

WEST VIRGINIA CODE: §48-3-103

§48-3-103. Voidable marriages.

The following marriages are voidable and are void from the time they are so declared by a judgment order of nullity:

- (1) Marriages that are prohibited by law on account of either of the parties having a wife or husband of a prior marriage, when the prior marriage has not been terminated by divorce, annulment or death;
- (2) Marriages that are prohibited by law on account of consanguinity or affinity between the parties;
- (3) Marriages solemnized when either of the parties:
 - (A) Was mentally incompetent;
 - (B) Was afflicted with a sexually transmitted disease;
 - (C) Was incapable, because of natural or incurable impotency of the body, of entering into the marriage state;
 - (D) Was under the age of consent; or
 - (E) Had been, prior to the marriage and without the knowledge of the other party, convicted of a crime punishable by imprisonment in excess of one year under the applicable law of this state, another state or the United States;
- (4) Marriages solemnized when, at the time of the marriage, the wife, without the knowledge of the husband, was with child by some person other than the husband.