

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 1173
HOUSE BILL 1090

AN ACT TO AMEND THE PROVISIONS OF G.S. 50-5(6) OF THE GENERAL STATUTES
OF NORTH CAROLINA RELATING TO THE GROUNDS OF DIVORCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-5(6) is hereby amended by deleting from lines 2, 7 and 23 the word "five", by deleting from line 28 the word and figure "five (5)" and by inserting in lieu thereof the word "three".

Sec. 2. G.S. 50-5(6) is hereby further amended by inserting between the second and third paragraphs thereof a new paragraph to read as follows:

"In lieu of proof of incurable insanity and confinement for three consecutive years next preceding the bringing of the action in an institution for the care and treatment of the mentally disordered, or the adjudication of insanity, as prescribed in the preceding paragraphs, it shall be sufficient if the evidence shall show that the insane spouse was examined by two or more members of the staff of one of this State's accredited four-year medical schools, both of whom are medical doctors, at least three years preceding the institution of the action for divorce with a determination at that time by said staff members that said spouse is suffering from incurable insanity, that such insanity has continued without interruption since such determination; provided, further, that sworn statements signed by the staff members of the accredited medical school who examined the insane spouse at least three years preceding the commencement of the action shall be admissible as evidence of the facts and opinions therein stated as to the mental status of said insane spouse as to whether or not said insane spouse was suffering from incurable insanity; provided, further, that proof of incurable insanity under this section existing after the institution of the action for divorce shall be furnished by the testimony of two reputable physicians, one of whom shall be a psychiatrist on the staff of one of the State's accredited four-year medical schools, and one a physician practicing regularly in the community wherein such insane person resides."

Amend G.S. 50-5(6), Line 6 by inserting following the word "confined" the words "or examined".

Amend G.S. 50-5(6) by striking the period from Line 8 and inserting the following: "or, if not so confined, has been examined at least three years preceding the institution of the action for divorce and then found to be incurably insane as hereinafter provided."

Amend G.S. 50-5(6), Line 17, by inserting immediately following the word "confined" the words "or was examined".

Amend G.S. 50-5(6), Line 22 by deleting the period and substituting a semicolon and inserting immediately thereafter:

"and provided further that incurable insanity may be proved by the testimony of one or more licensed physicians who are members of the staff of one of this State's accredited four year medical schools or a State supported mental institution, supported by the testimony of one or more other physicians licensed by the State of North Carolina, that each of them examined the allegedly incurable insane spouse at least three years preceding the institution of the action for divorce and then determined that said spouse was suffering from incurable insanity and that one or more of them examined the allegedly insane spouse subsequent to the institution of the

action and that in his or their opinion the said allegedly insane spouse was continuously incurably insane throughout the full period of three years prior to the institution of the said action."

Sec. 3. This act shall become effective January 1, 1972.

In the General Assembly read three times and ratified, this the 21st day of July, 1971.