

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:4-3.1 et al; 2A:4A-1 to 2A:4A-11 (Family Court--establish--abolish J & DR Courts)

LAWS OF: 1982 CHAPTER: 78

BILL NO: A642

Sponsor(s): Herman and others

Date Introduced: January 19, 1982

Committee: Assembly: -----

Senate: Judiciary; Revenue, Finance and Appropriations

Amended during passage: Yes Amendments during passage denoted by asterisks. Substituted for S920 (not attached since identical to A642; fiscal note to S920 attached)

Date of Passage: Assembly: February 1, 1982

Senate: May 24, 1982

Date of Approval: July 23, 1982

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes 2-8-82 and 3-15-82

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: Yes

Hearings: Yes

For hearings and reports see legislative history of L. 1983, c. 405.

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ASSEMBLY, No. 642

STATE OF NEW JERSEY

INTRODUCED JANUARY 19, 1982

By Assemblymen HERMAN, KERN, DOYLE, THOMPSON, KAVANAUGH, GORMLEY, KARCHER, GORMAN, VISOTCKY, BOCCHINI, BROWN, PANKOK, D. GALLO, ROCCO, BRYANT, RILEY, Assemblywoman COSTA, Assemblyman MARKERT, Assemblywoman PERUN, Assemblymen FORTUNATO, SCHWARTZ, PATERNITI, DORIA, MATTHEWS, ZANGARI, FLYNN, JANISZEWSKI, GIRGENTI, PELLECCIA, MAZUR, BAER, DEVERIN, LESNIAK, Assemblywoman WRIGHT, Assemblymen FRANKS, HENDRICKSON, WOLF, ROD, KOSCO, SCHUBER, SHUSTED, HARDWICK, LACORTE, MILLER, ALBOHN, Assemblywoman BROWN, Assemblymen GILL, BENNETT, PALAIA, SMITH, PATERO, ADUBATO and Assemblywoman KALIK

(Without Reference)

AN ACT to abolish the juvenile and domestic relations court and to establish a family court.

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

1 1. The juvenile and domestic relations courts are abolished, ex-
2 cept as specified by sections 10 and 12 of this act. All judges
3 authorized to sit in these courts as of the effective date of this act
4 shall be transferred to and become judges of the family court.

1 2. A county family court is hereby established as an inferior
2 court of limited jurisdiction, pursuant to Article VI, section I,
3 paragraph 1 of the New Jersey Constitution.

1 3. The family court shall be a court of record, having a seal and
2 having jurisdiction to hear and determine all cases formerly heard
3 by the juvenile and domestic relations court. In those cases within

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.

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

*—Senate committee amendments adopted March 15, 1982.

4 the jurisdiction of the family court where it is charged that a
 5 juvenile has committed an act of delinquency or in all matters
 6 relating to juvenile-family in crisis cases, as defined by section 3
 7 of P. L. , c. (now pending before the Legislature as
 8 Assembly Bill No. 641), the jurisdiction of the court shall extend
 9 over the juvenile, his parents or guardian or a family member
 10 found to be contributing to the family crisis.

1 4. a. The family court shall consist of 35 judges. Each judge
 2 shall receive such annual salary as shall be fixed by law.

3 b. The family court shall consist of the following number of
 4 judges from the listed counties who at the time of their appoint-
 5 ment and any reappointment were residents of that county:

6	Atlantic	1
7	Bergen	4
8	Burlington	1
9	Camden	2
10	Essex	6
11	Hudson	4
12	Mercer	1
13	Middlesex	4
14	Monmouth	4
15	Morris	2
16	Passaic	2
17	Union	4

18 c. In counties other than those in which the appointment of
 19 judges is provided by subsection b., the Supreme Court shall
 20 designate a Superior Court judge sitting in that county as the
 21 judge of the family court.

22 d. There shall be established in each county a court intake ser-
 23 vice, which shall have among its responsibilities the screening of
 24 juvenile delinquency complaints and juvenile-family crisis referrals.
 25 The intake service shall operate in compliance with standards
 26 established by the Supreme Court, but in no instance shall the
 27 standards for personnel employed as counselors hired after the
 28 effective date of this act be less than a masters degree from an
 29 accredited institution in a mental health or social or behavioral
 30 science discipline including degrees in social work, counseling,
 31 counseling psychology, mental health, counseling or education.
 32 Equivalent experience is acceptable when it consists of a minimum
 33 of an associates degree with a concentration in one of the behavioral
 34 sciences and a minimum of 5 years experience working with
 35 troubled youth and their families or a bachelors degree in one of
 36 the behavioral sciences and 2 years experience working with the

37 troubled youth and their families. Intake personnel should also
38 receive training in drug and alcohol abuse.

39 e. Guidelines for the education and training of judges authorized
40 to sit in the family court shall be established by the Administrative
41 Office of the Courts and shall include familiarization with youth
42 services available in the county in which the judge sits.

1 5. Family court judges shall be appointed by the governor with
2 the advice and consent of the Senate for a term of 5 years and
3 until his successor is appointed and confirmed. Each judge, so
4 appointed, shall devote his entire time to his judicial duties; shall
5 not engage in the practice of law, and shall be paid such salary
6 as is provided by law.

1 6. Each judge of the family court hereafter appointed shall,
2 prior to his appointment, have been admitted to the practice of law
3 in this State for at least 10 years.

1 7. In every county having more than one judge of the family
2 court all appointments to such judgeships shall be made in such
3 manner that the appointees shall be, in equal numbers, members
4 of different political parties, that is to say such political parties
5 as shall have cast the largest and the next to the largest number
6 of votes, respectively, for members of the General Assembly at
7 the last preceding general election held for the election of all the
8 members of the General Assembly prior to the making of any such
9 appointments so as to constitute the court bipartisan in character.

1 8. Any judge of the family court who shall have served for 10
2 years successively as a judge of his respective court and shall be
3 in his third term, shall have tenure in office during good behavior
4 and shall be retired upon attaining the age of 70 years. Service on
5 the former juvenile and domestic relations court shall be considered
6 as service on the family court in determining tenure.

1 9. Any family court judge may be assigned by the Chief Justice
2 of the Supreme Court to hold temporarily the Superior Court or
3 county district court of his county and, upon such assignment, shall
4 have all the power, authority and jurisdiction of a judge of the
5 Superior Court or county district court.

1 10. Whenever any reference is made in any statute to the juvenile
2 and domestic relations court or a judge thereof, it shall be given
3 effect as though the reference were to the family court or a judge
4 thereof, except that whenever any statute confers authority upon
5 a juvenile and domestic relations court, or a judge thereof, to make
6 any appointment or to fill any public position, office, or other public
7 place, it shall be given effect as though the reference were to the
8 presiding judge of the family court. The assignment judge may
9 delegate such authority as provided by court rule.

1 11. All the functions, powers, and duties conferred by statute or
 2 otherwise upon the judges of the juvenile and domestic relations
 3 courts shall be transferred to and may be exercised by judges of
 4 the family court.

1 12. The following statutes for the juvenile and domestic relations
 2 courts shall remain in effect until otherwise provided by law:
 3 N. J. S. 2A:4-10 as to appointment and salaries of clerks and
 4 other necessary employees authorized by the governing body of
 5 the county; N. J. S. 2A:4-11 as to probation officers of the court;
 6 and N. J. S. 2A:4-41 as to expenses, provided that references to
 7 the statutes in this section shall be given effect in accordance with
 8 section 9 of this act.

1 13. a. All judges who acquired tenure as judges of the juvenile
 2 and domestic relations court as of the effective date of this act
 3 shall have tenure as judges of the family court as of that date.

4 b. All other judges of the juvenile and domestic relations court
 5 shall hold office as judges of the family court for the period of
 6 their respective terms which remain unexpired on the effective
 7 date of this act.

1 14. a. The State shall be responsible for the cost of the salary
 2 of the judges of the family court, provided that each county shall
 3 **continue to** be responsible for **[50% of such cost until the end*
 4 *of the first year following the effective date of this act]* *the cost*
 4A *of such salary until the 12 month period beginning January 1 and*
 4B *ending December 31 immediately following the effective date of this*
 4C *act during which each county shall be responsible for 50% of such*
 4D *cost*.*

5 b. In any county where the required number of family court
 6 judges set forth in section 4b. of this act is increased the county,
 7 so long as the increased number of judges in the family court in
 8 that county exists, the county shall be responsible for funding
 9 100% of the cost of any such position in the first **[years]* *year**
 10 following the date of increase; 75% in the second year; 50% in the
 11 third year; 25% in the fourth year; and in the fifth year, the State
 12 shall be responsible for the entire cost.

1 15. If any section, subsection, or clause of this act shall be held
 2 to be unconstitutional or invalid, such decision shall not affect the
 3 validity of the remaining portions of the act.

1 16. All acts and parts of acts and supplements thereto that are
 2 inconsistent with this act are hereby superseded.

1 17. This act shall take effect on September 1, 1983, but shall
 2 remain inoperative unless and until the following bills now pending
 3 before the Legislature as Assembly Bill No. 641, Assembly Bill No.

Also amend the following as indicated above: _____

4 643, Assembly Bill No. 644, and Assembly Bill No. 645 are enacted
5 into law, except that any appointment, any confirmation of any
6 appointment, and any action permitted or required by this act and
7 necessary to implement this act as of such date may be made or
8 undertaken prior to such date.

STATEMENT

The purpose of this bill is to abolish the juvenile and domestic relations court and to create a new statutory court entitled the "Family Court." The new family court would have the same jurisdiction as the present juvenile and domestic relations court. The salaries of the judges of this new court would, however, be assumed by the State rather than the counties. All judges presently sitting in the juvenile and domestic relations court would be transferred to the family court. It is hoped that the creation of the family court will serve as an interim measure until a constitutional amendment effectuating the complete unification of New Jersey's court system can be adopted.

The following is a section-by-section description of the provisions of this bill.

Section 1 abolishes the juvenile and domestic relations court and transfers the judges of that court to the family court.

Section 2 establishes the family court.

Section 3 grants jurisdiction to the family courts over matters formerly heard by the juvenile and domestic relations court. Jurisdiction is also specifically granted in juvenile-family crisis cases over all family members contributing to the crisis.

Section 4 establishes the number of family court judges at 35, the number of present juvenile and domestic relations court judges. These 35 judges are divided among the counties as follows: Atlantic-1; Bergen-4; Burlington-1; Camden-2; Essex-6; Hudson-4; Mercer-1; Middlesex-4; Monmouth-4; Morris-2; Passaic-2 and Union-4. This matches the breakdown of authorized judgeships in the juvenile and domestic relations court. Section 4 also provides that in any county to which no family court judges are assigned, a Superior Court judge assigned to that county shall be assigned to sit in that family court.

Additionally, section 4 provides for the establishment in each county of a court intake service to screen delinquency complaints and juvenile-family crisis referrals. Further, section 4 provides that guidelines for training of family court judges shall be established by the Administrative Office of the Courts.

Section 5 provides that county district court judges shall be appointed for 5 year terms by the Governor with the advice and consent of the Senate.

Section 6 provides that a person must be admitted to the practice of law for 10 years in order to be eligible to be appointed a judge of the family court.

Section 7 provides that judges of the family court shall be appointed on a bipartisan basis.

Section 8 provides that a family court judge who serves 10 years and shall be in his third term shall acquire tenure in office. Service on the juvenile and domestic relations court would count as service on the family court for tenure purposes.

Section 9 states that family court judges may be assigned by the Chief Justice to sit on the county district court and the Superior Court.

Section 10 states that any reference in any statute to the juvenile and domestic relations court shall be read as reference to the family courts. Any authority of a juvenile and domestic relations court judge to make any appointment or fill any position is conferred upon the presiding judge of the family court.

Section 11 transfers all other functions, powers or duties of judges of the juvenile and domestic relations courts to the family court.

Section 12 keeps in effect certain statutes relating to employees of the juvenile and domestic relations court.

With regard to the family courts, the intent of this act is that, except for judges' salaries and fringe benefit costs, funding and financing of administrative, clerical, and legal staff, and funding and financing of courtrooms, chambers, office supplies, and other overhead expenses shall remain county expenses as is currently the case with the juvenile and domestic relations court.

Section 13 provides that any judge having acquired tenure on the juvenile and domestic relations court would have tenure as a family court judge. All other juvenile and domestic relations court judges would serve on the family court for remainder of their present terms.

Section 14 requires the counties to bear 50% of the cost of the salaries of family court judges for the first year following the operative date of this act and allows for additional family court judges under a phase-in funding requirement.

Section 15 is the severability clause.

Section 16 repeals all acts inconsistent with this act.

Section 17 provides that this act shall take effect on September 1, 1983.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 642

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 1982

The purpose of this bill is to abolish the juvenile and domestic relations court and to create a new statutory court entitled the "Family Court." The new family court would have the same jurisdiction as the present juvenile and domestic relations court. The salaries of the judges of this new court would, however, be assumed by the State rather than the counties. All judges presently sitting in the juvenile and domestic relations court would be transferred to the family court. It is hoped that the creation of the family court will serve as an interim measure until a constitutional amendment effectuating the complete unification of New Jersey's court system can be adopted.

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Section 14 requires the counties to bear 50% of the cost of the salaries of family court judges for the first year following the operative date of this act and allows for additional family court judges under a phase-in funding requirement.

Section 15 is the severability clause.

Section 16 repeals all acts inconsistent with this act.

Section 17 provides that this act shall take effect on September 1, 1983.

FISCAL NOTE TO
SENATE, No. 920
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JULY 7, 1982

Senate Bill No. 920 OCR, of 1982, would abolish the Juvenile and Domestic Relations Court and create a new county "Family Court". The new court would have the same jurisdiction as those it replaces. The salaries of the judges of the new court would be assumed by the State rather than the counties, and the abolished court judges would be transferred to the new court.

The Judiciary estimates costs as follows:

	State Cost	County Cost
FY 1984*	\$1,608,593.00	(\$1,608,593.00)
FY 1985**	\$3,638,028.00	(\$331,584.00)
FY 1986	\$4,118,438.00	(—0—)

* Implementation date of September 1, 1983.

** Counties to share 50% of costs until end of the first 12 months following implementation. Thereafter, 100% State cost.

The Office of Legislative Services concurs.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1980, c. 67.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: CARL GOLDEN

FRIDAY, JULY 23, 1982

A comprehensive revision of New Jersey's juvenile justice laws, including a crackdown on crimes of violence and the creation of a Family Court to deal with juvenile matters was signed into law today by Governor Thomas H. Kean.

The five-bill package was signed by the Governor at a ceremony in the Assembly Chamber.

"This signing ceremony today culminates efforts of several years to upgrade, modernize and improve the manner in which the juvenile justice system functions in New Jersey," Kean said. "It recognizes very clearly the need to deal swiftly and sternly with violent young criminals and it tempers that recognition with the understanding that there are cases in which counseling and rehabilitation will be an adequate and appropriate response."

The five bills signed by the Governor are:

A-641, sponsored by Assemblyman Martin Herman (D-Gloucester) which permits judges to refer juveniles over the age of 14 years to trial as an adult when charged with a serious crime such as homicide, kidnapping, or sexual assault.

A-642, also sponsored by Herman, which establishes a Family Court in place of the Juvenile and Domestic Relations Court and extends its jurisdiction to the parents of the juvenile or other members of the family who might have contributed to the crisis.

A-643, sponsored by Assemblyman Walter M. D. Kern (R-Bergen) setting standards for the disclosure of juvenile identities and permits the fingerprinting of juveniles in certain cases.

- more -

A-644, sponsored by Assemblyman John Doyle (D-Ocean) to establish juvenile-family crisis intervention units in each county to assist juveniles and their families whose behavior creates a crisis situation.

A-645, sponsored by Assemblyman Eugene Thompson (D-Essex) which revises and standardizes in all counties the processing and handling of juvenile matters prior to involvement by the court, thus permitting some matters to be disposed of outside the courtroom.

"This program achieves a balance between the need for law-abiding society to be protected from the violent acts of young persons and the need for that same society to rehabilitate juveniles and turn them away from a career of crime," Kean said.

The Governor noted that he had been a long time advocate of the programs embodied in the package of bills.

"Crime --- and particularly violent crime --- is continually expressed by people as their major concern," Kean said. "The rapid and tragic upward surge in juvenile crime has been of deepening concern and demands that government deal with it.

"The package of bills I have signed today represents a most appropriate response to the problem and I am confident that New Jersey will make great strides in combating juvenile crime," Kean said.

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