GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

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HOUSE BILL 1725

Short Title: Res	solve Custody/Equit. Dist. Before Divorce.	(Public)
Sponsors: Rep	presentatives Alexander; and Luebke.	
Referred to: Jud	liciary I.	
April 19, 2007		
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.

17 (b) Whether there has been a resumption of marital relations during the period of 18 separation shall be determined pursuant to G.S. 52-10.2. Isolated incidents of sexual 19 intercourse between the parties shall not toll the statutory period required for divorce 20 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."

25 **SECTION 2.** This act is effective when it becomes law and applies to 26 divorce actions instituted on or after that date.