

April 6, 2009

H 1091. CLARIFY ACTION FOR DIVORCE/INCOMPETENT SPOUSE. Filed 4/6/09. *TO CLARIFY LAWS PERTAINING TO CIVIL ACTIONS ON BEHALF OF AN INCOMPETENT SPOUSE AS RELATED TO DIVORCE PROCEEDINGS.*

Amends GS 50-22 to clarify that only a competent spouse may institute an action for absolute divorce; however, provides that the following may commence, defend, maintain, arbitrate, mediate, or settle any action authorized by GS Chapter 50 (divorce and alimony) on behalf of an incompetent spouse: (1) a duly appointed attorney-in-fact appointed pursuant to a durable power of attorney in accordance with GS Chapter 32A; (2) a guardian appointed in accordance with GS Chapter 35A; or (3) a guardian ad litem appointed under GS 1A-1, Rules 16 and 25(b).

Intro. by Rhyne.

GS 50

July 2, 2009

SL 2009-224 (H 1091). CLARIFY ACTION FOR DIVORCE/INCOMPETENT SPOUSE. *AN ACT TO CLARIFY LAWS PERTAINING TO CIVIL ACTIONS ON BEHALF OF AN INCOMPETENT SPOUSE AS RELATED TO DIVORCE PROCEEDINGS.* Summarized in *Daily Bulletin* 4/6/09. Enacted June 30, 2009. Effective June 30, 2009.