

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

SENATE BILL No. 286

(By Mr. Love)



PASSED March 8, 1947

In Effect from Passage



286

**ENROLLED**  
**Senate Bill No. 286**

(By MR. LOVE)

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[Passed March 8, 1947; in effect from passage.]

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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 disbursements and expenditures by guardians from income and corpus of estates of infant wards.

**Article 10. Guardians and Ward.**

*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:

**Section 8. Disbursements and Expenditures by Guar-**  
2 *dians from Income and Corpus of Estates of Infant*  
3 *Wards.*—No disbursements, beyond the annual income of  
4 the ward's estate, shall be allowed to any guardian where  
5 the deed or will, under which the estate is derived, does

6 not authorize it, unless the same shall have been author-  
7 ized by the circuit court of the county in which the guar-  
8 dian was appointed or qualified. Any guardian, who may  
9 desire to spend more than the annual income of his ward's  
10 estate for any purpose, shall file in such circuit court a  
11 petition, verified by his oath, setting forth the reasons  
12 why it is necessary to make such expenditures, to which  
13 petition the ward shall be made defendant. The court  
14 shall appoint a guardian ad litem for the ward, who shall  
15 answer such petition, be present at the hearing, and rep-  
16 resent the infant. Five days' notice shall be given to the  
17 defendant before such petition can be heard. At the hear-  
18 ing the evidence may be taken orally, and the court, if  
19 satisfied that such expenditure would be judicious and  
20 proper, may grant the prayer of the petition. Such peti-  
21 tion may be filed and heard before the judge of such court  
22 in vacation as well as in term time. In the settlement of  
23 the guardian's accounts no credit shall be allowed him by  
24 the commissioner of accounts or the court for expenditures  
25 for his ward, except for expenditures of the annual in-  
26 come of his ward's estate and for expenditures of such

27 amounts of the principal of the ward's personal estate as  
28 shall have been authorized by the court as provided by  
29 this section: *Provided, however,* That, if the personal  
30 estate in the hands of the guardian does not exceed in  
31 amount the sum of one thousand dollars, disbursement  
32 may be made by the guardian from the corpus of such  
33 personal estate for the ward's maintenance and education,  
34 after first securing the written approval so to do of and  
35 from the commissioner of accounts to whom the settle-  
36 ment of the ward's estate was referred.

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

Forest L. McNear  
Chairman Senate Committee

R. J. Matthews  
Chairman House Committee

Originated in the Senate

Takes effect from passage.

Howard Meyer  
Clerk of the Senate

J. R. Pipp  
Clerk of the House of Delegates

Arnold M. Vickers  
President of the Senate

John E. Amos  
Speaker House of Delegates

The within approved this the 13  
day of March, 1947.

Clarence Medsaw  
Governor.



Filed in the Office of the Secretary of State  
of West Virginia MAR 13 1947  
Wm. S. O'Brien,  
SECRETARY OF STATE