

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 194

Short Title: Dependent Spouse Determination.

(Public)

Sponsors: Senator Winner.

Referred to: Judiciary II.

February 16, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT PRESENT AND ANTICIPATED INCOME FROM ALL SOURCES SHALL BE CONSIDERED IN DETERMINING WHETHER A SPOUSE IS DEPENDENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-16.1 reads as rewritten:

"§ 50-16.1. Definitions.

As used in the statutes relating to alimony and alimony pendente lite unless the context otherwise requires, the term:

- (1) 'Alimony' means payment for the support and maintenance of a spouse, either in lump sum or on a continuing basis, ordered in an action for divorce, whether absolute or from bed and board, or an action for alimony without divorce.
- (2) 'Alimony pendente lite' means alimony ordered to be paid pending the final judgment of divorce in an action for divorce, whether absolute or from bed and board, or in an action for annulment, or on the merits in an action for alimony without divorce.
- (3) 'Dependent spouse' means a spouse, whether husband or wife, who is actually substantially dependent upon the other spouse for his or her maintenance and support or is substantially in need of maintenance and support from the other spouse. In determining whether a spouse is dependent, the court shall consider his or her income from all sources.
- (4) 'Supporting spouse' means a spouse, whether husband or wife, upon whom the other spouse is actually substantially dependent or from

1 whom such other spouse is substantially in need of maintenance and
2 support.”

3 Sec. 2. This act shall become effective October 1, 1989, and shall apply to
4 actions filed on or after that date.