

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 664
HOUSE BILL 193

AN ACT TO DEFINE RESUMPTION OF MARITAL RELATIONS BY
SEPARATED SPOUSES.

The General Assembly of North Carolina enacts:

Section 1. A new section is added to Chapter 52 of the General Statutes as follows:

"§ 52-10.2. **Resumption of marital relations defined.** – 'Resumption of marital relations' shall be defined as voluntary renewal of the husband and wife relationship, as shown by the totality of the circumstances. Isolated incidents of sexual intercourse between the parties shall not constitute resumption of marital relations."

Sec. 2. Two new sentences are added at the end of G.S. 50-6, to read as follows:

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

Sec. 3. A new sentence is added at the end of G.S. 50-16.9(a), to read as follows:

"Any motion to modify or terminate alimony or alimony **pendente lite** based on a resumption of marital relations between parties who remain married to each other shall be determined pursuant to G.S. 52-10.2."

Sec. 4. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 24th day of July, 1987.