## WEST VIRGINIA CODE: §48-20-102

## PART 1. GENERAL PROVISIONS.

## §48-20-102. Definitions.

- (a) "Abandoned" means left without provision for reasonable and necessary care or supervision.
- (b) "Child" means an individual who has not attained eighteen years of age.
- (c) "Child custody determination" means a judgment, decree or other order of a court providing for the legal custody, physical custody or visitation with respect to a child. The term includes a permanent, temporary, initial and modification order. The term does not include an order relating to child support or other monetary obligation of an individual.
- (d) "Child custody proceeding" means a proceeding in which legal custody, physical custody or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights and protection from domestic violence in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, contractual emancipation or enforcement under part 20-301, et seq.
- (e) "Commencement" means the filing of the first pleading in a proceeding.
- (f) "Court" means an entity authorized under the law of a state to establish, enforce or modify a child custody determination. Reference to a court of West Virginia means the family court.
- (g) "Home state" means the state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately before the commencement of a child custody proceeding. In the case of a child less than six months of age, the term means the state in which the child lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of the period.
- (h) "Initial determination" means the first child custody determination concerning a particular child.
- (i) "Issuing court" means the court that makes a child custody determination for which enforcement is sought under this chapter.
- (j) "Issuing state" means the state in which a child custody determination is made.
- (k) "Modification" means a child custody determination that changes, replaces, supersedes or is otherwise made after a previous determination concerning the same child, whether or

November 23, 2025 Page 1 of 2 §48-20-102

not it is made by the court that made the previous determination.

- (l) "Person" means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; government, governmental subdivision, agency or instrumentality; public corporation; or any other legal or commercial entity.
- (m) "Person acting as a parent" means a person, other than a parent, who:
- (1) Has physical custody of the child or has had physical custody for a period of six consecutive months, including any temporary absence, within one year immediately before the commencement of a child custody proceeding; and
- (2) Has been awarded legal custody by a court or claims a right to legal custody under the law of this state.
- (n) "Physical custody" means the physical care and supervision of a child.
- (o) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.
- (p) "Tribe" means an Indian tribe or band or Alaskan Native village which is recognized by federal law or formally acknowledged by a state.
- (q) "Warrant" means an order issued by a court authorizing law-enforcement officers to take physical custody of a child.