

April 8, 1999

H 946. ALIENATION OF AFFECTION. *TO CODIFY THE COMMON LAW CAUSE OF ACTION OF ALIENATION OF AFFECTION; AND TO CREATE CAUSES OF ACTION FOR ALIENATION OF PARENTAL AND GRANDPARENTAL AFFECTION.* Enacts new GS 50-40 to codify present common law action for alienation of affection. Elements of cause of action are (1) the existence of a loving marriage; (2) the affection of one spouse is alienated and destroyed; and (3) the alienation is caused by the wrongful and malicious conduct of defendant. Allows court to award monetary damages. Enacts new GS 50-41 to create a new cause of action for alienation of parental affection. Elements of the cause of action are (1) the existence of a loving relationship between a parent and a minor child; (2) the affection of the minor child is destroyed; and (3) the affection was destroyed by the wrongful and malicious conduct of the minor child's other parent. Upon finding of parental alienation, court may order monetary damages or modify visitation or custody of the child. Enacts new GS 50-42 to create new cause of action for alienation of grandparental affection. Elements of the cause of action are (1) the affection of a minor child for a biological grandparent is alienated, or never allowed to develop; and (2) the alienation is caused by the wrongful and malicious conduct of one or both of the parents of the minor child. Upon a finding of alienation, the court may order monetary damages or visitation in favor of the grandparents. Effective Oct. 1, 1999; applies to causes of action arising on or after that date.

Intro. by Decker.

Ref. to Judiciary II

GS 50