

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 877

Short Title: Clarify Postseparation Support Laws.

(Public)

Sponsors: Representative Hackney.

Referred to: Judiciary I.

April 7, 2003

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE LAWS RELATING TO POSTSEPARATION SUPPORT
3 TO FURTHER CLARIFY THE EVENTS UNDER WHICH POSTSEPARATION
4 SUPPORT TERMINATES AND TO CLARIFY THAT POSTSEPARATION
5 SUPPORT IS A TEMPORARY MEASURE AS RECOMMENDED BY THE
6 NORTH CAROLINA BAR ASSOCIATION.

7 The General Assembly of North Carolina enacts:

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

9 **"§ 50-16.1A. Definitions.**

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

12 ...

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

17 a. The date specified in the order of postseparation support.

18 b. An order is issued awarding or denying alimony.

19 c. The dismissal of the alimony claim.

20 d. The entry of a judgment of absolute divorce if no claim for
21 alimony is pending at the time of entry of the judgment of
22 absolute divorce.

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

29"

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

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

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

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

10 (3) The dismissal of the alimony claim.

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

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

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