

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1953



ENROLLED

HOUSE BILL No. 396

(By Mr. Brotherton)



PASSED March 14, 1953

In Effect Immediately from Passage



396

**ENROLLED**

**House Bill No. 396**

(By MR. BROTHERTON)

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[Passed March 14, 1953; in effect ninety days from passage.]

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AN ACT to amend and reenact section eight, chapter one hundred seventy-two, acts of the Legislature, regular session, one thousand nine hundred forty-seven, as last amended and reenacted by section eight, chapter two hundred seven, acts of the Legislature, regular session, one thousand nine hundred fifty-one, relating to the domestic relations 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, regular session, one thousand nine hundred forty-seven, as last amended and reenacted by section eight, chapter two hundred seven, acts of the Legislature, regular session, one thousand nine hundred fifty-one, be amended and reenacted to read as follows:

Section 8. *Terms of Court; Maturity of Causes; Pro-*

2 *cedure; Appointment of Probation Staff, Medical, Clerical,*  
3 *and Secretarial Assistants and Fixing Salaries.*—For the  
4 purpose of maturing, docketing, hearing and determining  
5 all matters, suits, petitions and other proceedings properly  
6 determinable in the domestic relations court of Kanawha  
7 county there shall be regularly continued and held four  
8 terms of court each year beginning on the second Monday  
9 in February, May, August and November. Special terms of  
10 said court may be called and held whenever, in the discre-  
11 tion of the judge of the court, public interest requires such  
12 special terms. The judge of the court shall have like juris-  
13 diction and authority, in vacation of the court, to make  
14 and enter such proper orders in any matter, suit, action,  
15 petition or proceeding pending in the court as the judges  
16 of the circuit courts have under the laws of the state. All  
17 matters arising under the jurisdiction of the court, other  
18 than suits for divorce, separation, annulment of marriages  
19 and affirmation of marriages, may be heard and deter-  
20 mined either in term time or in vacation: *Provided, how-*  
21 *ever,* That proper notice of any such proceedings be given  
22 as provided by law for the particular case.

23     The mode of procedure in cases instituted in this court  
24 shall be the same as that prescribed for the circuit court  
25 in similar causes. The court is authorized and empowered  
26 to appoint such additional officers, divorce commissioners,  
27 commissioners in chancery, special commissioners, jury  
28 commissioners, and probation officers, and such medical,  
29 clerical and secretarial assistance as shall enable the court  
30 to discharge all the duties required of it under the pro-  
31 vision of this act, and the general laws of the state. The  
32 judge may appoint a chief probation officer, assistant pro-  
33 bation officers, and necessary medical, clerical, secretarial  
34 and other necessary assistants to be paid by the county  
35 court. Such appointments shall be made by the judge and  
36 the appointees shall serve during the will and pleasure of  
37 the judge.

38     The chief probation officer shall receive as compensation  
39 for his or her services an annual salary of not less than  
40 four thousand dollars nor more than six thousand dollars  
41 to be determined by the judge. Assistant probation officers  
42 and medical assistants shall receive as compensation an  
43 annual salary of not less than three thousand nor more

44 than forty-eight hundred dollars to be determined by the  
45 judge. Clerical and secretarial assistants shall receive as  
46 compensation for his or her services an annual salary of  
47 not less than twenty-seven hundred dollars nor more than  
48 thirty-six hundred dollars to be determined by the judge.  
49 In addition to the annual salary herein provided for the  
50 chief probation officer and each assistant probation officer  
51 and medical assistants, they shall be reimbursed by the  
52 county court by reason of his or her necessary expenses  
53 actually incurred in the performance of official duties, in-  
54 cluding an allowance of seven cents a mile for his or her  
55 automoblie driven in the performance of official duties.  
56 The appointment of the chief probation officer, assistant  
57 probation officers, medical and secretarial assistants, when  
58 made by the judge, shall be entered on the law order book  
59 of the court. A copy of the order of appointment shall be  
60 transmitted to the clerk of the county court. Thereupon,  
61 the county court shall make provision for payment and  
62 shall pay the salaries of the chief probation officer, as-  
63 sistant probation officers, medical, clerical and secretarial  
64 assistants as shown by the order of appointment. The

65 annual salaries provided for in said order of appointment  
66 shall be paid in equal monthly installments. Expenses  
67 and mileage accounts of the chief probation officer, as-  
68 sistant probation officers, and medical assistants shall be  
69 itemized and verified and presented to and paid by the  
70 county court, if such accounts are approved by the judge.  
71 The county court shall provide such office space, equip-  
72 ment and supplies for the probation staff, clerical, secre-  
73 tarial and medical assistants as the judge shall deem  
74 necessary and adequate.

75 The judge shall maintain a political balance between  
76 the two major political parties of Kanawha county in his  
77 appointments of divorce commissioners, commissioners in  
78 chancery and special commissioners, so that at no time  
79 will the number of either divorce commissioners or com-  
80 missioners in chancery or of special commissioners of one  
81 political affiliation exceed by more than one the number  
82 of such commissioners affiliated with the other major poli-  
83 tical party of the county. The court shall make provision  
84 for reference of such divorce and other matters as may  
85 be proper from time to time to said commissioners in

86 rotation so as to effect insofar as practicable, an equitable  
87 distribution of work between and among them. The judge  
88 of the court shall have power to make and promulgate  
89 such rules for the transaction of the business of the court  
90 as may be necessary: *Provided*, That all such rules shall  
91 be in conformity with the laws of the state of West Vir-  
92 ginia and with any rules promulgated by the supreme  
93 court of appeals of this state.

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

*F. M. Kinley*  
Chairman Senate Committee

*C. H. Heubler*  
Chairman House Committee

Originated in the House of Delegates

Takes effect *ninety days from* passage.

*Howard Meyer*  
Clerk of the Senate

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

*Ralph Pearson*  
President of the Senate

*W. E. Hanners*  
Speaker House of Delegates

The within *approved* this the *20th*  
day of *March*, 1953.

*William C. Macland*  
Governor



FILED IN THE OFFICE OF THE SECRETARY OF STATE  
OF THE VIRGINIA

MAR 20 1953

D. PITT O'BRIEN,  
SECRETARY OF STATE