

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 135

Short Title: Clarify Alimony Ground.

(Public)

Sponsors: Senator Johnson of Cabarrus.

Referred to: Judiciary II.

February 8, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT ACTS ALLEGED TO BE ADULTEROUS
OCCURRING AFTER THE SEPARATION OF A MARRIED COUPLE ARE NOT
GROUNDS FOR ALIMONY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-16.2 reads as rewritten:

"§ 50-16.2. Grounds for alimony.

A dependent spouse is entitled to an order for alimony when:

- (1) The supporting spouse has committed adultery. However, an act alleged to be adulterous that occurs while a couple is separated may not be a ground for alimony.
- (2) There has been an involuntary separation of the spouses in consequence of a criminal act committed by the supporting spouse prior to the proceeding in which alimony is sought, and the spouses have lived separate and apart for one year, and the plaintiff or defendant in the proceeding has resided in this State for six months.
- (3) The supporting spouse has engaged in an unnatural or abnormal sex act with a person of the same sex or of a different sex or with a beast.
- (4) The supporting spouse abandons the dependent spouse.
- (5) The supporting spouse maliciously turns the dependent spouse out of doors.
- (6) The supporting spouse by cruel or barbarous treatment endangers the life of the dependent spouse.

- 1 (7) The supporting spouse offers such indignities to the person of the
2 dependent spouse as to render his or her condition intolerable and life
3 burdensome.
4 (8) The supporting spouse is a spendthrift.
5 (9) The supporting spouse is an excessive user of alcohol or drugs so as to
6 render the condition of the dependent spouse intolerable and the life of
7 the dependent spouse burdensome.
8 (10) The supporting spouse willfully fails to provide the dependent spouse
9 with necessary subsistence according to his or her means and condition
10 so as to render the condition of the dependent spouse intolerable and
11 the life of the dependent spouse burdensome."
12 Sec. 2. This act is effective upon ratification.