

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH50537-LU-99A (3/28)

Short Title: Resolve Custody/Equit. Dist. Before Divorce. (Public)

Sponsors: Representative Alexander.

Referred to:

A BILL TO BE ENTITLED

AN ACT AMENDING THE DIVORCE LAWS TO REQUIRE PARTIES TO THE
DIVORCE TO AGREE ON EQUITABLE DISTRIBUTION AND CHILD
CUSTODY MATTERS BEFORE ENTRY OF JUDGMENT OF DIVORCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 50-6 reads as rewritten:

"§ 50-6. Divorce after separation of one year on application of either party.

(a) Marriages may be dissolved and the parties thereto divorced from the bonds of matrimony on the application of either party, if and when the husband and wife have lived separate and apart for one year, and the plaintiff or defendant in the suit for divorce has resided in the State for a period of six months. A divorce under this section shall not be barred to either party by any defense or plea based upon any provision of G.S. 50-7, a plea of res judicata, or a plea of recrimination. Notwithstanding the provisions of G.S. 50-11, or of the common law, a divorce under this section shall not affect the rights of a dependent spouse with respect to alimony which have been asserted in the action or any other pending action.

(b) Whether there has been a resumption of marital relations during the period of separation shall be determined pursuant to G.S. 52-10.2. Isolated incidents of sexual intercourse between the parties shall not toll the statutory period required for divorce predicated on separation of one year.

(c) Except as otherwise provided in G.S. 50-11(e) and (f), parties to a divorce shall resolve through a court order or in another manner set forth in this Chapter or Chapter 52 of the General Statutes all equitable distribution and child custody matters between the parties before the entry of judgment of divorce, when applicable."

SECTION 2. This act is effective when it becomes law and applies to divorce actions instituted on or after that date.