

9:2-7.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 9:2-7.1 (Visitation rights for siblings of minor children-- provide for procedure)

LAWS OF: 1987 **CHAPTER:** 363

Bill No: A644

Sponsor(s): Randall

Date Introduced: Pre-filed

Committee: **Assembly:** Judiciary
Senate: Judiciary

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: **Assembly:** February 20, 1986
Senate: December 17, 1987

Date of Approval: January 6, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

1-6-88

ASSEMBLY, No. 644

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblywoman RANDALL

AN ACT to amend the title of "An act authorizing the maintenance of habeas corpus proceedings by grandparents to obtain visitation rights in respect to their infant grandchildren in certain cases, and supplementing chapter 2 of Title 9 of the Revised Statutes," approved February 1, 1972 (P. L. 1971, c. 420), so that the same shall read "An act authorizing the maintenance of habeas corpus proceedings by grandparents or siblings to obtain visitation rights in respect to their infant grandchildren or siblings in certain cases, and supplementing chapter 2 of Title 9 of the Revised Statutes," and to amend the body of said act.

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

1 1. The title of P. L. 1971, c. 420 is amended to read as follows:

2 An act authorizing the maintenance of habeas corpus proceed-
3 ings by grandparents *or siblings* to obtain visitation rights in
4 respect to their infant grandchildren *or siblings* in certain cases,
5 and supplementing chapter 2 of Title 9 of the Revised Statutes.

1 2. Section 1 of P. L. 1971, c. 420 (C. 9:2-7.1) is amended to read
2 as follows:

3 1. Where either or both of the parents of a minor child, residing
4 within the State, is or are deceased, or divorced or living separate
5 and apart in different habitats, regardless of the existence of a court
6 order or agreement, a grandparent or the grandparents of such
7 child, who is or are the parents of such deceased, separated or
8 divorced parent or parents, *or any sibling of the child* may apply

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 printed in italics *thus* is new matter.

9 to the Superior Court, in accordance with the Rules of Court, to
10 have such child brought before such court; and the court may make
11 such order or judgment, as the best interest of the child may require,
12 for visitation rights for such grandparent **[or]**, grandparents *or*
13 *sibling* in respect to such child.

1 3. This act shall take effect immediately.

DOMESTIC RELATIONS

Permits siblings to apply for and receive visitation rights.

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ASSEMBLY, No. 644

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblywoman RANDALL

ASSEMBLY, No. 4039

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 9, 1985

By Assemblywoman RANDALL

AN ACT to amend the title of "An act authorizing the maintenance of habeas corpus proceedings by grandparents to obtain visitation rights in respect to their infant grandchildren in certain cases, and supplementing chapter 2 of Title 9 of the Revised Statutes," approved February 1, 1972 (P. L. 1971, c. 420), so that the same shall read "An act authorizing the maintenance of habeas corpus proceedings by grandparents or siblings to obtain visitation rights in respect to their infant grandchildren or siblings in certain cases, and supplementing chapter 2 of Title 9 of the Revised Statutes," and to amend the body of said act.

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

1 1. The title of P. L. 1971, c. 420 is amended to read as follows:

2 An act authorizing the maintenance of habeas corpus proceed-
3 ings by grandparents *or siblings* to obtain visitation rights in
4 respect to their infant grandchildren *or siblings* in certain cases,
5 and supplementing chapter 2 of Title 9 of the Revised Statutes.

1 2. Section 1 of P. L. 1971, c. 420 (C. 9:2-7.1) is amended to read
2 as follows:

3 1. Where either or both of the parents of a minor child, residing
4 within the State, is or are deceased, or divorced or living separate
5 and apart in different habitats, regardless of the existence of a court
6 order or agreement, a grandparent or the grandparents of such
7 child, who is or are the parents of such deceased, separated or
8 divorced parent or parents, *or any sibling of the child* may apply

**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 printed in italics thus is new matter.

9 to the Superior Court, in accordance with the Rules of Court, to
10 have such child brought before such court; and the court may make
11 such order or judgment, as the best interest of the child may require,
12 for visitation rights for such grandparent [or], grandparents or
13 sibling in respect to such child.

1 3. This act shall take effect immediately.

STATEMENT

This bill would permit siblings of minor children, whose parent or parents are deceased, divorced or living separate and apart, to apply to the Superior Court for visitation rights and would authorize the court to grant visitation rights to siblings if it is in the best interests of the minor children. Currently, there is no statutory right created in New Jersey that would allow siblings to apply for visitation although there is a codified right of grandparents to visit with their minor grandchildren. It is the purpose of this bill to codify a recent Superior Court decision in which the court, in recognition that the right to visit with one's brothers and sisters is equal to, if not greater than the right to visit with one's grandchildren, held that ". . . siblings possess the natural, inherent and inalienable right to visit with each other." *L., K., C., B. and H. K. v. G. and H., his wife*, Docket No. M-08916-84 (Superior Ct., June 18, 1985).

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ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 644

STATE OF NEW JERSEY

DATED: JANUARY 30, 1986

The Assembly Judiciary Committee reports favorably Assembly Bill No. 644.

This bill permits siblings of minor children whose parent or parents are deceased, divorced or living separate and apart, to apply to the Superior Court for visitation rights. The bill authorizes the court to grant visitation rights to siblings if it is in the best interests of the minor children. Currently, there is no statutory right created in New Jersey that would allow siblings to apply for visitation rights, although there is a codified right of grandparents to visit with their minor grandchildren.

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SENATE JUDICIARY COMMITTEE
STATEMENT TO
ASSEMBLY, No. 644

STATE OF NEW JERSEY

DATED: NOVEMBER 9, 1987

The Senate Judiciary Committee reports favorably Assembly Bill No. 644.

This bill would permit siblings of minor children, whose parent or parents are deceased, divorced or living separate and apart, to apply to the Superior Court for visitation rights and would authorize the court to grant visitation rights to siblings if it is in the best interests of the minor children. Currently, there is no statutory right in New Jersey that would allow siblings to apply for visitation although there is a right of grandparents to visit with their minor grandchildren in the above listed circumstances.