

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 114

Short Title: No SS# Req/Parent or Child/Absolute Divorce. (Public)

Sponsors: Representative Stevens (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary Subcommittee C.

February 19, 2013

A BILL TO BE ENTITLED

AN ACT TO NO LONGER REQUIRE THAT A COMPLAINT OR JUDGMENT FOR
ABSOLUTE DIVORCE CONTAIN THE SOCIAL SECURITY NUMBER OF A
PARENT OR MINOR CHILD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 50-8 reads as rewritten:

**"§ 50-8. Contents of complaint; verification; venue and service in action by nonresident;
certain divorces validated.**

In all actions for divorce the complaint shall be verified in accordance with the provisions of Rule 11 of the Rules of Civil Procedure and G.S. 1-148. The plaintiff shall set forth in his or her complaint that the complainant or defendant has been a resident of the State of North Carolina for at least six months next preceding the filing of the complaint, and that the facts set forth therein as grounds for divorce, except in actions for divorce from bed and board, have existed to his or her knowledge for at least six months prior to the filing of the complaint: Provided, however, that if the cause for divorce is one-year separation, then it shall not be necessary to allege in the complaint that the grounds for divorce have existed for at least six months prior to the filing of the complaint; it being the purpose of this proviso to permit a divorce after such separation of one year without awaiting an additional six months for filing the complaint: Provided, further, that if the complainant is a nonresident of the State action shall be brought in the county of the defendant's residence, and summons served upon the defendant personally or service of summons accepted by the defendant personally in the manner provided in G.S. 1A-1, Rule 4(j)(1). Notwithstanding any other provision of this section, any suit or action for divorce heretofore instituted by a nonresident of this State in which the defendant was personally served with summons or in which the defendant personally accepted service of the summons and the case was tried and final judgment entered in a court of this State in a county other than the county of the defendant's residence, is hereby validated and declared to be legal and proper, the same as if the suit or action for divorce had been brought in the county of the defendant's residence.

In all divorce actions the complaint shall set forth the name and age of any minor child or children of the marriage, and in the event there are no minor children of the marriage, the complaint shall so state. ~~In addition, when there are minor children of the marriage, the complaint shall state the social security number of the plaintiff and, if known, the social security number of the defendant.~~

In all prior suits and actions for divorce heretofore instituted and tried in the courts of this State where the averments of fact required to be contained in the affidavit heretofore required



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1 by this section are or have been alleged and set forth in the complaint in said suits or actions
2 and said complaints have been duly verified as required by Rule 11 of the Rules of Civil
3 Procedure, said allegations so contained in said complaints shall be deemed to be, and are
4 hereby made, a substantial compliance as to the allegations heretofore required by this section
5 to be set forth in any affidavit; and all such suits or actions for divorce, as well as the judgments
6 or decrees issued and entered as a result thereof, are hereby validated and declared to be legal
7 and proper judgments and decrees of divorce.

8 In all suits and actions for divorce heretofore instituted and tried in this State on and
9 subsequent to the 5th day of April, 1951, wherein the statements, averments, or allegations in
10 the verification to the complaint in said suits or actions are not in accordance with the
11 provisions of Rule 11 of the Rules of Civil Procedure and G.S. 1-148 or the requirements of
12 this section as to verification of complaint or the allegations, statements or averments in the
13 verification contain the language that the facts set forth in the complaint are true "to the best of
14 affiant's knowledge and belief" instead of the language "that the same is true to his (or her) own
15 knowledge" or similar variation in language, said allegations, statements and averments in said
16 verifications as contained in or attached to said complaint shall be deemed to be, and are hereby
17 made, a substantial compliance as to the allegations, averments or statements required by this
18 section to be set forth in any such verifications; and all such suits or actions for divorce, as well
19 as the judgments or decrees issued and entered as a result thereof, are hereby validated and
20 declared to be legal and proper judgments and decrees of divorce. ~~The judgment of divorce
21 shall include, where there are minor children of the parties, the social security numbers of the
22 parties."~~

23 **SECTION 2.** This act is effective when it becomes law.