

R.S. 2A:34-1 et seq.

August 6, 1971

LEGISLATIVE HISTORY OF R.S. 2A:34-1 et seq.

(Divorce and Nullity of Marriage - 1970 Revision)

New York enacted a "no-fault" divorce law in 1962 (Laws 1962, Chapter 313) and California enacted similar legislation in 1969 (Stats. 1969, Chapter 1608). New Jersey began studying its divorce law in 1967, after numerous bills were introduced in preceding years calling for a study commission.

Divorce Law Study Commission created by:

L.1967 - Chap.57 - S-261.
Not amended during passage.
No statement on the bill.

Amended by:

L.1968 - Chap.170 Extends report date.
L.1969 - Chap.25 Extends report date.

The Commission published:

974.90 New Jersey. Divorce Law Study Commission
M359 Public hearing... held Jan. 30 1969.
1969

974.90 New Jersey Divorce Law Study Commission .
M359
1970 Final report 1970.

Similar bills introduced (1969-1971)

1969 - A-123 (Kaser) - 1 year separation.
1969 - A-399 (Owens and others) prohibits defense of recrimination.
1969 - A-400 (Owens) both parties at fault.
1969 - A-428 (Owens) insanity as ground.
1969 - A-632 (Doyle) alimony to husband.
1970 - A-140 (Owens) prohibits recrimination.
1970 - A-141 (Owens) both parties at fault.
1970 - A-143 (Owens) insanity as ground.
1970 - A-735 (Thomas) desertion as ground.
1970 - S-862 (Beadleston) general revision.

Bill which became law was:

L.1971 - Chap.212 - A-1100.

May 14, 1970 - Introduced by DeKorte (and 11 others).

Feb.1, 1971 - Passed Assembly, amended (copy enclosed).

Mar. 25 - Passed Senate, amended (copy enclosed).

Mar. 29 - Senate amended, passed Assembly.

Apr. 22 - Governor conditional veto (copy enclosed).

Apr. 26 - re-enacted in Assembly.

Apr. 29 - Re-enacted in Senate.

June 14 - Approved.

No statement.

(Enclosed in ...)
Hearing on above bill:

974.90 New Jersey. Legislative Assembly Judiciary
M359 Committee.
1970b Public hearings on A-1100 (Divorce)

Letters and lobbyists materials sent to legislators.
(copy enclosed). Material located in legislative history bill
file.

"Fact Sheet on Divorce" from N.J. Council of Family Life Directors
Publicity release from Family Life Bureau

Jan. 28, 1971 letter from Elmer M. Mathews, Esq.

Law Journal Articles (1966 - 1970)

89 NJLJ 180, March 24, 1966 "The State Bar's Family Law Section."
89 NJLJ 341, May 26, 1966 "Revision of divorce laws urged".
89 NJLJ 711, Nov. 3, 1966 "Divorce law reform to be pushed".
90 NJLJ 73, Feb. 2, 1967 "New Jersey Legislators call for Divorce
Law Study and Reform."
90 NJLJ 345, May 25, 1967 "Dean Heckel says keep religion out
of divorce law."
90 NJLJ 613, Sept. 14, 1967 "Congressman urges public support
of new divorce bill".
90 NJLJ 617, Sept. 21, 1967 Foster, Henry H. Jr., "Reform of
divorce grounds and defenses"
90 NJLJ 652, Oct. 5, 1967 "Renewable term marriages, prepaid
alimony urged".
91 NJLJ 81, Feb.8, 1968 "Judge Woods comments on divorce law
and family courts".
91 NJLJ 640, Oct. 3, 1968 "Our outmoded marriage, divorce and
sex laws". [editorial]

- 93 NJLJ 687, Sept. 24, 1970 "NJSBJ endorses divorce reform bill".
- 93 NJLJ 696, Oct. 1, 1970 Feinberg, Richard J. Letter to editor ... needed changes in law as proposed in A-1100.
- 14 NJSBJ 53 p.40 Fall 1970. Skoloff, Gary N. "The divorce reform bill and the final report of the divorce law commission - a brief analysis."
- 93 NJLJ 794, Nov. 12, 1970 "Family Law Section speaks on A-1100-support for divorce reform.
- 2 Seton Hall L.R. 63, Lubitz, Michael, "No-fault divorce: modernization long overdue in New Jersey.
- 94 NJLJ 36, Jan. 21, 1971 Trelease, Charles C. Letter to editor... opposed to proposed 6 month waiting time in place of 2 years.
- 94 NJLJ 85, Feb. 11, 1971 Sandles, Lester. Letter to editor... noting points in divorce law which need reform or clarification.
- 94 NJLJ 169, March 11, 1971 "State Bar urges passage of divorce reform bill."
- 94 NJLJ 173 March 11, 1971 "Golden urges Senators to pass divorce reform bill A-1100".
- 94 NJLJ 349, July 1, 1971 Divorce bill as amended expected to become law.
- 94 NJLJ 572, July 1, 1971 Crystal, Daniel. Letter to editor... new divorce law does not adequately protect the rights of children.
- 94 NJLJ 572, July 1, 1971 The new divorce act-separation and extreme cruelty as grounds for divorce. [editorial]
- 94 NJLJ 556, June 24, 1971 The new divorce law-alimony and property distributions. [editorials]

For background see:

From New Jersey Law Journal - Ten Year Cumulative Index
(on page 4)

Also see:

New Jersey State Bar Association. Family Law Committee
March 1966 -

Divorce—cont'd

Divorce aid for poor proposed along with other legal services
88 NJLJ 757, Nov. 25, 1965

The State Bar's family law section (editorial on need for revising N.J. divorce laws)
89 NJLJ 180, March 24, 1966

Revision of (N.J.) divorce laws: urged; would add five new grounds abolish alimony where there are no children
89 NJLJ 341, May 26, 1966

Divorce law reform to be pushed
89 NJLJ 711, November 3, 1966

Divorce-California California cuts time necessary for final divorce
88 NJLJ 605, Sept. 16, 1965

Divorce-New York (State)
New York High Court upholds Mexican divorce obtained after personal appearance
88 NJLJ 469, July 22, 1965

New York City Bar Assn proposes new grounds for divorce
88 NJLJ 789, Dec. 9, 1965

Proposed statute would make sweeping changes in N.Y. divorce law; Wilson committee provides five new categories for divorce
89 NJLJ 1, Jan. 6, 1965

Domestic Relations N.J. State Bar Association Committee on Family Law

Report. 81 NJLJ 254, May 15, 1958

Report. 82 NJLJ 245, May 5, 1959

Report. 83 NJLJ 189, April 14, 1960

Report. 87 NJLJ 290, May 7, 1964

Report. 87 NJLJ 727, Nov. 12, 1964

Report. 88 NJLJ 296, May 6, 1965

Report. 88 NJLJ 725, Nov. 11, 1965

Report. 89 NJLJ 502, May 12, 1966

N.J. State Bar Association Committee on Divorce and Custody

Report. 76 NJLJ 424, Dec. 10, 1953

Report. 77 NJLJ 130, April 22, 1954a

Report. 77 NJLJ 407, Dec. 2, 1954

Report. 78 NJLJ 430, Dec. 15, 1955

Report. 78 NJLJ 137, April 28, 1955

Report. 79 NJLJ 165, May 3, 1956

Report. 79 NJLJ 505, Dec. 20, 1956

Report. 80 NJLJ 262, May 23, 1957

Hartman, Morris S. Tax aspects of separation agreements

88 NJLJ 145, March 11, 1965

Grossman, Charles M. Provision of legal services to the indigent in family law matters

89 NJLJ 187, March 24, 1966

Grossman, Charles M. What can State Bar Family Law Committee accomplish?

89 NJLJ 697, October 27, 1966

see also Marriage Law

Domestic Relations Courts State Bar resolution calls for state-wide family court

88 NJLJ 59, Jan. 28, 1965

Child custody case embroils two Western states; tug of war may help cause of uniform law

88 NJLJ 495, July 29, 1965

The State Bar's family law section (editorial on need of family court)

89 NJLJ 180, March 24, 1966

see also Juvenile Courts

Domestic Relations Courts-N.Y. (State)

Urge N.Y. family court jurisdiction be upped to 19 years

85 NJLJ 121, Mar. 1, 1962

Divorce N.J. State Bar Association Committee on Divorce Study

Report. 69 NJLJ 181, June 6, 1946

Report. 72 NJLJ 161, May 19, 1949

Report. 73 NJLJ 166, May 25, 1950

Report. 73 NJLJ 412, Dec. 7, 1950

Report. 74 NJLJ 186, May 31, 1951

Report. 75 NJLJ 433, December 11, 1952

Report. 76 NJLJ 165, May 7, 1953

N.J. Supreme Court

Committee on Divorce and Custody

Report. 80 NJLJ 109, Mar. 7, 1957

Divorce conciliation plans for three cities studied by Philadelphia Bar

80 NJLJ 257, May 23, 1957

Ginsburg, I.G. The right to discovery in divorce actions: the limitation imposed by R.R. 4:98-5 should be abolished.

81 NJLJ 85, Feb. 13, 1958

Hartman, M.N. Alabama divorces (Validity in NJ)

81 NJLJ 540, Oct. 23, 1958

Curb-service divorces and full faith

83 NJLJ 163, March 31, 1960

Court sets first test under cohabitation pending-divorce law

84 NJLJ 361, July 6, 1961

Hartman addresses joint bar meeting on Alabama divorces

84 NJLJ 305, June 1, 1961

Levenson, A.D. Letter to editor on divorce law

86 NJLJ 604, Oct. 31, 1963

Pitfalls in foreign divorces discussed

88 NJLJ 325, May 20, 1965

Clippings:

Of the hundreds of articles on the divorce reform bill in V.F.--N.J.-- Marriage and divorce, the following are but a small selection: (copies enclosed)

Carter, Peter

"Divorce Bill Defeat Asked", Newark Evening News, Jan.31, 1971

"Liberal Divorce Law Pros and Cons Debated", Newark Evening News, February 2, 1971

Harris, Roger

"Assembly votes to ease divorce in Jersey, 45-11" Newark Star Ledger, February 2, 1971

"Governor sees room for change in divorce bill", Newark Star Ledger, February 4, 1971

Davis, John O.

"Easy Divorce Bill slips by Senate caucus, Leads for vote", Courier-Post, March 19, 1971

Carter, Peter

"New Jersey Senate votes divorce reform" Newark Evening News March 26, 1971

"Cahill will return divorce bill to Legislature for revision" Courier-Post, April 21, 1971

Lamendola, Linda

"Governor signs divorce reform bill", Newark Star Ledger June 15, 1971

JH/EH

Encl.

SENATE, No. 261

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 6, 1967

By Senator O'CONNOR

Referred to Committee on Business Affairs

AN ACT establishing a study commission to study and review the statutes and court decisions relating to divorce and nullity of marriage, to consider the advisability and practicability of creating a family law court, and related matters, prescribing its powers and duties, and making an appropriation therefor.

1 WHEREAS, In 1907 there was a general revision of the statutory law of the
2 State relating to divorce and nullity of marriage and related matters
3 which followed a recommendation for a uniform divorce act, made by a
4 conference of delegates from the States, including New Jersey; and

5 WHEREAS, Except for a statute passed in 1923, making extreme cruelty a
6 ground for divorce, there has been no particular consideration given to
7 this subject matter; and

8 WHEREAS, It has become increasingly evident that modern concepts in re-
9 spect to divorce and nullity of marriage, and the sociological aspects of
10 marriage, including many changes in viewpoint that require legislative
11 investigation and study, and revision in the law; and

12 WHEREAS, The New Jersey State Bar Association has petitioned for legis-
13 lative action in this regard; now, therefore,

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. There is hereby established a study commission to be known as the
2 Divorce Law Study Commission, which shall consist of 3 members of the
3 Senate to be appointed by the President thereof; 3 members of the General
4 Assembly to be appointed by the Speaker thereof; and 6 citizens of this
5 State to be appointed by the Governor. No more than 2 members of each
6 group of 3 shall be of the same political party. Appointments by the Gov-
7 ernor shall be made without regard to political affiliation. Each of the mem-
8 bers of the commission appointed from either House of the Legislature shall

9 serve so long as he shall be a member of the Senate or of the General As-
10 sembly, as the case may be. In case of vacancy, the same shall be filled in
11 the same manner as the original appointment was made.

1 2. All of the members of the commission shall serve without compensa-
2 tion but they shall be entitled to be reimbursed for all necessary expenses in-
3 curred in the performance of their duties.

1 3. The commission shall organize as soon as may be after the appoint-
2 ment of its members and shall select a chairman and vice-chairman from
3 among its members and a secretary who need not be a member of the com-
4 mission.

1 4. It shall be the duty of the commission to study and review the stat-
2 utes and court decisions concerning divorce and nullity of marriage and re-
3 lated matters, particularly as contained in Title 2A of the New Jersey Stat-
4 utes as amended and supplemented and other legislative enactments, relating
5 to the said subject matter and to study the advisability and practicability of
6 creating a family law court.

1 5. The Law Revision and Legislative Services Commission shall render
2 assistance to the said Divorce Law Study Commission in making its said
3 study.

1 6. The commission shall be entitled to call to its assistance and avail
2 itself of the services of such employees of any State, county or municipal
3 department, board, bureau, commission or agency as it may require and as
4 may be available to it for said purpose, and to employ such legal, steno-
5 graphic, technical and clerical assistants and to incur such traveling and
6 other miscellaneous expenses as it may deem necessary, in order to perform
7 its duties, and as may be within the limits of funds appropriated or other-
8 wise made available to it for said purposes.

1 7. The commission shall have all the powers provided by the provisions
2 of chapter 13 of Title 52 of the Revised Statutes.

1 8. The commission may meet and hold hearings at such place or places
2 as it shall designate during the sessions or recesses of the Legislature and
3 shall report its findings to the Governor and the Legislature accompanying
4 the same with any legislative bills which it may desire to recommend for
5 adoption by the Legislature on or before July 1, 1968, or as soon thereafter
6 as may be possible.

1 9. There is hereby appropriated to the commission the sum of \$10,000.00
2 to carry out the purposes of this act.

1 10. This act shall take effect immediately.