WEST VIRGINIA LEGISLATURE
FIRST EXTRAORDININARY SESSION, 1977

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ENROLLED

HOUSE BILL No. 107

(By Mr. Tompkins)

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PASSED May 5, 1977

In Effect ninety days from Passage
ENROLLED

H. B. 107
(By Mr. Tompkins)

[Passed May 5, 1977; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article ten, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the compromise of actions and suits in behalf of infants and insane persons and distribution of funds arising therefrom; and increasing to ten thousand dollars the maximum amount of such compromises which may be excepted from reference to a commissioner of accounts.

Be it enacted by the Legislature of West Virginia:

That section four, article ten, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 10. MISCELLANEOUS PROVISIONS RELATING TO PROCEDURE.

§56-10-4. Compromise of actions and suits in behalf of infants and insane persons and disbursement of funds arising therefrom.

1 In any action or suit wherein an infant or insane person is a party, the court in which the same is pending, or the judge thereof in vacation, shall have the power to approve and confirm a compromise of the matters in controversy on behalf of such infant or insane person, if such compromise shall be deemed to be to the best interest of the infant or insane person. Such approval or confirmation shall never be granted except upon written application therefor by the guardian, committee, curator, or next friend of the infant or insane person, setting forth under oath all the facts of the case and the
11 reasons why such compromise is deemed to be for the best
interest of the infant or insane person. And the court or judge,
before approving such compromise, shall, in order to determine
whether to approve or disapprove the compromise, hear the
testimony of witnesses relating to the subject matter of the
compromise and cause said testimony to be reduced to writing
and filed with the papers in the case. The court or judge, upon
approving and confirming such compromise, shall enter judg-
ment or decree accordingly. Such judgment or decree shall
bind the respective parties thereto, including such infant or
insane person, with like force and effect, and shall be subject
to review, modification or reversal to the same extent only, as
if it were a consent judgment or decree, entered under similar
circumstances, in a case in which all the parties were adults
and sane. In any such compromise wherein the amount paid to
the guardian or committee does not exceed the sum of ten
thousand dollars, the court or judge approving and confirm-
ing the compromise and entering judgment or decree thereon
may, in its or his discretion, dispense with or withdraw a
reference to a commissioner of accounts as to said compromise,
authorize the disbursement of the fund so created by the com-
promise and may discharge the guardian or committee and the
surety on his bond as to the proceeding then pending in the
circuit court, and in all such cases a certified copy of the order
of the court or judge, as the case may be, shall be recorded
in the office of the clerk of the county commission wherein the
guardian or committee was appointed.
The Joint Committee on Enrolled Bills hereby certifies that the
foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

J. William, Jr.
Clerk of the Senate

W.A. Blankenship
Clerk of the House of Delegates

President of the Senate

Donald L. Coggins
Speaker House of Delegates

The within is approved this the 16

day of May, 1977.

Governor