

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 1190
HOUSE BILL 1680

AN ACT TO CLARIFY A 1977 AMENDMENT TO G.S. 50-6 AND TO VALIDATE IRREGULAR DIVORCES ENTERED UNDER ITS PROVISO AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-6 as the same appears in the 1977 Cumulative Supplement to Volume 2A of the General Statutes is hereby amended by deleting the third sentence and substituting in lieu thereof the following:

"A plea of res judicata or of recrimination, with respect to any provision of G.S. 50-5 or of G.S. 50-7, shall not be a bar to either party's obtaining a divorce under this section. Notwithstanding the provisions of G.S. 50-11, or of the common law, a divorce under this section obtained by a supporting spouse 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."

Sec. 2. In an action initiated after August 1, 1977, a judgment of divorce under G.S. 50-6, entered before the effective date of this act and when there was no pending action for support or alimony, shall be valid even though the court did not make a determination that there was no such pending action or a determination that all claims for support or alimony had been fully and finally adjudicated.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1978.