

Any deed or agreement made between husband and wife respecting ALIMONY, support, maintenance, property rights, or personal rights, or any settlement made in lieu of ALIMONY, support, maintenance, property rights or personal rights shall be valid, binding and enforceable to every intent and purpose, and [such] THE deed or agreement [[shall]] MAY not be a bar to an action for divorce, either a vinculo matrimonii or a mensa et thoro, as the case may be, whether the cause for divorce existed at the time or arose prior or subsequent to the time of the execution of [said] THE deed or agreement, or whether at the time of making [such] THE deed or agreement the parties were living together or apart[; provided, that]. HOWEVER, whenever any [[such]] deed or agreement shall make provision for or in any manner affect the care, custody, education or maintenance of any infant child or children of the parties, [or shall make provision for or in any manner affect support, maintenance, property rights, or personal rights between the husband and wife,] the court [shall have] HAS the right to modify [such] THE deed or agreement in respect to [such] THE infants as to the court may seem proper, looking always to the best interests of [such] THE infants[, or]. FURTHERMORE, ANY PROVISION IN THE DEED OR AGREEMENT in respect to ALIMONY, support[, ] AND maintenance[, property rights, or personal rights between] OF the husband [and] OR wife IS SUBJECT TO MODIFICATION BY THE COURT TO THE EXTENT THE COURT DEEMS JUST AND PROPER regardless of the manner in which the provisions WITH RESPECT TO THE ALIMONY, SUPPORT AND MAINTENANCE are expressed or stated unless THERE IS AN EXPRESS WAIVER OF ALIMONY, SUPPORT AND MAINTENANCE BY THE HUSBAND OR WIFE OR UNLESS the provisions of the deed, agreement, or settlement specifically state that [they] THE PROVISIONS WITH RESPECT TO THE ALIMONY, SUPPORT AND MAINTENANCE OF THE HUSBAND OR WIFE are not subject to any court modification.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall not be construed or interpreted to have any effect upon or application to any deed, agreement or settlement occurring prior to the effective date of this Act.

SECTION [[2]] 3. AND BE IT FURTHER ENACTED, That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety and having been passed by a ye a and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, the same shall take effect from the date of its passage.

Approved April 13, 1976.

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