

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951



ENROLLED

HOUSE BILL No. 422

(By Mr. ~~March 9~~, Bowles)



PASSED March 9, 1951

In Effect 90 days from Passage



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House Bill No. 422

(By MR. BOWLES)

[Passed March 9, 1951; in effect ninety days from passage.]

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

Be it enacted by the Legislature of West Virginia:

That section eight, chapter one hundred forty-eight, acts of the Legislature, regular session, one thousand nine hundred forty-nine, 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 the purpose of maturing, docketing, hearing and determining all matters, suits, petitions and other proceedings properly determinable in the domestic relations court of Kanawha county there shall be regularly continued and held four terms of court each year, beginning on the second

9 Monday in February, May, August and November. Special
10 terms of said court may be called and held whenever, in
11 the discretion of the judge of the court, public interest
12 requires such special terms. The judge of the court shall
13 have like jurisdiction and authority, in vacation of the
14 court, to make and enter such proper orders in any mat-
15 ter, suit, action, petition or proceeding pending in the
16 court as the judges of the circuit courts have under the
17 laws of the state. All matters arising under the jurisdic-
18 tion of the court, other than suits for divorce, separation,
19 annulment of marriages and affirmation of marriages, may
20 be heard and determined either in term time or in vaca-
21 tion: *Provided, however,* That proper notice of any such
22 proceedings be given as provided by law for the particular
23 case.

24 The mode of procedure in cases instituted in this court
25 shall be the same as that prescribed for the circuit court
26 in similar causes. The court is authorized and empowered
27 to appoint such additional officers, divorce commissioners,
28 commissioners in chancery, special commissioners, jury
29 commissioners, and probation officers, and such medical,

30 clerical and secretarial assistance as shall enable the court
31 to discharge all the duties required of it under the pro-
32 vision of this act, and the general laws of the state. The
33 judge may appoint a chief probation officer, assistant pro-
34 bation officers, and necessary medical, clerical, secretarial
35 and other necessary assistants to be paid by the county
36 court: *Provided*, That the appointing judge shall first ob-
37 tain the approval of the county court of Kanawha county
38 of the expenses to be incurred and the salary or salaries
39 to be paid the probation officers and clerical assistants,
40 which approval shall be discretionary with said county
41 court and shall be required before any appointment made
42 hereunder becomes effective or any expense is incurred
43 in connection therewith. Such appointments shall be made
44 by the judge and the appointees shall serve during the
45 pleasure of the judge.

46 The chief probation officer shall receive as compensa-
47 tion for his or her services an annual salary of not less
48 than thirty-six hundred dollars nor more than fifty-four
49 hundred dollars to be determined by the judge. Assistant
50 probation officers and medical assistants shall receive as

51 compensation an annual salary of not less than twenty-
52 four hundred dollars nor more than forty-two hundred
53 dollars to be determined by the judge. Clerical and sec-
54 retarial assistants shall receive as compensation for his
55 or her services an annual salary of not less than twenty-
56 one hundred dollars nor more than three thousand dollars
57 to be determined by the judge. In addition to the annual
58 salary herein provided for the chief probation officer and
59 each assistant probation officer and medical assistants,
60 they shall be reimbursed by the county court by reason
61 of his or her necessary expenses actually incurred in the
62 performance of official duties including an allowance of
63 seven cents a mile for his or her automobile driven in the
64 performance of official duties. The appointment of the
65 chief probation officer, assistant probation officers, medi-
66 cal and secretarial assistants, when made by the judge,
67 shall be entered on the law order book of the court. A
68 copy of the order of appointment shall be transmitted
69 to the clerk of the county court. Thereupon, the county
70 court shall make provision for payment and shall pay
71 the salaries of the chief probation officer, assistant proba-

72 tion officers, medical, clerical and secretarial assistants as
73 shown by the order of appointment. The annual salaries
74 provided for in said order of appointment shall be paid
75 in equal monthly installments. Expenses and mileage
76 accounts of the chief probation officer, assistant probation
77 officers, and medical assistants shall be itemized and veri-
78 fied and presented to and paid by the county court, if such
79 accounts are approved by the judge. The county court
80 shall provide such office space, equipment and supplies
81 for the probation staff, clerical, secretarial and medical
82 assistants as the judge shall deem necessary and adequate.

83 The judge shall maintain a political balance between
84 the two major political parties of Kanawha county in
85 his appointments of divorce commissioners, commission-
86 ers in chancery and special commissioners, so that at no
87 time will the number of either divorce commissioners or
88 commissioners in chancery or of special commissioners of
89 one political affiliation exceed by more than one the num-
90 ber of such commissioners affiliated with the other major
91 political party of the county. The court shall make pro-
92 vision for reference of such divorce and other matters

93 as may be proper from time to time to said commissioners
94 in rotation so as to effect insofar as practicable, an equit-
95 able distribution of work between and among them. The
96 judge of the court shall have power to make and promul-
97 gate such rules for the transaction of the business of the
98 court as may be necessary: *Provided*, That all such rules
99 shall be in conformity with the laws of the state of West
100 Virginia and with any rules promulgated by the supreme
101 court of appeals of this state.

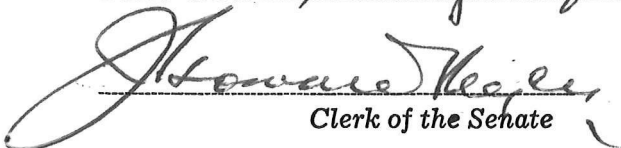
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

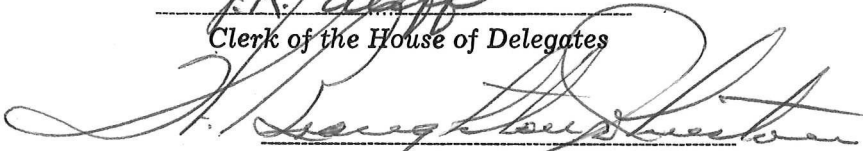

Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the 16th
day of March, 1951.


Governor



FILED IN THE OFFICE OF THE SECRETARY OF STATE
MAR 16 1951
D. PITT O'BRIEN,
SECRETARY OF STATE