

WEST VIRGINIA CODE: §48-1A-701

§48-1A-701. Unenforceable terms.

(a) A term in a premarital agreement or marital agreement is not enforceable to the extent that it:

- (1) Adversely affects a child's right to support;
- (2) Limits or restricts a remedy available to a victim of domestic violence under law of this state;
- (3) Purports to modify the grounds for a court-decreed separation or marital dissolution available under the law of this state; or
- (4) penalizes a party for initiating a legal proceeding leading to a court-decreed separation or marital dissolution.

(b) A term in a premarital agreement or marital agreement which defines the rights or duties of the parties regarding custodial responsibility is not binding on the court.