

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

FILED SENATE  
Apr 4, 2023  
S.B. 575  
PRINCIPAL CLERK

S

D

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.