

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 763
PROPOSED COMMITTEE SUBSTITUTE H763-PCS10350-TJ-28

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

(Public)

Sponsors:

Referred to:

April 11, 2013

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 made, with or without a valuable
9 consideration, during a period of separation to waive, release, or establish rights and obligations
10 to post separation support, alimony, or spousal support is valid and not inconsistent with public
11 policy. A provision waiving, releasing, or establishing rights and obligations to post separation
12 support, alimony, or spousal support shall remain valid following a period of reconciliation and
13 subsequent separation, if the contract satisfies all of the following requirements:

14 (1) The contract is in writing.

15 (2) The provision waiving the rights or obligations is clearly stated in the
16 contract.

17 (3) The contract was acknowledged by both parties before a certifying officer.

18 A release made pursuant to this subsection may be pleaded in bar of any action or proceeding
19 for the recovery of the rights released."

20 SECTION 2. G.S. 50-16.6(b) reads as rewritten:

21 "(b) Alimony, postseparation support, and counsel fees may be barred by an express
22 provision of a valid separation ~~agreement or premarital agreement~~ agreement, premarital
23 agreement, or marital contract made pursuant to G.S. 52-10(a1) so long as the agreement is
24 performed."

25 SECTION 3. This act is effective when it becomes law.



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