

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS35391-LUa-167B

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

Sponsors: Senators deViere, Foushee, and Marcus (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 have lived separate and apart for one year, and
11 the plaintiff or defendant in the suit for divorce has resided in the State for a period of six months.

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

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

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

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

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

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

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

33 (d) Whether there has been a resumption of marital relations during the period of
34 separation shall be determined pursuant to G.S. 52-10.2. Isolated incidents of sexual intercourse
35 between the parties shall not toll the statutory period required for divorce predicated on separation
36 of one year."



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1 **SECTION 2.(a)** There is appropriated from the General Fund to the Governor's
2 Crime Commission the sum of fifteen thousand dollars (\$15,000) for the 2020-2021 fiscal year
3 to implement an awareness campaign about domestic violence victims' separation waivers in
4 accordance with this act.

5 **SECTION 2.(b)** This section becomes effective July 1, 2020.

6 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes law
7 and applies to actions commenced on or after that date.