

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

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ENROLLED

HOUSE BILL No. 1149

(By Mr. Romine)

— ● —

PASSED March 8, 1974

In Effect July 1, 1974 Passage



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RECEIVED IN THE OFFICE
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OF THE WEST VIRGINIA LEGISLATURE
DATE 3-22-74

1149

ENROLLED

H. B. 1149

(By MR. ROMINE)

[Passed March 8, 1974; in effect July 1, 1974.]

AN ACT to amend and reenact sections two and 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-one, acts of the Legislature, regular session, one thousand nine hundred seventy-two, relating to increasing the jurisdiction of the domestic relations court of Cabell County; the court generally; increasing the salary of the chief probation officer; providing for an additional probation officer; and increasing the salaries of probation officers and of the judge of the court.

Be it enacted by the Legislature of West Virginia:

That sections two and 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-one, acts of the Legislature, regular session, one thousand nine hundred seventy-two, be amended and reenacted to read as follows:

DOMESTIC RELATIONS COURT OF CABELL COUNTY.

§2. Jurisdiction.

1 The said domestic relations court shall have jurisdiction
2 within the said county of Cabell, concurrent with the circuit
3 court, of all matters and causes arising out of or pertaining
4 to annulment of marriages, separate maintenance suits, di-
5 vorce, alimony, the custody and maintenance of children of
6 litigants and the adjudication of property rights arising

7 out of the same, and of all other matters and causes coming
8 within the purview of chapter forty-eight of the code of
9 West Virginia, one thousand nine hundred thirty-one, and
10 all amendments and reenactments thereof concerning domestic
11 relations, habeas corpus proceedings; of all matters and
12 causes coming within the purview of chapter forty-nine of
13 the code of West Virginia, one thousand nine hundred thirty-
14 one, as enacted by chapter one, acts of the Legislature of
15 West Virginia, one thousand nine hundred thirty-six, and
16 of all amendments and reenactments thereof, commonly known
17 as the child welfare law; of all matters and causes coming
18 within the purview of chapter eighteen of the code of West
19 Virginia, one thousand nine hundred thirty-one, and all
20 amendments and reenactments thereof, commonly called the
21 general school law; of all matters and causes coming within
22 the purview of chapter forty-eight of the code of West Virginia,
23 one thousand nine hundred thirty-one, and of all amendments
24 and reenactments thereof, commonly known as the reciprocal
25 dependency law; of all matters and causes coming within the
26 purview of chapter forty-eight of the code of West Virginia,
27 one thousand nine hundred thirty-one, and all amendments
28 and reenactments thereof, commonly known as the adoption
29 law; and of all matters and causes coming within the purview
30 of chapter forty-eight of the code of West Virginia, one
31 thousand nine hundred thirty-one, and of all amendments
32 and reenactments thereof, commonly known as the change of
33 name law; and of all matters and causes coming within the
34 purview of chapter forty-eight of the code of West Virginia,
35 one thousand nine hundred thirty-one, and of all amendments
36 and reenactments thereof, commonly known as the mainten-
37 ance of illegitimate children law; and of all matters and
38 causes coming within the purview of chapter forty-four,
39 article ten, section fourteen of the code of West Virginia,
40 one thousand nine hundred thirty-one, and of all amendments
41 and reenactments thereof, commonly known as the approval
42 of the compromising of infants' claims for damages; and of
43 all matters and causes coming within the purview of chapter
44 forty-eight, article one, section six-c of the code of West
45 Virginia, one thousand nine hundred thirty-one, and of all
46 amendments and reenactments thereof, commonly known as
47 the issuance of marriage license in case of emergency or

48 extraordinary circumstances; and of all matters and causes
49 coming within the purview of chapter fifty-five, article seven-a
50 of the code of West Virginia, one thousand nine hundred
51 thirty-one, and of all amendments and reenactments thereof,
52 commonly known as the liability of parents; and of all
53 matters and causes coming within the purview of chapter
54 thirty-seven of the code of West Virginia, one thousand nine
55 hundred thirty-one, and of all amendments and reenactments
56 thereof, commonly known as the approval of the sale, lease
57 or mortgage of infants' lands; and of all matters and causes
58 coming within the purview of chapter sixty-one, article
59 seven, section two, commonly known as license to carry
60 weapons; how obtained; and shall have concurrent with the
61 circuit court of Cabell County, supervision and control of
62 proceedings before justices and other inferior tribunals by
63 mandamus, prohibition and certiorari, and of all matters and
64 causes, concurrent with the circuit court of Cabell County
65 and the common pleas court of Cabell County coming within
66 the purview of chapter sixty-two, article one-c, section one,
67 commonly known as the right to bail, and of all matters
68 and causes coming within the purview of all other or future
69 acts of the Legislature touching the subject matter of any
70 and all said laws and acts, and the amendments and re-
71 enactments thereof, and of the common law of said state
72 relating to the subject matter thereof. Independently of
73 any of the foregoing matters, the domestic relations court
74 shall also have and is hereby given what was heretofore
75 recognized as general equity jurisdiction concurrent with
76 the circuit court, excepting in cases involving the enforce-
77 ment of criminal laws and labor disputes, and excepting
78 cases where it shall appear from the pleadings that the
79 matter or thing in controversy exceeds in value the sum of
80 five hundred thousand dollars. The proceedings and modes
81 of procedure and power and jurisdiction conferred by law
82 upon the circuit court or the common pleas court in any
83 and all said matters and causes are hereby conferred upon
84 and shall be exercised by said domestic relations court.

85 The court is authorized and empowered to appoint and
86 discharge one chief probation officer at a yearly salary of
87 eleven thousand dollars and two probation officers at a

88 yearly salary of ten thousand seven hundred fifty dollars
89 each, which said salaries shall be paid by the county court
90 in monthly installments, and in addition thereto the said
91 county court shall reimburse the said probation officers of
92 their necessary expenses actually incurred monthly in the
93 performance of official duties including an allowance of ten
94 cents per mile of their automobile driven in the performance
95 of official duties. The court is further authorized and
96 empowered to appoint and discharge such medical, clerical
97 and secretarial assistance as shall enable it to discharge all
98 of the duties required of it under the provision of this
99 section and the general laws of the state and such person or
100 persons shall be paid by the county court monthly upon the
101 written approval of the judge of the said court.

§4. Salary of judge.

1 The judge of the domestic relations court of Cabell County,
2 shall, from and after the first day of July, one thousand nine
3 hundred seventy-four receive for his services a salary in the
4 amount of twenty six thousand dollars per annum, to be paid
5 in monthly installments out of the county treasury of Cabell
6 County, out of the funds of said treasury, in the manner pro-
7 vided by statute. The salary of said judge shall continue as
8 provided in chapter thirty-one, acts of the legislature, regular
9 session, one thousand nine hundred seventy-two, until the
10 first day of July, one thousand nine hundred seventy-four.
11 The county court of Cabell County shall annually make pro-
12 visions by appropriate levy and appropriations for the pay-
13 ment of said salary.

14 All acts or parts of acts inconsistent or in conflict herewith
15 are hereby repealed.

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

H. Daniel Hardy
Chairman Senate Committee

Charles C. Christian Jr.
Chairman House Committee

Originated in the House.

Takes effect July 1, 1974.

Howard W. Carson
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

H. P. Brotherton Jr.
President of the Senate

Louis F. McNamee
Speaker House of Delegates

The within approved this the 20th
March day of _____, 1974.

Anna A. Phares
Governor



PRESENTED TO THE
GOVERNOR

Date 3/15/74

Time 2:50 p.m.