

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 759

(By Mr WHITE, OF CABELL, AND Mr. Romine)

PASSED FEBRUARY 21, 1972

In Effect JULY 1, 1972 Passage



FILED IN THE OFFICE
JOHN A. COMPTON, IV
SECRETARY OF STATE
THIS DATE 2-28-72

6-5-72

ENROLLED

House Bill No. 759

(By MR. WHITE, of Cabell, and MR. ROMINE)

[Passed February 21, 1972; in effect July 1, 1972.]

AN ACT to amend and reenact section two, chapter one hundred sixty-eight, acts of the Legislature, regular session, one thousand nine hundred twenty-one, as last amended and reenacted by chapter thirty-four, acts of the Legislature, regular session, one thousand nine hundred seventy-one; and to amend and reenact section four, chapter one hundred sixty-eight, acts of the Legislature, regular session, one thousand nine hundred twenty-one, as last amended and reenacted by chapter thirty-four, acts of the Legislature, regular session, one thousand nine hundred seventy, relating to the jurisdiction of the domestic relations court of Cabell county; relating to such court generally; relating to the salary of the chief probation officer; providing for an additional probation officer; and relating to the salaries of probation officers and of the judge of the court.

Be it enacted by the Legislature of West Virginia:

- 1 That section two, chapter one hundred sixty-eight,
- 2 acts of the Legislature, regular session, one thousand
- 3 nine hundred twenty-one, as last amended and reenacted
- 4 by chapter thirty-four, acts of the Legislature, regular
- 5 session, one thousand nine hundred seventy-one; and that
- 6 section four, chapter one hundred sixty-eight, acts of the
- 7 Legislature, regular session, one thousand nine hundred
- 8 twenty-one, as last amended and reenacted by chapter

9 thirty-four, acts of the Legislature, regular session, one
10 thousand nine hundred seventy, be amended and re-
11 enacted to read as follows:

DOMESTIC RELATIONS COURT OF CABELL COUNTY.

§2. Jurisdiction.

1 The said domestic relations court shall have jurisdic-
2 tion within the said county of Cabell, concurrent with
3 the circuit court, of all matters and causes arising out
4 of or pertaining to annulment of marriages, separate
5 maintenance suits, divorce, alimony, the custody and
6 maintenance of children of litigants and the adjudica-
7 tion of property rights arising out of the same, and all
8 other matters and causes coming within the purview of
9 chapter forty-eight of the code of West Virginia, one
10 thousand nine hundred thirty-one, and all amendments
11 and reenactments thereof concerning domestic relations,
12 habeas corpus proceedings; of all matters and causes
13 coming within the purview of chapter forty-nine of the
14 code of West Virginia, one thousand nine hundred thirty-
15 one, as enacted by chapter one, acts of the Legislature
16 of West Virginia, one thousand nine hundred thirty-six,
17 and of all amendments and reenactments thereof, com-
18 monly known as the child welfare law; of all matters and
19 causes coming within the purview of chapter eighteen
20 of the code of West Virginia, one thousand nine hundred
21 thirty-one, and all amendments and reenactments thereof,
22 commonly called the general school law; of all matters
23 and causes coming within the purview of chapter forty-
24 eight of the code of West Virginia, one thousand nine
25 hundred thirty-one, and of all amendments and reenact-
26 ments thereof, commonly known as the reciprocal de-
27 pendency law; of all matters and causes coming within
28 the purview of chapter forty-eight of the code of West
29 Virginia, one thousand nine hundred thirty-one, and all
30 amendments and reenactments thereof, commonly known
31 as the adoption law; and of all matters and causes com-
32 ing within the purview of chapter forty-eight of the code
33 of West Virginia, one thousand nine hundred thirty-one,
34 and of all amendments and reenactments thereof, com-

35 monly known as the change of name law; and of all
36 matters and causes coming within the purview of chap-
37 ter forty-eight of the code of West Virginia, one thou-
38 sand nine hundred thirty-one, and of all amendments
39 and reenactments thereof, commonly known as the main-
40 tenance of illegitimate children law; and of all matters
41 and causes coming within the purview of chapter forty-
42 four, article ten, section fourteen of the code of West
43 Virginia, one thousand nine hundred thirty-one, and of
44 all amendments and reenactments thereof, commonly
45 known as the approval of the compromising of infants'
46 claims for damages; and of all matters and causes coming
47 within the purview of chapter forty-eight, article one, sec-
48 tion six-c of the code of West Virginia, one thousand
49 nine hundred thirty-one, and of all amendments and
50 reenactments thereof, commonly known as the issuance
51 of marriage license in case of emergency or extraordinary
52 circumstances; and of all matters and causes coming
53 within the purview of chapter fifty-five, article seven-a
54 of the code of West Virginia, one thousand nine hundred
55 thirty-one, and of all amendments and reenactments
56 thereof, commonly known as the liability of parents; and
57 of all matters and causes coming within the purview of
58 chapter thirty-seven of the code of West Virginia, one
59 thousand nine hundred thirty-one, and of all amend-
60 ments and reenactments thereof, commonly known as
61 the approval of the sale, lease or mortgage of infants'
62 lands; and of all matters and causes coming within the
63 purview of chapter sixty-one, article seven, section two,
64 commonly known as license to carry weapons; how
65 obtained; and shall have concurrent with the circuit
66 court of Cabell county, supervision and control of pro-
67 ceedings before justices and other inferior tribunals by
68 mandamus, prohibition and certiorari, and of all matters
69 and causes coming within the purview of all other or
70 future acts of the Legislature touching the subject mat-
71 ter of any and all said laws and acts, and the amend-
72 ments and reenactments thereof, and of the common law
73 of said state relating to the subject matter thereof. In-
74 dependently of any of the foregoing matters, the said
75 domestic relations court shall also have and is hereby

76 given what was heretofore recognized as general equity
77 jurisdiction concurrent with the circuit court, excepting
78 in cases involving the enforcement of criminal laws and
79 labor disputes, and excepting cases where it shall appear
80 from the pleadings that the matter or thing in contro-
81 versy exceeds in value the sum of three hundred fifty
82 thousand dollars. The proceedings and modes of pro-
83 cedure and power and jurisdiction conferred by law upon
84 the circuit court or the common pleas court in any and
85 all of said matters and causes are hereby conferred upon
86 and shall be exercised by said domestic relations court.

87 The court is authorized and empowered to appoint and
88 discharge one chief probation officer at a yearly salary
89 of ten thousand five hundred dollars and two probation
90 officers at a yearly salary of ten thousand two hundred
91 fifty dollars each, which said salaries shall be paid by the
92 county court in monthly installments, and in addition
93 thereto the said county court shall reimburse the said
94 probation officers of their necessary expenses actually in-
95 curred monthly in the performance of official duties in-
96 cluding an allowance of ten cents per mile for their auto-
97 mobile driven in the performance of official duties. The
98 court is further authorized and empowered to appoint and
99 discharge such medical, clerical and secretarial assistance
100 as shall enable it to discharge all of the duties required of
101 it under the provisions of this section and the general laws
102 of the state and such person or persons shall be paid
103 by the county court monthly upon the written approval
104 of the judge of the said court.

§4. Salary of judge.

1 The judge of the domestic relations court of Cabell
2 county shall receive for his services twenty-four thousand
3 five hundred dollars, annually, payable monthly in install-
4 ments beginning on the first day of July, one thousand
5 nine hundred seventy-two, which amount shall be pro-
6 vided for and paid by the county court, out of the treasury
7 of said county, which provision as to salary shall not re-
8 peal the existing provision until the said first day of July,
9 one thousand nine hundred seventy-two.

10 All acts or parts of acts inconsistent or in conflict
11 herewith are hereby repealed.

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

Russell S. Bove
Chairman Senate Committee

Phyllis J. Ruedge
Chairman House Committee

Originated in the House.

In Effect July 1, 1972.

Howard E. Garrison
Clerk of the Senate

J. Blankenship
Clerk of the House of Delegates

Edmund
President of the Senate

Lewis H. Thomas
Speaker House of Delegates

The within *approved* this the *25th*
day of *February*, 1972.

Arch A. Moore, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 2/23/72
Time 10:45 a.m.

FEB 28 9 43 AM '72

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA