

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 724

(By Mr. STEPTOE)

PASSED FEBRUARY 19, 1971

In Effect NINETY DAYS FROM Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 2-26-71

724

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
2 ward's estate, shall be allowed to any guardian where
3 the deed or will, under which the estate is derived, does

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

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

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

Russell M. Beane
Chairman Senate Committee

Phyllis Rutledge
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

John W. Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Erskine
President of the Senate

Ivor F. Bowers
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.

CLERK OF
THE SENATE
STATE OF VIRGINIA
FEB 25 6 54 AM '71