

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 706  
PROPOSED COMMITTEE SUBSTITUTE H706-PCS30352-SU-15

Short Title: Alimony/Postseparation Support Changes.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO THE LAW RELATING TO ALIMONY AND  
POSTSEPARATION SUPPORT, AS RECOMMENDED BY THE NORTH CAROLINA  
BAR ASSOCIATION.

The General Assembly of North Carolina enacts:

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

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

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

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to any order of alimony, alimony pendent lite, or postseparation support, including any order entered pursuant to a repealed statute."

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

