WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 724

(By Mr. STEPTOE)

PASSED FEBRUARY 19, 1971

In Effect NINETY DAYS FROM PASSAGE
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 income and corpus of estates of infant wards.

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:

ARTICLE 10. GUARDIANS AND WARDS.

§44-10-8. Disbursements and expenditures by guardians from income and corpus of estates of infant wards.

1 No disbursements, beyond the annual income of the ward’s estate, shall be allowed to any guardian where the deed or will, under which the estate is derived, does
not authorize it, unless the same shall have been au-

thorized by the circuit court of the county in which the

guardian was appointed or qualified. Any guardian, who

may desire to spend more than the annual income of his

ward's estate for any purpose, shall file in such circuit

court a petition, verified by his oath, setting forth the

reasons why it is necessary to make such expenditures,
to which petition the ward shall be made defendant. The
court shall appoint a guardian ad litem for the ward,
who shall answer such petition, be present at the hear-
ing, and represent the infant. Five days' notice shall be
given to the defendant before such petition can be heard.

At the hearing the evidence may be taken orally, and
the court, if satisfied that such expenditure would be
judicial and proper, may grant the prayer of the peti-
tion. Such petition may be filed and heard before the
judge of such court in vacation as well as in term time.

In the settlement of the guardian's accounts no credit
shall be allowed him by the commissioner of accounts
or the court for expenditures for his ward, except for
expenditures of the annual income of his ward's estate
and for expenditures of such amounts of the principal
of the ward's personal estate as shall have been au-
thorized by the court as provided by this section: Pro-
vided, however, That if the personal estate in the hands
of the guardian does not exceed in amount the sum of
three thousand dollars, disbursement may be made by
the guardian from the corpus of such personal estate
for the ward's maintenance and education, after first
securing the written approval so to do of and from the
commissioner of accounts to whom the settlement of the
ward's estate was referred.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Russell N. Beve
Chairman Senate Committee

Phyllis Pelakedge
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

John W. Murphy
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ephraim
President of the Senate

I. W. Beavers,
Speaker House of Delegates

The within approved this the 25th
day of February, 1971.

Arch A. Moore Jr.
Governor
PRESENTED TO THE
GOVERNOR

Date: 2/22/71

Time: 2:38 p.m.