

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



# ENROLLED

HOUSE BILL No. 58

(By Mr. Peters)



PASSED February 11, 1949

In Effect July 1, 1949 Passage



**ENROLLED**  
**House Bill No. 58**

(By MR. PETERS)

[Passed February 11, 1949; in effect July 1, 1949.]

AN ACT to amend and reenact section eight, chapter one hundred seventy-two, acts of the Legislature of West Virginia, regular session, one thousand nine hundred forty-seven, relating to the domestic relation court of Kanawha county.

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

That section eight, chapter one hundred seventy-two, acts of the Legislature of West Virginia, regular session, one thousand nine hundred forty-seven, be amended and reenacted to read as follows:

Section 8. *Terms of Court; Maturity of Causes; Procedure; Appointment of Probation Staff, Medical, Clerical, and Secretarial Assistants and Fixing Salaries.—For*  
2 *cedure; Appointment of Probation Staff, Medical, Cler-*  
3 *ical, and Secretarial Assistants and Fixing Salaries.—For*  
4 *the purpose of maturing, docketing, hearing and deter-*  
5 *mining all matters, suits, petitions and other proceedings*  
6 *properly determinable in the domestic relations court*

7 of Kanawha county there shall be regularly continued  
8 and held four terms of court each year, beginning on the  
9 second Monday in February, May, August and November.  
10 Special terms of said court may be called and held when-  
11 ever, in the discretion of the judge of the court, public  
12 interest requires such special terms. The judge of the  
13 court shall have like jurisdiction and authority, in va-  
14 cation of the court, to make and enter such proper orders  
15 in any matter, suit, action, petition or proceeding pending  
16 in the court as the judges of the circuit courts have un-  
17 der the laws of the state. All matters arising under  
18 the jurisdiction of the court, other than suits for divorce,  
19 separation and annulment of marriages, may be heard  
20 and determined either in term time or in vacation: *Pro-*  
21 *vided, however,* That proper notice of any such proceed-  
22 ings be given as provided by law for the particular case.  
23 The mode of procedure in causes instituted in this  
24 court shall be the same as that prescribed for the circuit  
25 court in similar causes. The court is authorized and  
26 empowered to appoint such additional officers, divorce  
27 commissioners, commissioners in chancery, special com-

28 missioners, jury commissioners, and probation officers,  
29 and such medical, clerical and secretarial assistance as  
30 shall enable the court to discharge all the duties required  
31 of it under the provision of this act, and the general laws  
32 of the state. The judge may appoint a chief probation  
33 officer, assistant probation officers, and necessary medi-  
34 cal, clerical, secretarial and other necessary assistants  
35 to be paid by the county court. Such appointments shall  
36 be made by the judge and the appointees shall serve  
37 during the pleasure of the judge.

38 The chief probation officer shall receive as compensa-  
39 tion for his or her services an annual salary of not less  
40 than twenty-four hundred dollars nor more than forty-  
41 eight hundred dollars to be determined by the judge.  
42 Assistant probation officers and medical assistants shall  
43 receive as compensation an annual salary of not less than  
44 two thousand dollars nor more than three thousand dol-  
45 lars to be determined by the judge. Clerical and secre-  
46 tarial assistants shall receive as compensation for his or  
47 her services an annual salary of not less than eighteen  
48 hundred dollars nor more than twenty-seven hundred

49 dollars to be determined by the judge. In addition to  
50 the annual salary herein provided for the chief probation  
51 officer and each assistant probation officer and medical  
52 assistants, they shall be reimbursed by the county court  
53 by reason of his or her necessary expenses actually in-  
54 curred in the performance of official duties including an  
55 allowance of seven cents a mile for his or her automobile  
56 driven in the performance of official duties. The appoint-  
57 ment of the chief probation officer, assistant probation  
58 officers, medical, clerical and secretarial assistants, when  
59 made by the judge, shall be entered on the order book of  
60 the court. A copy of the order of appointment shall be  
61 transmitted to the clerk of the county court. Thereupon,  
62 the county court shall make provision for payment and  
63 shall pay the salaries of the chief probation officer, as-  
64 sistant probation officers, medical, clerical and secretarial  
65 assistants as shown by the order of appointment. The  
66 annual salaries provided for in said order of appointment  
67 shall be paid in equal monthly installments. Expenses  
68 and mileage accounts of the chief probation officer, as-  
69 sistant probation officers, and medical assistants shall

70 be itemized and verified and presented to and paid by  
71 the county court, if such accounts are approved by the  
72 judge. The county court shall provide such office space,  
73 equipment and supplies for the probation staff, clerical,  
74 secretarial and medical assistants as the judge shall deem  
75 necessary and adequate.

76 The judge shall maintain a political balance between  
77 the two major political parties of Kanawha county in  
78 his appointments of divorce commissioners, commission-  
79 ers in chancery and special commissioners, so that at no  
80 time will the number of either divorce commissioners or  
81 commissioners in chancery or of special commissioners  
82 of one political affiliation exceed by more than one the  
83 number of such commissioners affiliated with the other  
84 major political party of the county. The court shall make  
85 provision for reference of such divorce and other mat-  
86 ters as may be proper from time to time to said commis-  
87 sioners in rotation so as to effect, in so far as practicable,  
88 an equitable distribution of work between and among  
89 them. The judge of the court shall have power to make  
90 and promulgate such rules for the transaction of the

91 business of the court as may be necessary: *Provided*, That  
92 all such rules shall be in conformity with the laws of  
93 the state of West Virginia and with any rules promul-  
94 gated by the supreme court of appeals of this state.

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

*Joseph L. Menden*  
Chairman Senate Committee

*W. M. Matthews*  
Chairman House Committee

Originated in the House of Delegates

Takes effect July 1, 1949 ~~passage.~~

*Thomas L. C. ...*  
Clerk of the Senate

*J. A. ...*  
Clerk of the House of Delegates

*Franklin D. ...*  
President of the Senate

*W. B. ...*  
Speaker House of Delegates

The within approved this the 16th  
day of February, 1949.

*Okey L. Pattison*  
Governor.



Filed in the Office of the Secretary of State

of West Virginia

**FEB 16 1949**

**D. PITT O'BRIEN,**

**SECRETARY OF STATE**