

Article VI, Section III, Paragraph 3; Article VI, Section VI, Paragraphs 1 & 3 New Jersey Constitution

LEGISLATIVE HISTORY CHECKLIST

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(Transfers Judges of the juvenile and domestic relations courts or family court and county district courts to Superior Court)

New Jersey Constitution: Article VI, Section 1, Paragraph 3; Article VI, Section III, Paragraphs 1 & 3

BILL NO: ACR84

SPONSOR: Bate, Martin, Flynn

DATE INTRODUCED: 3/11/1982

COMMITTEE: **Assembly:** Judiciary, Law, Public Safety and Defense
 Senate: Judiciary

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 12/13/1982

SENATE: 2/9/1983

FILED WITH SECRETARY OF STATE: 2/10/1983

DATE OF ADOPTION: 11/8/1983

EFFECTIVE: 12/8/1983

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced bill enacted) Yes

SPONSOR'S STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: Yes

974.90 Public hearing before Assembly Judiciary, Law, Public Safety and Defense Committee on Assembly
C866 concurrent resolution 84 (family court) : held November 29, 1982 ... Trenton, New Jersey..
1982c

NEWSPAPER ARTICLES:

No

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ASSEMBLY CONCURRENT RESOLUTION No. 84

STATE OF NEW JERSEY

INTRODUCED MARCH 11, 1982

By Assemblyman HERMAN

Referred to Committee on Judiciary, Law, Public Safety
and Defense

A CONCURRENT RESOLUTION proposing to amend Article VI, Section III, paragraph 3 and Section VI, paragraphs 1 and 3, of the Constitution of the State of New Jersey.

1 BE IT RESOLVED *by the General Assembly of the State of New*
2 *Jersey (the Senate concurring):*

1 1. The following proposed amendments to the Constitution are
2 hereby agreed to:

3 Amend Article VI, Section III, paragraph 3 of the Constitution
4 to read as follows:

5 3. The Superior Court shall be divided into an Appellate Divi-
6 sion, a Law Division, and a Chancery Division, *which shall include a*
7 *family part*. Each division shall have such *other parts*, consist of
8 such number of judges, and hear such causes, as may be provided
9 by rules of the Supreme Court. At least two judges of the Superior
10 Court shall at all times be assigned to sit in each of the counties
11 of the State, who at the time of their appointment and reappoint-
12 ment were residents of that county provided, however, that the
13 number of judges required to reside in the county wherein they sit
14 shall be at least equal in number to the number of judges of the
15 county court sitting in each of the counties at the adoption of this
16 amendment.

17 Amend Article VI, Section VI, paragraph 1 of the Constitution
18 to read as follows:

19 1. The Governor shall nominate and appoint, with the advice and
20 consent of the Senate, the Chief Justice and associate justices of the
21 Supreme Court, the Judges of the Superior Court, and the judges
22 of the inferior courts with jurisdiction extending to more than one
23 municipality; *except that upon the abolition of the juvenile and*

Matter printed in italics thus is new matter.

24 *domestic relations courts and county district courts as provided by*
 25 *law, the judges of those former courts shall become the Judges*
 26 *of the Superior Court without nomination by the Governor or con-*
 27 *firmation by the Senate. No nomination to such an office shall be*
 28 *sent to the Senate for confirmation until after 7 days' public notice*
 29 *by the Governor.*

30 Amend Article VI, Section VI, paragraph 3 of the Constitution
 31 to read as follows:

32 3. The Justices of the Supreme Court and the Judges of the
 33 Superior Court shall hold their offices for initial terms of 7 years
 34 and upon reappointment shall hold their offices during good
 35 behavior; *provided however, that, upon the abolition of the juvenile*
 36 *and domestic relations courts and county district courts as pro-*
 37 *vided by law, the judges in office in those former courts who have*
 38 *acquired tenure and the Judges of the Superior Court who have*
 39 *acquired tenure as a judge in those former courts prior to appoint-*
 40 *ment to the Superior Court, shall have tenure as Judges of the*
 41 *Superior Court. Judges of the juvenile and domestic relations*
 42 *courts and county district courts who have not acquired tenure as a*
 43 *judge of those former courts shall hold their offices for the period*
 44 *of their respective terms which remain unexpired and shall acquire*
 45 *tenure upon reappointment to the Superior Court. Such justices*
 46 *and judges shall be retired upon attaining the age of 70 years.*
 47 Provisions for the pensioning of the Justices of the Supreme Court
 48 and the Judges of the Superior Court shall be made by law.

1 2. When this proposed amendment to the Constitution is finally
 2 agreed to, pursuant to Article IX, paragraph 1 of the Constitution,
 3 it shall be submitted to the people at the next general election occur-
 4 ring more than 3 months after such final agreement and be pub-
 5 lished at least once in at least one newspaper of each county
 6 designated by the President of the Senate and the Speaker of the
 7 General Assembly and the Secretary of State, not less than 3
 8 months prior to said general election.

1 3. This proposed amendment to the Constitution shall be sub-
 2 mitted to the people at said election in the following manner and
 3 forms:

4 There shall be printed on each official ballot to be used at such
 5 general election, the following:

6 a. In every municipality in which voting machines are not used,
 7 the following legend shall immediately precede the question:

8 If you favor the proposition printed below, make a cross (X),
 9 plus (+) or check (✓) in the square opposite the word "Yes."

10 If you are opposed thereto make a cross (X), plus (+) or check
 11 (✓) in the square opposite the word "No."

12 b. In every municipality the following question :

	Yes.	CONSTITUTIONAL AMENDMENT CONCERNING TRANSFER OF JUDGES OF THE JUVENILE AND DOMESTIC RELATIONS COURTS AND COUNTY DISTRICT COURTS TO THE SUPERIOR COURT Shall the amendment to Article VI, Section III, paragraph 3 and Section VI, paragraphs 1 and 3 of the Constitution creating a family part of the Chancery Division, transferring judges of the juvenile and domestic relations courts and county district courts to the Superior Court upon the abolition of those courts and permitting judges of those former courts who have acquired tenure or Judges of the Superior Court who acquired tenure prior to their appointment to the Superior Court to have tenure as Superior Court Judges and judges of those former courts who have not acquired tenure to acquire tenure upon reappointment to the Superior Court, be approved? INTERPRETIVE STATEMENT This proposed constitutional amendment creates a separate family part of the Superior Court Chancery Division. The judges of the juvenile and domestic relations courts which presently have jurisdiction over most family matters and the judges of the county district courts would be transferred to the Superior Court. Whereas, under the Constitution, Judges of the Superior Court must be nominated by the Governor and confirmed by the Senate before taking office, this amendment proposes that upon the abolition of the juvenile and domestic relations courts and county district courts, judges of those former courts would be Judges of the Superior Court without being renominated and reconfirmed. In addition, judges of those former courts who have tenure and untenured Judges of the Superior Court who had previously acquired tenure as judges of the juvenile and domestic relations or county district courts would have tenure as Judges of the Superior Court. Judges who have not acquired tenure on the juvenile and domestic relations courts or county district courts would continue to serve for their unexpired terms and become tenured as Superior Court Judges upon reappointment.
	No.	

STATEMENT

This proposed constitutional amendment creates a separate family part of the Superior Court Chancery Division. The judges of the juvenile and domestic relations courts which presently have jurisdiction over most family matters and the judges of the county district courts would be transferred to the Superior Court. Whereas, under the Constitution, Judges of the Superior Court must be nominated by the Governor and confirmed by the Senate before taking office, this amendment proposes that upon the abolition of the juvenile and domestic relations courts and county district courts, judges of those former courts would be Judges of the Superior Court without being renominated and reconfirmed. In addition, judges of those former courts who have tenure and untenured Judges of the Superior Court who had previously acquired tenure as judges of the juvenile and domestic relations or county district courts would have tenure as Judges of the Superior Court. Judges who have not acquired tenure on the juvenile and domestic relations courts or county district courts would continue to serve for their unexpired terms and become tenured as Superior Court Judges upon reappointment

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY CONCURRENT RESOLUTION No. 84
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 7, 1982

This proposed constitutional amendment creates a separate family part of the Superior Court Chancery Division. The judges of the juvenile and domestic relations courts which presently have jurisdiction over most family matters and the judges of the county district courts would be transferred to the Superior Court. The amendment would also make an exception to the constitutional requirement that judges of the Superior Court must be nominated by the Governor and confirmed by the Senate before taking office. Upon the abolition of the juvenile and domestic relations courts and county district courts, judges of those former courts would be judges of the Superior Court without being renominated and reconfirmed. Tenure status of the transferred judges would not be affected; judges of those former courts who have tenure and untenured judges of the Superior Court who had previously acquired tenure as judges of the juvenile and domestic relations or county district courts would have tenure as judges of the Superior Court. Judges who have not acquired tenure on the juvenile and domestic relations courts or county district courts would continue to serve for their unexpired terms and become tenured as Superior Court judges upon reappointment.

Technical amendments were made to conform the bill with P. L. 1981, c. 78.

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ASSEMBLY CONCURRENT RESOLUTION No. 84

STATE OF NEW JERSEY

INTRODUCED MARCH 11, 1982

By Assemblyman HERMAN

Referred to Committee on Judiciary, Law, Public Safety
and Defense

A CONCURRENT RESOLUTION proposing to amend Article VI, Section
III, paragraph 3 and Section VI, paragraphs 1 and 3, of the
Constitution of the State of New Jersey.

1 BE IT RESOLVED *by the General Assembly of the State of New*
2 *Jersey (the Senate concurring):*

1 1. The following proposed amendments to the Constitution are
2 hereby agreed to:

3 Amend Article VI, Section III, paragraph 3 of the Constitution
4 to read as follows:

5 3. The Superior Court shall be divided into an Appellate Divi-
6 sion, a Law Division, and a Chancery Division, *which shall include a*
7 *family part*. Each division shall have such *other* parts, consist of
8 such number of judges, and hear such causes, as may be provided
9 by rules of the Supreme Court. At least two judges of the Superior
10 Court shall at all times be assigned to sit in each of the counties
11 of the State, who at the time of their appointment and reappoint-
12 ment were residents of that county provided, however, that the
13 number of judges required to reside in the county wherein they sit
14 shall be at least equal in number to the number of judges of the
15 county court sitting in each of the counties at the adoption of this
16 amendment.

17 Amend Article VI, Section VI, paragraph 1 of the Constitution
18 to read as follows:

19 1. The Governor shall nominate and appoint, with the advice and
20 consent of the Senate, the Chief Justice and associate justices of the
21 Supreme Court, the Judges of the Superior Court, and the judges
22 of the inferior courts with jurisdiction extending to more than one
23 municipality; *except that upon the abolition of the juvenile and*

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

**—Assembly committee amendments adopted October 18, 1982

24 *domestic relations courts *or family court* and county district*
 25 *courts as provided by law, the judges of those former courts shall*
 26 *become the Judges of the Superior Court without nomination by the*
 27 *Governor or confirmation by the Senate. No nomination to such an*
 28 *office shall be sent to the Senate for confirmation until after 7 days'*
 29 *public notice by the Governor.*

30 Amend Article VI, Section VI, paragraph 3 of the Constitution
 31 to read as follows:

32 3. The Justices of the Supreme Court and the Judges of the
 33 Superior Court shall hold their offices for initial terms of 7 years
 34 and upon reappointment shall hold their offices during good
 35 behavior; *provided however, that, upon the abolition of the juvenile*
 36 *and domestic relations courts *or family court* and county district*
 37 *courts as provided by law, the judges in office in those former courts*
 38 *who have acquired tenure and the Judges of the Superior Court*
 39 *who have acquired tenure as a judge in those former courts prior*
 40 *to appointment to the Superior Court, shall have tenure as Judges*
 41 *of the Superior Court. Judges of the juvenile and domestic relations*
 42 *courts *or family court* and county district courts who have not*
 43 *acquired tenure as a judge of those former courts shall hold their*
 44 *offices for the period of their respective terms which remain un-*
 45 *expired and shall acquire tenure upon reappointment to the*
 46 *Superior Court. Such justices and judges shall be retired upon*
 47 *attaining the age of 70 years. Provisions for the pensioning of*
 48 *the Justices of the Supreme Court and the Judges of the Superior*
 49 *Court shall be made by law.*

1 2. When this proposed amendment to the Constitution is finally
 2 agreed to, pursuant to Article IX, paragraph 1 of the Constitution,
 3 it shall be submitted to the people at the next general election occur-
 4 ring more than 3 months after such final agreement and be pub-
 5 lished at least once in at least one newspaper of each county
 6 designated by the President of the Senate and the Speaker of the
 7 General Assembly and the Secretary of State, not less than 3
 8 months prior to said general election.

1 3. This proposed amendment to the Constitution shall be sub-
 2 mitted to the people at said election in the following manner and
 3 forms:

4 There shall be printed on each official ballot to be used at such
 5 general election, the following:

6 a. In every municipality in which voting machines are not used,
 7 the following legend shall immediately precede the question:

8 If you favor the proposition printed below, make a cross (X),
 9 plus (+) or check (✓) in the square opposite the word "Yes."

10 If you are opposed thereto make a cross (X), plus (+) or check
 11 (✓) in the square opposite the word "No."

12 b. In every municipality the following question:

	Yes.	CONSTITUTIONAL AMENDMENT CONCERNING TRANSFER OF JUDGES OF THE JUVENILE AND DOMESTIC RELATIONS COURTS *OR FAMILY COURT* AND COUNTY DISTRICT COURTS TO THE SUPERIOR COURT Shall the amendment to Article VI, Section III, paragraph 3 and Section VI, paragraphs 1 and 3 of the Constitution creating a family part of the Chancery Division, transferring judges of the juvenile and domestic relations courts <i>*or family court*</i> and county district courts to the Superior Court upon the abolition of those courts and permitting judges of those former courts who have acquired tenure or Judges of the Superior Court who acquired tenure prior to their appointment to the Superior Court to have tenure as Superior Court Judges and judges of those former courts who have not acquired tenure to acquire tenure upon reappointment to the Superior Court, be approved? INTERPRETIVE STATEMENT This proposed constitutional amendment creates a separate family part of the Superior Court Chancery Division. The judges of the juvenile and domestic relations courts <i>*or family court*</i> which presently have jurisdiction over most family matters and the judges of the county district courts would be transferred to the Superior Court. Whereas, under the Constitution, Judges of the Superior Court must be nominated by the Governor and confirmed by the Senate before taking office, this amendment proposes that upon the abolition of the juvenile and domestic relations courts <i>*or family court*</i> and county district courts, judges of those former courts would be Judges of the Superior Court without being renominated and reconfirmed. In addition, judges of those former courts who have tenure and untenured Judges of the Superior Court who had previously acquired tenure as judges of the juvenile and domestic relations <i>*or family court*</i> or county district courts would have tenure as Judges of the Superior Court. Judges who have not acquired tenure on the juvenile and domestic relations courts <i>*or family court*</i> or county district courts would continue to serve for their unexpired terms and become tenured as Superior Court Judges upon reappointment.
	No.	

SENATE JUDICIARY COMMITTEE
STATEMENT TO
ASSEMBLY CONCURRENT RESOLUTION No. 84

STATE OF NEW JERSEY

DATED: JANUARY 24, 1983

Assembly Concurrent Resolution No. 84 proposes an amendment to New Jersey's Constitution to permit the merger of the juvenile and domestic relations court and the county district courts into the Superior Court. Under the provisions of Assembly Concurrent Resolution No. 84, any judge of these courts who had not acquired tenure would serve the remainder of their present term and would acquire tenure upon reappointment. Any judge who had acquired tenure on either the juvenile and domestic relations court or the county district court would have tenure as a Superior Court judge. As drafted, Assembly Concurrent Resolution No. 84 recognizes that the juvenile and domestic relations court is to become the county family court on September 1, 1983.