

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 706
Committee Substitute Favorable 6/1/11

Short Title: Alimony/Postseparation Support Changes. (Public)

Sponsors:

Referred to:

April 7, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO THE LAW RELATING TO ALIMONY AND
3 POSTSEPARATION SUPPORT, AS RECOMMENDED BY THE NORTH CAROLINA
4 BAR ASSOCIATION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 50-11(c) reads as rewritten:

7 "(c) A divorce obtained pursuant to G.S. 50-5.1 or G.S. 50-6 shall not affect the rights of
8 either spouse with respect to any action for alimony or postseparation support pending at the
9 time the judgment for divorce is ~~granted~~ granted, except as provided by G.S. 50-16.1A(4).
10 Furthermore, a judgment of absolute divorce shall not impair or destroy the right of a spouse to
11 receive alimony or postseparation support or affect any other rights provided for such spouse
12 under any judgment or decree of a court rendered before or at the time of the judgment of
13 absolute ~~divorce~~ divorce, except as provided by G.S. 50-16.1A(4)."

14 **SECTION 2.** G.S. 50-16.9 is amended by adding a new subsection to read:

15 "(a1) There is a rebuttable presumption that the voluntary retirement of the supporting
16 spouse after the supporting spouse attains the age of 67 years is not an action in bad faith.
17 Unless the presumption is rebutted, the voluntary retirement of the supporting spouse after the
18 supporting spouse attains the age of 67 years constitutes a change of circumstances, and the
19 court shall consider this change of circumstances when determining whether to modify an
20 alimony or postseparation support order. This subsection applies to any order of alimony,
21 alimony pendent lite, or postseparation support, including any order entered pursuant to a
22 repealed statute."

23 **SECTION 3.** This act becomes effective October 1, 2011.

