

ARTICLE 525
Minors

<p>525.01 Contributing to delinquency or neglect of minor.</p> <p>525.02 Cruelty to children.</p> <p>525.03 Parental liability for acts of children.</p>	<p>525.04 Abandoned airtight containers.</p> <p>525.05 Tobacco usage restrictions.</p> <p>525.06 Curfew.</p> <p>525.99 Penalty.</p>
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CROSS REFERENCES

See sectional histories for similar State law
 Delinquent child defined - see W. Va. Code 49-1-4
 Jurisdiction of municipal court - see W. Va. Code
 49-5-1(b)
 Contributing to delinquency of minor - see W. Va. Code
 49-7-7 et seq.

525.01 CONTRIBUTING TO DELINQUENCY OR NEGLECT OF MINOR.

No person shall by any act or omission contribute to, encourage or tend to cause the delinquency or neglect of any child, including, but not limited to, aiding or encouraging any such child to habitually or continually refuse to respond, without just cause, to the lawful supervision of such child's parent, guardian or custodian or to be habitually absent from school without just cause.

(WVaC 49-7-7)

525.02 CRUELTY TO CHILDREN.

No person shall cruelly ill treat, abuse or inflict unnecessary cruel punishment upon, any infant or minor child, and no person, having the care, custody or control of any minor child, shall willfully abandon or neglect the minor child.

In addition to any penalty provided under this section and any restitution which may be ordered by the court, the court may order any person convicted under the provisions of this section to pay all or any portion of the cost of medical, psychological or psychiatric treatment of the victim, the need for which results from the act or acts for which the person is convicted, whether or not the victim is considered to have sustained bodily injury.

(WVaC 61-8-24)

525.03 PARENTAL LIABILITY FOR ACTS OF CHILDREN.

The custodial parent or parents of any minor child shall be personally liable in an amount not to exceed that specified in West Virginia Code 55-7A-2 for damages which are the proximate result of any one or a combination of the following acts of the minor child:

- (a) The malicious and willful injury to the person of another; or
- (b) The malicious and willful injury or damage to the property of another, whether the property be real, personal, or mixed; or
- (c) The malicious and willful setting fire to a forest or wooded area belonging to another; or
- (d) The willful taking, stealing and carrying away of the property of another, with the intent to permanently deprive the owner of possession.

For purposes of this section, "custodial parent or parents" means the parent or parents with whom the minor child is living, or a divorced or separated parent who does not have legal custody but who is exercising supervisory control over the minor child at the time of the minor child's act.

Persons entitled to recover damages under this section shall include, but are not limited to, the State, any municipal corporation, county commission and board of education, or other political subdivision of this State or any person or organization of any kind or character. The action may be brought in magistrate or another court of competent jurisdiction. Recovery hereunder shall be limited to the actual damages, based upon direct out-of-pocket loss, taxable court costs, and interest from date of judgment. The right of action and remedy granted herein shall be in addition to and not exclusive of any rights of action and remedies therefor against a parent or parents for the tortious acts of his or their children heretofore existing under the provisions of any law, statutory or otherwise, or now so existing independently of the provisions of this section.

(WVaC 55-7A-2)

525.04 ABANDONED AIRTIGHT CONTAINERS.

No person shall abandon any refrigerator or food freezer appliance or other airtight appliance having a height or length of greater than two feet without first removing all entry doors therefrom. (WVaC 61-2-26)

525.05 TOBACCO USAGE RESTRICTIONS.

(a) Sale or Gift of Tobacco to Persons Under Eighteen. No person, firm, corporation or business entity may sell, give or furnish, or cause to be sold, given or furnished, to any person under the age of eighteen years:

- (1) Any pipe, cigarette paper or any other paper prepared, manufactured or made for the purpose of smoking any tobacco or tobacco product; or
- (2) Any cigar, cigarette, snuff, chewing tobacco or tobacco product, in any form.

(b) Any firm or corporation that violates any provision of subsection (a)(1) or (2) hereof and any individual who violates any provision of subsection (a)(1) hereof shall be fined twenty-five dollars (\$25.00) for the first offense. Upon any subsequent violation at the same location or operating unit, the firm, corporation or individual shall be fined as follows: at least one hundred dollars (\$100.00) but not more than two hundred dollars (\$200.00) for the second offense, if it occurs within two years of the first conviction; at least two hundred fifty dollars (\$250.00) but not more than five hundred dollars (\$500.00) for the third offense, if it occurs within two years of the first conviction; at least two hundred fifty dollars (\$250.00) but not more than five hundred dollars (\$500.00) for the fourth offense, if it occurs within five years of the first conviction; and at least one thousand dollars (\$1,000) but not more than five thousand dollars (\$5,000) for the fifth and any subsequent offenses, if the fifth or subsequent offense occurs within five years of the first conviction.

(c) Any individual who knowingly and intentionally sells, gives or furnishes or causes to be sold, given or furnished to any person under the age of eighteen years any cigar, cigarette, snuff, chewing tobacco or tobacco product, in any form, for the first offense shall be fined not more than one hundred dollars (\$100.00); upon conviction thereof for a second or subsequent offense shall be fined not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00). (WVaC 16-9A-2)

(d) Use or Possession of Tobacco by Persons Under the Age of Eighteen Years. No person under the age of eighteen years shall have on or about his or her person or premises or use any cigarette, or cigarette paper or any other paper prepared, manufactured or made for the purpose of smoking any tobacco products, in any form; or, any pipe, snuff, chewing tobacco or tobacco product; provided, that minors participating in the inspection of locations where tobacco products are sold or distributed pursuant to West Virginia Code 16-9A-7 shall not be deemed to violate the provisions of this subsection (d). Any person violating the provisions of this subsection (d) shall for the first violation be fined twenty-five dollars (\$25.00) and be required to serve eight hours of community service; for a second violation, the person shall be fined fifty dollars (\$50.00) and be required to serve sixteen hours of community service; and for a third and each subsequent violation, the person shall be fined one hundred dollars (\$100.00) and be required to serve twenty-four hours of community service.
(WVaC 16-9A-3)

525.06 CURFEW.

Any child under sixteen years of age found loitering in or upon any streets, highways or other public places within the corporate limits of the Town after 10:00 p.m., shall be delivered to his parents, guardians or person having the legal custody of such child, and a report thereof made to the Chief of Police of the Town, who shall make a record thereof in a book kept for that purpose.
(1969 Code 18-5-8.)

525.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for general Code penalty if no specific penalty is provided.)

Whoever violates Section 525.04 shall be fined not more than two hundred dollars (\$200.00).