



FREE GUIDE · FAMILY LAW

Divorce in North Carolina

A Planning Guide

Separation, property, support and custody: what to know before you file, and the one deadline that can cost you your share of the marital property.

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Family law in Harnett County

WHY THIS GUIDE MATTERS

The divorce itself is often the simplest part.

In North Carolina, getting divorced mostly requires time: a year of living apart. The hard questions are everything around it: who keeps the house, how retirement and debts are divided, whether anyone receives support, and where the children live.

Those issues are decided separately from the divorce, and some of them must be raised **before** the divorce is granted or the right to them can be lost. Planning early protects you.

North Carolina at a glance

1 year

of living separate and apart before you can file for absolute divorce. N.C.G.S. § 50-6

6 months

one spouse must have lived in North Carolina before filing. N.C.G.S. § 50-6

Before the divorce

claims for property division and alimony must be filed, or they can be lost. N.C.G.S. § 50-11

Equal

division of marital property is presumed fair unless the court finds otherwise. N.C.G.S. § 50-20(c)

STEP ONE

Separation

North Carolina doesn't require a court filing to be legally separated. Separation begins when spouses live in separate residences and at least one of them intends for the separation to be permanent. Living in different rooms of the same house generally doesn't count.

If the two of you resume the marital relationship, the one-year clock can start over. Many couples sign a **separation agreement**, a written contract that can settle property, debts, support and parenting arrangements without going to court.

Talk to a lawyer before you move out, especially if you have children or a home together. How and when you leave can affect custody, the house and the date your property is valued.

PROPERTY AND DEBTS

Equitable distribution

North Carolina divides **marital property**, generally anything either spouse acquired during the marriage and before the date of separation, no matter whose name it's in. **Separate property**, like things owned before the marriage or received individually by gift or inheritance, generally stays with that spouse.

N.C.G.S. § 50-20

- The marital home and other real estate
- Retirement accounts and pensions earned during the marriage
- Bank and investment accounts
- Vehicles, businesses and household property
- Mortgages, car loans and credit card debt
- Value as of the date of separation
- Changes in value after separation
- Who keeps an asset versus how its value is offset

The deadline that catches people: if a claim for equitable distribution isn't filed before the absolute divorce is granted, the right to have the court divide your property can be lost. The same is true for alimony. N.C.G.S. § 50-11

SUPPORT

Postseparation support and alimony

A spouse who depends on the other for support may be able to receive **postseparation support** while the case is pending and **alimony** afterward. Courts look at factors like each spouse's income and earning ability, the length of the marriage, the standard of living, and, in some cases, marital misconduct.

CHILDREN

Custody and child support

Custody

Custody is decided based on the **best interest of the child**. N.C.G.S. § 50-13.2 Most contested custody cases first go through a court-ordered mediation program, where parents work on a parenting plan with a mediator. N.C.G.S. § 50-13.1

Child support

Child support is usually calculated under the North Carolina Child Support Guidelines, which consider both parents' incomes, the custody schedule, and costs like health insurance and child care. N.C.G.S. § 50-13.4

THE PATH TO DIVORCE

A typical timeline

Separation

One spouse moves out intending to stay apart. Property and support claims can be filed from this point.

Negotiation

Many couples settle issues in a separation agreement, through mediation, or both.

One year later

Either spouse may file for absolute divorce.

Divorce judgment

The marriage ends. Any pending property, support and custody claims continue.

Six mistakes to avoid

- 01 **Letting the divorce be granted** before property or alimony claims are filed.
- 02 **Moving money or hiding assets.** Courts can account for it, and it damages your credibility.
- 03 **Running up debt** or making major purchases after separation without advice.
- 04 **Posting about your spouse** or your case on social media.
- 05 **Using the children as messengers** or speaking badly of the other parent in front of them.
- 06 **Signing an agreement** without having a lawyer review it.

ABOUT BUZZARD LAW FIRM

Steady guidance when everything feels personal.

Attorney **Rachel Hairr** concentrates her practice in family law, including child custody, child support, equitable distribution and divorce. She and the team at Buzzard Law Firm live in Harnett County and know the local courts.

Whether your case can be settled with an agreement or needs to go before a judge, we'll help you understand your options and keep you focused on what matters most to you and your family.



Talk to a family lawyer before you decide.

Call our Lillington office to schedule a consultation. Monday–Friday, 8 a.m.–5 p.m.

910-893-2900



Scan to request a consultation, or visit
buzzlawfirm.com/consult

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BRING THIS TO YOUR CONSULTATION

Financial snapshot

Approximate values are fine. Note whose name each item is in and roughly when it was acquired.

ASSET OR DEBT	WHOSE NAME	APPROX. VALUE / BALANCE	WHEN ACQUIRED
Home / real estate			
Mortgage(s)			
Vehicles			
Bank accounts			
Retirement / pensions			
Investments			
Business interests			
Credit cards and loans			
Other			

Documents to gather

☐ Tax returns for the last three years

☐ Recent pay stubs for both spouses

☐ Bank, retirement and investment statements

☐ Deeds, titles and loan statements

☐ Any prenuptial or separation agreement

☐ Health insurance information

☐ Your children's school and activity schedules

☐ The date you separated, or plan to