

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 501
SENATE BILL 40

AN ACT TO AMEND THE CIVIL DIVORCE, CUSTODY AND SUPPORT LAWS TO
PROVIDE EQUALITY OF RIGHTS UNDER THE LAW TO MEN AND WOMEN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-5(6), as it appears in the 1976 Replacement of Volume 2A, is amended by deleting all of paragraph 4 and substituting therefor a new paragraph 4 to read as follows:

"In all decrees granted under this subdivision in actions in which the insane defendant has insufficient income and property to provide for his or her own care and maintenance, the court shall require the plaintiff to provide for the care and maintenance of the insane defendant for the defendant's lifetime, based upon the standards set out in G.S. 50-16.5(a). The trial court will retain jurisdiction of the parties and the cause, from term to term, for the purpose of making such orders as equity may require to enforce the provisions of the decree requiring plaintiff to furnish the necessary funds for such care and maintenance."

Sec. 2. G.S. 50-13.2(a), as it appears in the 1976 Replacement of Volume 2A, is amended by adding new language at the end of the subsection to read as follows:

"Provided, between the mother and father, whether natural or adoptive, there is no presumption as to who will better promote the interest and welfare of the child."

Sec. 3. This act shall not affect pending litigation.

Sec. 4. This act shall become effective on July 1, 1977.

In the General Assembly read three times and ratified, this the 8th day of June, 1977.