

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH50193-LU-40A (3/12)

Short Title: Clarify Postseparation Support Laws.

(Public)

Sponsors: Representative Hackney.

Referred to:

A BILL TO BE ENTITLED

AN ACT AMENDING THE LAWS RELATING TO POSTSEPARATION SUPPORT TO FURTHER CLARIFY THE EVENTS UNDER WHICH POSTSEPARATION SUPPORT TERMINATES AND TO CLARIFY THAT POSTSEPARATION SUPPORT IS A TEMPORARY MEASURE AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 50-16.1A(4) reads as rewritten:

"§ 50-16.1A. Definitions.

As used in this Chapter, unless the context clearly requires otherwise, the following definitions apply:

...

(4) "Postseparation support" means spousal support to be paid until the earlier of ~~either the date specified in the order of postseparation support, or an order awarding or denying alimony.~~any of the following:

- a. The date specified in the order of postseparation support.
- b. An order is issued awarding or denying alimony.
- c. The dismissal of the alimony claim.
- d. The entry of a judgment of absolute divorce if no claim for alimony is pending at the time of entry of the judgment of absolute divorce.

Postseparation support may be ordered in an action for divorce, whether absolute or from bed and board, for annulment, or for alimony without divorce. However, if postseparation support is ordered at the time of the entry of a judgment of absolute divorce, a claim must be

1 pending for alimony at the time of the entry of the judgment of
2 divorce.

3 "

4 **SECTION 2.** G.S. 50-16.9(b) reads as rewritten:

5 "(b) If a dependent spouse who is receiving postseparation support or alimony
6 from a supporting spouse under a judgment or order of a court of this State remarries or
7 engages in cohabitation, the postseparation support or alimony shall terminate.
8 Postseparation support or alimony shall terminate upon the death of either the
9 supporting or the dependent spouse. Postseparation support shall also terminate upon
10 the earlier of any of the following:

11 (1) The date specified in the order of postseparation support.

12 (2) An order is issued awarding or denying alimony.

13 (3) The dismissal of the alimony claim.

14 (4) The entry of a judgment of absolute divorce if no claim for alimony is
15 pending at the time of entry of the judgment of absolute divorce.

16 As used in this subsection, cohabitation means the act of two adults dwelling
17 together continuously and habitually in a private heterosexual relationship, even if this
18 relationship is not solemnized by marriage, or a private homosexual relationship.
19 Cohabitation is evidenced by the voluntary mutual assumption of those marital rights,
20 duties, and obligations which are usually manifested by married people, and which
21 include, but are not necessarily dependent on, sexual relations. Nothing in this section
22 shall be construed to make lawful conduct which is made unlawful by other statutes."

23 **SECTION 3.** This act is effective when it becomes law.