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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

“Corzine signs no-fault divorce bill into law,” 1-23-2007, Asbury Park Press, p.A3

“New law shortens wait time for divorce,” 1-23-2007, The Record, p.A04

“No-fault divorce legislation is signed,” 1-23-2007, Burlington County times, p. __

“New law allows speedier divorce,” Home News Tribune, p.A3

“‘Irreconcilable differences’ offer faster, more humane divorce,” The Star Ledger, p.17

RWH 3/26/08

P.L. 2007, CHAPTER 6, *approved January 20, 2007*
Senate, No. 1467

1 **AN ACT** establishing a cause of divorce from the bond of
2 matrimony and amending N.J.S.2A:34-2.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. N.J.S.2A:34-2 is amended to read as follows:

8 2A:34-2. Divorce from the bond of matrimony may be adjudged
9 for the following causes heretofore or hereafter arising:

10 a. Adultery;

11 b. Willful and continued desertion for the term of 12 or more
12 months, which may be established by satisfactory proof that the
13 parties have ceased to cohabit as man and wife;

14 c. Extreme cruelty, which is defined as including any physical or
15 mental cruelty which endangers the safety or health of the plaintiff
16 or makes it improper or unreasonable to expect the plaintiff to
17 continue to cohabit with the defendant; provided that no complaint
18 for divorce shall be filed until after 3 months from the date of the
19 last act of cruelty complained of in the complaint, but this provision
20 shall not be held to apply to any counterclaim;

21 d. Separation, provided that the husband and wife have lived
22 separate and apart in different habitations for a period of at least 18
23 or more consecutive months and there is no reasonable prospect of
24 reconciliation; provided, further that after the 18-month period there
25 shall be a presumption that there is no reasonable prospect of
26 reconciliation;

27 e. Voluntarily induced addiction or habituation to any narcotic
28 drug as defined in the New Jersey Controlled Dangerous Substances
29 Act, P.L.1970, c.226 or habitual drunkenness for a period of 12 or
30 more consecutive months subsequent to marriage and next
31 preceding the filing of the complaint;

32 f. Institutionalization for mental illness for a period of 24 or
33 more consecutive months subsequent to marriage and next
34 preceding the filing of the complaint;

35 g. Imprisonment of the defendant for 18 or more consecutive
36 months after marriage, provided that where the action is not
37 commenced until after the defendant's release, the parties have not
38 resumed cohabitation following such imprisonment;

39 h. Deviant sexual conduct voluntarily performed by the
40 defendant without the consent of the plaintiff;

41 i. Irreconcilable differences which have caused the breakdown
42 of the marriage for a period of six months and which make it appear
43 that the marriage should be dissolved and that there is no reasonable
44 prospect of reconciliation.

45 (cf: P.L.1971, c.217, s.11)

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill amends N.J.S.2A:34-2 concerning the causes for
7 divorce. The bill provides that a divorce will be granted on grounds
8 of "irreconcilable differences which have caused the breakdown of
9 the marriage for a period of six months and which make it appear
10 that the marriage should be dissolved and that there is no reasonable
11 prospect of reconciliation."

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16 _____

17 Adds new cause of action for divorce based on irreconcilable
differences.

SENATE, No. 1467

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 2, 2006

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblyman JOSEPH VAS

District 19 (Middlesex)

Co-Sponsored by:

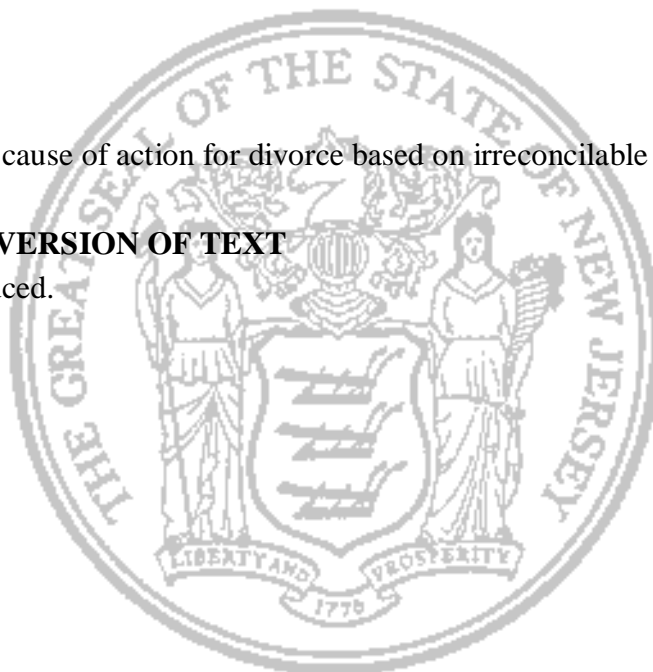
Senator Lesniak, Assemblymen Biondi, Gusciora, Diegnan, Bramnick and Hackett

SYNOPSIS

Adds new cause of action for divorce based on irreconcilable differences.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/12/2006)

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2 matrimony and amending N.J.S.2A:34-2.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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16 or makes it improper or unreasonable to expect the plaintiff to
17 continue to cohabit with the defendant; provided that no complaint
18 for divorce shall be filed until after 3 months from the date of the
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9 the marriage for a period of six months and which make it appear
10 that the marriage should be dissolved and that there is no reasonable
11 prospect of reconciliation."

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1467

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 2006

The Senate Judiciary Committee reports favorably Senate Bill No. 1467.

This bill amends N.J.S.2A:34-2 concerning the causes for divorce. The bill provides that a divorce will be granted on grounds of "irreconcilable differences which have caused the breakdown of the marriage for a period of six months and which make it appear that the marriage should be dissolved and that there is no reasonable prospect of reconciliation."

A version of this bill was introduced originally in 1995 embodying Recommendation #1 from the 1995 report of the Commission to Study the Law of Divorce. After the original bill was reintroduced in the 1996-1997 session, it was amended to delete the phrase "which is defined as substantial reasons for not continuing the marriage" and to add the phrase "and that there is no reasonable prospect of reconciliation" and to change the time period from three months to six months.

That bill was introduced in the 1998-1999 session and passed both houses in January, 1999. However, Governor Whitman conditionally vetoed A-138 on March 4, 1999. The Governor's changes were passed by the Assembly on March 11, 1999, but the bill did not see further action that session. After passage by the Assembly of the Governor's changes, the bill provided for two new causes of action, with the "irreconcilable differences" time period changed from six months to nine months. The new language was as follows (Governor's changes are denoted by italics):

i. Irreconcilable differences which have caused the breakdown of the marriage for a period of [six] *nine* months and which make it appear that the marriage should be dissolved and that there is no reasonable prospect of reconciliation;

j. *Mutual consent, where 90 days have elapsed from the date of commencement of an action alleging that the marriage is irretrievably broken, with no reasonable prospect of reconciliation, and an affidavit has been filed by each of the parties evidencing that each of the parties consents to this cause of action for the divorce.*

In the 2000-2001 session, the bill was reintroduced as conditionally vetoed but it was reported out of the Assembly Judiciary Committee in January 2000 with amendments that deleted all of the Governor's conditional veto language, thus restoring the bill to its

1996-1997 version. That bill was reintroduced in the 2002-2003 and 2004-2005 sessions and currently.

This bill is identical to Assembly, No. 483.

ASSEMBLY, No. 483

STATE OF NEW JERSEY

212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Assemblyman NEIL M. COHEN

District 20 (Union)

Co-Sponsored by:

Assemblymen Biondi, Gusciora, Diegnan and Bramnick

SYNOPSIS

Adds new causes of action for divorce based on irreconcilable differences.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 10/20/2006)

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2 matrimony and amending N.J.S.2A:34-2.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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9 the marriage for a period of six months and which make it appear
10 that the marriage should be dissolved and that there is no reasonable
11 prospect of reconciliation."

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 483

STATE OF NEW JERSEY

DATED: OCTOBER 23, 2006

The Assembly Judiciary Committee reports favorably Assembly Bill No. 483.

This bill amends N.J.S.2A:34-2 concerning the causes for divorce. The bill adds new grounds for divorce, providing that a divorce will be granted on grounds of "irreconcilable differences which have caused the breakdown of the marriage for a period of six months and which make it appear that the marriage should be dissolved and that there is no reasonable prospect of reconciliation."

This bill was prefiled for introduction in the 2006 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.