

N.C.P.I.-Civil. 815.10
DIVORCE - ABSOLUTE - ISSUE KNOWLEDGE OF GROUNDS. (DELETE
SHEET).
GENERAL CIVIL VOLUME
JANUARY 1999

815.10 DIVORCE - ABSOLUTE - ISSUE KNOWLEDGE OF GROUNDS.
(DELETE SHEET).

The prior instruction was based on the requirement of N.C. Gen. Stat. § 50-8 that the facts on which the ground for absolute divorce was based had existed for at least six months prior to the filing of the complaint. This requirement does not apply to actions for divorce from bed and board (N.C. Gen. Stat. § 50-7) or absolute divorce based on one year's separation (N.C. Gen. Stat. § 50-6). With the repeal of N.C. Gen. Stat. § 50-5 in 1983 (Session Laws 1983, c. 613), the only ground for absolute divorce to which the "six month" requirement of N.C. Gen. Stat. § 50-8 would remain applicable is absolute divorce based on incurable insanity. See N.C. Gen. Stat. § 50-5.1. Since, however, this ground requires the spouse being divorced to have been incurably insane for three consecutive years next preceding the institution of the action, the "six months" requirement of N.C. Gen. Stat. § 50-8 has no practical application. Since it is no longer relevant to any proceeding for which the Committee has a pattern instruction, this instruction has been deleted.