

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS45265-ND-61

Short Title: Domestic Violence Victims' Separation Waiver. (Public)

Sponsors: Senators Marcus, Sawyer, and Chaudhuri (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO WAIVE THE REQUIRED ONE-YEAR PERIOD OF SEPARATION FOR
3 ABSOLUTE DIVORCE WHEN A PERSON IN THE MARRIAGE IS A VICTIM OF
4 DOMESTIC VIOLENCE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 50-6 reads as rewritten:

7 "§ 50-6. Divorce after separation of one year on application of either party.

8 (a) ~~Marriages~~ Except as provided in subsection (b) of this section, marriages may be
9 dissolved and the parties thereto divorced from the bonds of matrimony on the application of
10 either party, if and when the ~~husband and wife~~ spouses have lived separate and apart for one year,
11 and the plaintiff or defendant in the suit for divorce has resided in the State for a period of six
12 months.

13 (b) If a person in the marriage is a victim of domestic violence, as defined under
14 G.S. 50B-1, and the person's spouse by marriage is responsible for committing that act of
15 domestic violence, the person who is the victim of domestic violence may seek a divorce without
16 having to meet the one-year period of separation. In making application for divorce pursuant to
17 this subsection, the application shall contain each of the following:

18 (1) A statement by the applicant that the applicant is a victim of domestic
19 violence.

20 (2) Evidence that the applicant is a victim of domestic violence, which evidence
21 shall include at least two of the following:

22 a. Law enforcement, court, or other federal or State agency records or
23 files.

24 b. Documentation from a domestic violence program, if the applicant is
25 alleged to be the victim of domestic violence.

26 c. Documentation from a medical or other professional from whom the
27 applicant has sought assistance in dealing with the alleged domestic
28 violence.

29 (c) A divorce under this section shall not be barred to either party by any defense or plea
30 based upon any provision of G.S. 50-7, a plea of res judicata, or a plea of recrimination.
31 Notwithstanding the provisions of G.S. 50-11, or of the common law, a divorce under this section
32 shall not affect the rights of a dependent spouse with respect to alimony which have been asserted
33 in the action or any other pending action.

34 (d) Whether there has been a resumption of marital relations during the period of
35 separation shall be determined pursuant to G.S. 52-10.2. Isolated incidents of sexual intercourse



1 between the parties shall not toll the statutory period required for divorce predicated on separation
2 of one year."

3 **SECTION 2.** This act is effective when it becomes law and applies to actions
4 commenced on or after that date.