

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 763
Apr 10, 2013
HOUSE PRINCIPAL CLERK

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HOUSE DRH10288-LU-110 (03/18)

Short Title: Allow Alimony/Post Sep Supp During Marriage. (Public)

Sponsors: Representatives Goodman and Jordan (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE LAWS PERTAINING TO CONTRACTS BETWEEN A
3 HUSBAND AND WIFE TO ALLOW A SPOUSE TO WAIVE OR ESTABLISH
4 ALIMONY AND POST SEPARATION SUPPORT DURING THE MARRIAGE.
5 The General Assembly of North Carolina enacts:
6 SECTION 1. G.S. 52-10 is amended by adding the following new subsection to
7 read:
8 "(a1) A contract between a husband and wife to waive, release, or establish rights and
9 obligations to post separation support, alimony, or spousal support is valid and not inconsistent
10 with public policy, with or without valuable consideration, if the contract is in writing and is
11 acknowledged by both parties before a certifying officer. A release made pursuant to this
12 subsection may be pleaded in bar of any action or proceeding for the recovery of the rights
13 released."
14 SECTION 2. G.S. 50-16.6(b) reads as rewritten:
15 "(b) Alimony, postseparation support, and counsel fees may be barred by an express
16 provision of a valid separation ~~agreement or premarital agreement~~ agreement, premarital
17 agreement, or marital contract made pursuant to G.S. 52-10(a1) so long as the agreement is
18 performed."
19 SECTION 3. This act is effective when it becomes law.

