

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH80239-LU-131 (03/17)

Short Title: Clarify Action for Divorce/Incompetent Spouse.

(Public)

Sponsors: Representative Rhyne.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY LAWS PERTAINING TO CIVIL ACTIONS ON BEHALF OF AN
3 INCOMPETENT SPOUSE AS RELATED TO DIVORCE PROCEEDINGS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 50-22 reads as rewritten:

6 "§ 50-22. Action on behalf of an incompetent.

7 A ~~general guardian for an incompetent spouse may commence, defend or maintain any~~
8 ~~action authorized by this Chapter; however, the court shall not enter a decree of absolute~~
9 ~~divorce in such an action filed by the guardian on behalf of the incompetent spouse. As an~~
10 ~~exception to G.S. 50-21, the court may order equitable distribution on behalf of an incompetent~~
11 ~~spouse without entering a decree of divorce after the parties have lived separate and apart for a~~
12 ~~period of one year. Provided, however, that the competent spouse may seek and obtain a~~
13 ~~divorce from the incompetent spouse upon showing basis for the same.~~
14 any action authorized by this Chapter on behalf of an incompetent spouse. However, only a
15 competent spouse may commence an action for absolute divorce."
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SECTION 2. This act is effective when it becomes law.



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