

404.060 Married women as parties to actions.

- (1) A married woman may sue, and be sued, as a single woman.
- (2) She may defend an action against her and her husband for herself, and for him also if he fail to defend.
- (3) If a husband desert his wife, she may bring or defend for him any action which he might bring or defend, and shall have the powers and rights with reference thereto which he would have had but for such desertion.
- (4) If a female party to an action marry, her husband may be made a party by a motion, causing the fact to be stated upon the record; and the action shall not be delayed by reason of the marriage.
- (5) But if a wife be adjudged mentally disabled, or imprisoned, the actions mentioned in subsections (1), (2) and (3), of this section must be prosecuted or defended by her guardian, conservator, or curator, if she have one, and if she have none, must be prosecuted by her next friend, or defended by her guardian ad litem.

Effective: July 1, 1982

History: Amended 1982 Ky. Acts ch. 141, sec. 129, effective July 1, 1982. -- Transferred 1952 Ky. Acts ch. 84, sec. 1, effective July 1, 1953, from C.C. sec. 34.

Note. 1980 Ky. Acts ch. 396, sec. 140 would have amended this section effective July 1, 1982. However, 1980 Ky. Acts ch. 396 was repealed by 1982 Ky. Acts ch. 141, sec. 146, also effective July 1, 1982.