

**78B-3-101 Husband and wife -- Actions -- Defense -- Absent spouse.**

- (1) If a husband and wife are sued jointly, either or both may defend in each one's own right or for both parties.
- (2) Either party to a marriage may sue and be sued in the same manner as if the person is unmarried.
- (3) When a spouse has deserted the family, the remaining spouse may prosecute or defend in the absent spouse's name any action which the absent spouse might have prosecuted or defended. All powers and rights the absent spouse might have shall be extended to the remaining spouse.

Enacted by Chapter 3, 2008 General Session