

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

ENROLLED

SENATE BILL No. 152

(By Mr. Mitchell)

PASSED March 7 1945

In Effect From Passage

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.



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Senate Bill No. 152
(By MR. MITCHELL)

[Passed March 7, 1945: in effect from passage.]

AN ACT to amend and reenact sections one, eight and twelve, article fifteen, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, relating to the appointment of committees and guardians of incompetent and minor beneficiaries who have heretofore or who hereafter may receive benefits from the United States or any bureau or agency thereof; and the administration of the assets of such beneficiaries and the accountings of committees and guardians.

Be it enacted by the Legislature of West Virginia:

That sections one, eight and twelve, article fifteen, chapter

forty-four of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 1. *Scope of Article.*—Whenever, pursuant to
2 any law of the United States or regulation of any bureau
3 or agency thereof, the appointment of a guardian or com-
4 mittee to act in a fiduciary capacity for any person is
5 required prior to payment of benefits, pensions, compen-
6 sation for service or for any other reason for which pay-
7 ments are due to such person from the government of
8 the United States or any bureau or agency thereof,
9 the United States, or the chief officer of any such bureau
10 or agency of the government, shall be a party in interest
11 in any proceeding for the appointment or removal of a
12 committee or of a guardian or for the removal of the
13 disability of minority or mental incapacity of a ward,
14 or in any suit or other proceeding affecting in any manner
15 the administration by the committee or the guardian of
16 the estate of any ward whose estate includes assets de-
17 rived in whole or in part from benefits heretofore or here-
18 after paid by the United States, or any bureau or agency

19 thereof. Not less than fifteen days prior to the hearing
20 in such matter notice in writing of the time and place
21 thereof shall be given by mail (unless waived in writing)
22 to the office of the United States, or any bureau or agency
23 thereof having jurisdiction in such matters over the area
24 in which any such suit or proceeding is pending.

25 Whenever, pursuant to any law of the United States
26 or regulation of any bureau or agency thereof it is neces-
27 sary, prior to the payment of benefits, that a committee
28 or guardian be appointed, the appointment may be made
29 in the manner hereinafter provided.

Sec. 8. *Settlement of Accounts.*—Every guardian, who
2 shall receive on account of his ward any moneys from
3 the government of the United States or any agency there-
4 of, shall file with a commissioner of accounts annually,
5 on the anniversary date of the appointment, or within
6 thirty days thereafter, in addition to such other accounts
7 as may be required, a full, true, and accurate account
8 under oath of all moneys so received by him, of all dis-
9 bursements thereof, and showing the balance thereof
10 in his hands at the date of such account and how invested:

11 *Provided*, That in cases where the income received by
12 the committee or guardian does not average annually
13 more than three hundred dollars, the committee or
14 guardian may make his report of account to the com-
15 missioner once in every three years. A true copy of each
16 such account filed with such commissioner of accounts
17 shall be sent by such commissioner of accounts to the
18 office of the bureau or other agency of the government
19 having jurisdiction over the area in which such court is
20 located and from which payments are made. The com-
21 missioner of accounts shall fix a time and place for the
22 hearing on such account not less than fifteen nor more
23 than thirty days from the date of filing same, and notice
24 thereof shall be given by the commissioner of accounts
25 to the aforesaid bureau or other agency of the govern-
26 ment not less than fifteen days prior to the date fixed
27 for the hearing. Notice of such hearing shall in like man-
28 ner be given to the guardian.

Sec. 12. *Disbursements*.—A committee shall not apply
2 any portion of the income or the estate for the support
3 or maintenance of any person other than the ward, the

4 spouse and the minor children of the ward, except upon
5 petition to and prior order of the court after a hearing.
6 A signed duplicate or certified copy of said petition shall
7 be furnished the proper office of the United States or any
8 bureau or agency thereof and notice of hearing thereon
9 shall be given said office as provided in the case of hearing
10 on a committee's account or other pleading.

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

Charles C. Morris
Chairman Senate Committee

John G. ...
Chairman House Committee

Originated in the Senate

Takes effect from passage

Howard Hughes
Clerk of the Senate

Stiff
Clerk of the House of Delegates

Donald W. Pickens
President of the Senate

John E. Amos
Speaker House of Delegates

The within Approved this the 12th
day of March, 1945.

Robert M. ...
Governor.

Filed in the office of the Secretary of State
of West Virginia **MAR 12 1945**
Wm. S. O'BRIEN,
Secretary of State