of ~~welfare~~ Health and Human Resources, without additional compensation, such legal services as the department may require. This section ~~shall not be construed to~~ does not prohibit the department from developing plans for cooperation with courts, prosecuting attorneys, and other law-enforcement officials in ~~such~~ a manner as to permit the state and its citizens to obtain maximum fiscal benefits under federal laws, rules and

1 regulations. The prosecuting attorney maintains all individual authority and responsibility enjoyed  
2 by every other attorney-client relationship. Prosecuting attorneys have the right and responsibility  
3 to represent the public interest in protecting abused and neglected children when their position  
4 conflicts with that of the department.

NOTE: The purpose of this bill is to add language to the West Virginia Code to provide guidance for prosecuting attorneys in cases involving abused and neglected children.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.