

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 482  
SENATE BILL 32

AN ACT TO PERMIT ENFORCEMENT OF ALIMONY JUDGMENTS WHILE ON  
APPEAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-16.7(j) is rewritten to read:

"(j) Any order for the payment of alimony or alimony pendente lite is enforceable by proceedings for civil contempt, and its disobedience may be punished by proceedings for criminal contempt, as provided in Chapter 5A of the General Statutes.

Notwithstanding the provisions of G.S. 1-294 or G.S. 1-289, an order for the periodic payment of alimony that has been appealed to the Appellate Division is enforceable in the trial court by proceedings for civil contempt during the pendency of the appeal. Upon motion of an aggrieved party, the Court of the Appellate Division in which the appeal is pending may stay any order for civil contempt entered for alimony until the appeal is decided if justice requires."

Sec. 2. Chapter 50 of the General Statutes is amended by adding a new section to read:

**"§ 50-16.11. Judgment that a supporting spouse is not liable for alimony.**—If a final judgment is entered in any action denying alimony because none of the grounds specified in G.S. 50-16.2 exists, upon motion by the supporting spouse, the court shall enter a judgment against the spouse to whom the payments were made for the amount of all alimony paid by the supporting spouse to that spouse pending a final disposition of the case. In addition, upon motion by the supporting spouse, if a final judgment is entered in any action denying alimony because none of the grounds specified in G.S. 50-16.2 exists, the court may enter a judgment against the spouse to whom the payments were made for the amount of alimony pendente lite paid by the supporting spouse to that spouse pending a final disposition of the case. When there has been judgment entered granting permanent alimony, after a prior denial of alimony pendente lite upon the same allegations, the court may enter judgment against the supporting spouse and in favor of the dependent spouse in an amount equal to the monthly permanent alimony awarded multiplied by the number of months between entry of the prior order denying alimony pendente lite and entering of the final judgment.

A judgment awarded against a dependent spouse under this section may not be satisfied by setting off any award of child support to the dependent spouse."

Sec. 3. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 27th day of June, 1985.