

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE DRH11138-SU-2 (02/23)

Short Title: Alimony/Postseparation Support Changes.

(Public)

Sponsors: Representative Rhyne.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CHANGES TO THE LAW RELATING TO ALIMONY AND  
3 POSTSEPARATION SUPPORT, AS RECOMMENDED BY THE NORTH CAROLINA  
4 BAR ASSOCIATION.

5 The General Assembly of North Carolina enacts:

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

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

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

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22 repealed statute."

23 **SECTION 3.** G.S. 52-10 is amended by adding a new subsection to read:

24 "(a1) Any contract between husband and wife, with or without valuable consideration, to  
25 waive and release all rights and obligations to postseparation support or alimony is valid and  
26 not inconsistent with public policy, if the contract is in writing and is acknowledged by both  
27 parties before a certifying officer, and such release may be pleaded in bar of any action or  
28 proceeding for the recovery of the rights so released."

29 **SECTION 4.** This act is effective October 1, 2011. Section 3 of this act applies to  
30 contracts entered into on or after that date.

