WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977

ENROLLED
Committee Substitute for
HOUSE BILL No. 861

(By Mr. Copeland)

PASSED April 8, 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 requiring reference to commissioners of accounts where such compromises do not exceed ten thousand dollars.

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 PROCEEDURE.

§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
2 a party, the court in which the same is pending, or the judge
thereof in vacation, shall have the power to approve and con-
firm a compromise of the matters in controversy on behalf
of such infant or insane person, if such compromise shall be
deemed to be 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 reason why
such compromise is deemed to be for the best interest of the
infant or insane person. And the court or judge, before ap-
proving 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 approv-
ing and confirming such compromise, shall enter judgment or
decree accordingly. Such judgment or decree shall bind the
respective parties thereto, including such infant or insane per-
son, 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 circum-
stances, 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 refer-
ence 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 D. Davis  
Chairman Senate Committee

Clarence C. Chastain  
Chairman House Committee

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

J. Bill Henry  
Clerk of the Senate

Clerk of the House of Delegates

W.L. Brotherton  
President of the Senate

Donald L. Zopp  
Speaker House of Delegates

The within is approved this the 25  
day of April, 1977.

John D. Bullock  
Governor