WEST VIRGINIA LEGISLATURE REGULAR SESSION, 1971

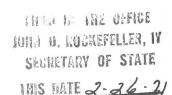
ENROLLED

HOUSE BILL No. 724

(By Mr. STEPTOE)

PASSED FEBRUARY 19, 1971

In Effect NINETY DAYS FROM Passage



724

ENROLLED House Bill No. 724

(By Mr. STEPTOE)

[Passed February 19, 1971; in effect ninety days from passage.]

AN ACT to amend and reenact section eight, article ten, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to income and corpus of estates of infant wards.

Be it enacted by the Legislature of West Virginia:

That section eight, article ten, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 10. GUARDIANS AND WARDS.

§44-10-8. Disbursements and expenditures by guardians from income and corpus of estates of infant wards.

- 1 No disbursements, beyond the annual income of the
- 2 ward's estate, shall be allowed to any guardian where
- 3 the deed or will, under which the estate is derived, does

4 not authorize it, unless the same shall have been authorized by the circuit court of the county in which the guardian was appointed or qualified. Any guardian, who may desire to spend more than the annual income of his ward's estate for any purpose, shall file in such circuit court a petition, verified by his oath, setting forth the reasons why it is necessary to make such expenditures, to which petition the ward shall be made defendant. The court shall appoint a guardian ad litem for the ward, 13 who shall answer such petition, be present at the hear-14 ing, and represent the infant. Five days' notice shall be 15 given to the defendant before such petition can be heard. At the hearing the evidence may be taken orally, and the court, if satisfied that such expenditure would be judicious and proper, may grant the prayer of the petition. Such petition may be filed and heard before the 20 judge of such court in vacation as well as in term time. In the settlement of the guardian's accounts no credit shall be allowed him by the commissioner of accounts or the court for expenditures for his ward, except for 24 expenditures of the annual income of his ward's estate and for expenditures of such amounts of the principal of the ward's personal estate as shall have been authorized by the court as provided by this section: Provided, however, That if the personal estate in the hands of the guardian does not exceed in amount the sum of three thousand dollars, disbursement may be made by the guardian from the corpus of such personal estate for the ward's maintenance and education, after first securing the written approval so to do of and from the commissioner of accounts to whom the settlement of the ward's estate was referred.

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

Chairman Senate Committee Originated in the House. Takes effect ninety days from passage. Clerk of the Senate Clerk of the House of Delegates President of the Senate Speaker House of Delegates The within M day of Governor

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