

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 111

NJSA: 2A:34-12.1
(Parents' Education Program)

BILL NO: S51 (substituted for A1810)

SPONSOR(S): Kavanaugh and Martin

DATE INTRODUCED: Pre-filed

COMMITTEE:

ASSEMBLY: Senior Issues & Community Services; Appropriations

SENATE: Women's Issues, Children & Family Services; Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE:

ASSEMBLY: March 29, 1999

SENATE: March 19, 1998

DATE OF APPROVAL: May 19, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: 1st Reprint
(Amendments during passage denoted by superscript numbers)

S51

SPONSORS STATEMENT: *Yes*
(Begins on page 4 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: Yes

June 1, 1998

January 21, 1999

SENATE: Yes

February 23, 1998

March 5, 1998

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *Yes*

A1810

SPONSORS STATEMENT: *Yes*

(Begins on page 4 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY:*Yes*

June 1, 1998

Identical to Assembly Statement of 6-1-98 for S51

January 21, 1999

Identical to Assembly Statement of 1-21-99 for S51

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *Yes*

Identical to Legislative Fiscal Estimate for S51

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

*To check for circulating copies contact New Jersey State Government Publications at the State Library
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REPORTS: *Yes*

974.90 M359, 1995A

New Jersey. Commission to Study the Law of Divorce. Kavanaugh, Walter J.

Report of the Commission to Study the Law of Divorce.

[Trenton, N.J. : The Commission, 1995]

(see recommendation #2, pp. 15-17)

974.90 M359 1995

New Jersey. Commission to Study the Law of Divorce. Kavanaugh, Walter J.

Preliminary report of the Commission to Study the Law of Divorce.

[Trenton, N.J. : The Commission, 1995]

(see recommendation #2, pp. 19-21)

HEARINGS: *Yes*

974.90 M359 1994

New Jersey. Commission to Study the Law of Divorce.

Public meetings of Commission to Study the Law of Divorce

[March 31, 1994, Trenton; July 28, 1994, Toms River; September 20, 1994, Wayne; November 2, 1994, Trenton]

Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, [1994]

NEWSPAPER ARTICLES: *Yes*

"Gov. signs divorcees-class bill," Trentonian, 5-20-99, p.7.

Title 2A.
Chapter 34
Article 2 Part C.
Parents' Education
Act
§§1-8
C. 2A:34-12.1
To
2A:34-12.8
§9
Note To §§1-8

P.L. 1999, CHAPTER 111, *approved May 19, 1999*
Senate, No. 51 (*First Reprint*)

1 **AN ACT** establishing a mandatory education program and
2 supplementing Title 2A of the New Jersey Statutes.

3

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

6

7 1. This act shall be known and may be cited as the "Parents'
8 Education Act."

9

10 2. There is hereby established a separate, nonlapsing, revolving
11 fund in the General Fund to be known as the "Parents' Education
12 Fund." The Clerk of the Superior Court shall forward the \$25
13 registration fee collected pursuant to section 5 of P.L. , c.
14 (C.)(now pending before the Legislature as section 5 of this bill)
15 for deposit in the fund. The fund shall be administered by the
16 Administrative Office of the Courts and dedicated to the development,
17 establishment, operation and maintenance of the "Parents' Education
18 Program" created pursuant to section 3 of P.L. , c. (C.)(now
19 pending before the Legislature as section 3 of this bill).

20

21 3. a. There is hereby established a mandatory education program
22 to be known as the "Parents' Education Program."

23 b. The program shall be designed to assist and advise divorced
24 parents on issues concerning divorce, separation and custody. The
25 program shall be made available twice a month. The program shall be
26 administered by the Administrative Office of the Courts. The
27 ¹**[Administrative Office of the Courts]** Assignment Judge¹ shall
28 appoint ¹**[two program representatives for each county, a male and a**
29 **female]** appropriate staff to act as a program representative or
30 representatives, as necessary, for each county¹.

31 c. The purpose of the program shall be to promote cooperation
32 between the parties and to assist parents in resolving issues which may

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SWF committee amendments adopted February 23, 1998.

1 arise during the divorce or separation process, including, but not
2 limited to:

3 (1) Understanding the legal process and cost of divorce or
4 separation, including arbitration and mediation;

5 (2) Understanding the financial responsibilities for the children;

6 (3) Understanding the interaction between parent and child, the
7 family relationship and any other areas of adjustment and concern
8 during the process of divorce or separation;

9 (4) Understanding how children react to divorce or separation,
10 how to spot problems, what to tell them about divorce or separation,
11 how to keep communication open and how to answer questions and
12 concerns the children may have about the process;

13 (5) Understanding how parents can help their children during the
14 divorce or separation, specific strategies, ideas, tools, and resources
15 for assistance;

16 (6) Understanding how parents can help children after the divorce
17 or separation and how to deal with new family structures and different
18 sets of rules; and

19 (7) Understanding that cooperation may sometimes be
20 inappropriate in cases of domestic violence.

21

22 4. a. There is hereby established an advisory committee consisting
23 of nine members appointed by the Governor with the advice and
24 consent of the Senate. The members shall include a former judge who
25 specialized in family law matters, an attorney who specializes in family
26 law matters, a mediator, ¹ **[a probation officer]** the Administrative
27 Director of the Courts, or his designee¹, two mental health
28 professionals with experience in the field of child care, an educator,
29 one custodial parent and one non-custodial parent.

30 b. The committee members shall select a chairman from among the
31 members. The committee shall develop a curriculum, guidelines,
32 program representative qualifications and requirements to be used in
33 the "Parents' Education Program" established pursuant to section 3 of
34 P.L. , c. (C.)(now pending before the Legislature as section 3 of
35 this bill). The committee shall report its recommendations to the
36 Administrative Office of the Courts three months following the
37 organization of the committee. The Administrative Office of the
38 Courts shall use the recommendations of the committee to develop a
39 comprehensive education program.

40

41 5. a. The court shall order every person who has filed an action for
42 divorce, nullity or separate maintenance where the custody, visitation
43 or support of the minor child is an issue to attend the "Parents'
44 Education Program" established pursuant to section 3 of P.L. , c.
45 (C.)(now pending before the Legislature as section 3 of this bill).
46 Each party shall attend separate sessions of the program.

1 b. Each party shall be required to pay a fee of \$25 for registration
2 in the "Parents' Education Program" which shall be forwarded by the
3 Clerk of the Superior Court for deposit in the "Parents' Education
4 Program Fund" established pursuant to section 2 of P.L. , c. (C.)
5 (now pending before the Legislature as section 2 of this bill).

6 c. Except as provided in ¹~~subsection~~ subsections¹ d. ¹~~and e.~~¹ of
7 this section, the court shall require all parties who have filed an action
8 for divorce, nullity or separate maintenance where the custody,
9 visitation or support of the minor child is an issue to complete the
10 program prior to entry of judgment. Failure of a party to participate
11 in the program shall be considered as a factor by the court in making
12 any custody and visitation determinations.

13 d. The court may exempt a party from attending the program, if the
14 court finds good cause for an exemption.

15 ¹e. The court shall not refer a party to the program if a temporary
16 or final order restraining either party from contact with the other has
17 been issued pursuant to the "Prevention of Domestic Violence Act of
18 1991," P.L. 1991, c. 261 (C.2C:25-17 et seq.), or if either party is
19 restrained from contact with the other party, or a child of the other
20 party, under the criminal or civil laws of this or any other state .¹

21
22 6. a. Notwithstanding any other provision of law to the contrary,
23 no person serving as a program representative in the "Parents'
24 Education Program" established pursuant to section 3 of P.L. , c.
25 (C.)(now pending before the Legislature as section 3 of this bill)
26 shall be liable for damages resulting from any exercise of judgment or
27 discretion in connection with the person's duties unless the actions
28 ¹are fraudulent or¹ evidence a reckless disregard for the duties
29 imposed by the position. Nothing in this section shall be deemed to
30 grant immunity to any program representative causing damage by that
31 person's wilful, wanton or grossly negligent act of commission or
32 omission.

33 b. No person serving as a program representative in the program
34 shall solicit, accept employment from or counsel a program participant
35 for a period of one year after the program participant has completed
36 the program.

37
38 7. All communications made by any program participant during the
39 course of attending the "Parents' Education Program," established
40 pursuant to section 3 of P.L. , c. (C.)(now pending before the
41 Legislature as section 3 of this bill) is confidential and shall not be
42 admissible as evidence in any court proceeding.

43
44 8. The Supreme Court of New Jersey may adopt Rules of Court
45 appropriate or necessary to effectuate the purpose of this act.

1 9. This act shall take effect 180 days after enactment except for
2 section 4 which shall take effect immediately.

3

4

5

6

7 Creates the "Parents' Education Program."

SENATE, No. 51

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Senator WALTER KAVANAUGH

District 16 (Morris and Somerset)

Senator ROBERT J. MARTIN

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Creates the "Parents' Education Program."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT establishing a mandatory education program and
2 supplementing Title 2A of the New Jersey Statutes.

3

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

6

7 1. This act shall be known and may be cited as the "Parents'
8 Education Act."

9

10 2. There is hereby established a separate, nonlapsing, revolving
11 fund in the General Fund to be known as the "Parents' Education
12 Fund." The Clerk of the Superior Court shall forward the \$25.00
13 registration fee collected pursuant to section 5 of P.L. , c.
14 (C.)(now pending before the Legislature as section 5 of this bill)
15 for deposit in the fund. The fund shall be administered by the
16 Administrative Office of the Courts and dedicated to the development,
17 establishment, operation and maintenance of the "Parents' Education
18 Program" created pursuant to section 3 of P.L. , c. (C.)(now
19 pending before the Legislature as section 3 of this bill).

20

21 3. a. There is hereby established a mandatory education program
22 to be known as the "Parents' Education Program."

23 b. The program shall be designed to assist and advise divorced
24 parents on issues concerning divorce, separation and custody. The
25 program shall be made available twice a month. The program shall be
26 administered by the Administrative Office of the Courts. The
27 Administrative Office of the Courts shall appoint two program
28 representatives for each county, a male and a female.

29 c. The purpose of the program shall be to promote cooperation
30 between the parties and to assist parents in resolving issues which may
31 arise during the divorce or separation process, including, but not
32 limited to:

33 (1) Understanding the legal process and cost of divorce or
34 separation, including arbitration and mediation;

35 (2) Understanding the financial responsibilities for the children;

36 (3) Understanding the interaction between parent and child, the
37 family relationship and any other areas of adjustment and concern
38 during the process of divorce or separation;

39 (4) Understanding how children react to divorce or separation,
40 how to spot problems, what to tell them about divorce or separation,
41 how to keep communication open and how to answer questions and
42 concerns the children may have about the process;

43 (5) Understanding how parents can help their children during the
44 divorce or separation, specific strategies, ideas, tools, and resources
45 for assistance;

46 (6) Understanding how parents can help children after the divorce

1 or separation and how to deal with new family structures and different
2 sets of rules; and

3 (7) Understanding that cooperation may sometimes be
4 inappropriate in cases of domestic violence.

5

6 4. a. There is hereby established an advisory committee consisting
7 of nine members appointed by the Governor with the advice and
8 consent of the Senate. The members shall include a former judge who
9 specialized in family law matters, an attorney who specializes in family
10 law matters, a mediator, a probation officer, two mental health
11 professionals with experience in the field of child care, an educator,
12 one custodial parent and one non-custodial parent.

13 b. The committee members shall select a chairman from among the
14 members. The committee shall develop a curriculum, guidelines,
15 program representative qualifications and requirements to be used in
16 the "Parents' Education Program" established pursuant to section 3 of
17 P.L. , c. (C.)(now pending before the Legislature as section 3 of
18 this bill). The committee shall report its recommendations to the
19 Administrative Office of the Courts three months following the
20 organization of the committee. The Administrative Office of the
21 Courts shall use the recommendations of the committee to develop a
22 comprehensive education program.

23

24 5. a. The court shall order every person who has filed an action for
25 divorce nullity or separate maintenance where the custody, visitation
26 or support of the minor child is an issue to attend the "Parents'
27 Education Program" established pursuant to section 3 of P.L. , c.
28 (C.)(now pending before the Legislature as section 3 of this bill).
29 Each party shall attend separate sessions of the program.

30 b. Each party shall be required to pay a fee of \$25.00 for
31 registration in the "Parents' Education Program" which shall be
32 forwarded by the Clerk of the Superior Court for deposit in the
33 "Parents' Education Program Fund" established pursuant to section 2
34 of P.L. , c. (C.)(now pending before the Legislature as section 2
35 of this bill).

36 c. Except as provided in subsection d. of this section, the court
37 shall require all parties who have filed an action for divorce, nullity or
38 separate maintenance where the custody, visitation or support of the
39 minor child is an issue to complete the program prior to entry of
40 judgment. Failure of a party to participate in the program shall be
41 considered as a factor by the court in making any custody and
42 visitation determinations.

43 d. The court may exempt a party from attending the program, if the
44 court finds good cause for an exemption.

45

46 6. a. Notwithstanding any other provision of law to the contrary,

1 no person serving as a program representative in the "Parents'
2 Education Program" established pursuant to section 3 of P.L. , c.
3 (C.)(now pending before the Legislature as section 3 of this bill)
4 shall be liable for damages resulting from any exercise of judgment or
5 discretion in connection with the person's duties unless the actions
6 evidence a reckless disregard for the duties imposed by the position.
7 Nothing in this section shall be deemed to grant immunity to any
8 program representative causing damage by that person's wilful,
9 wanton or grossly negligent act of commission or omission.

10 b. No person serving as a program representative in the program
11 shall solicit, accept employment from or counsel a program participant
12 for a period of one year after the program participant has completed
13 the program.

14
15 7. All communications made by any program participant during the
16 course of attending the "Parents' Education Program," established
17 pursuant to section 3 of P.L. , c. (C.)(now pending before the
18 Legislature as section 3 of this bill) is confidential and shall not be
19 admissible as evidence in any court proceeding.

20
21 8. The Supreme Court of New Jersey may adopt Rules of Court
22 appropriate or necessary to effectuate the purpose of this act.

23
24 9. This act shall take effect 180 days after enactment except for
25 section 4 which shall take effect immediately.

26
27

28 STATEMENT

29
30 This bill would establish the "Parents Education Program," a
31 mandatory education program for all parties filing an action for
32 divorce. The program would be designed to assist and advise divorced
33 parents on issues concerning divorce, separation and custody and to
34 provide the parties with a better understanding of the legal process,
35 costs and financial responsibilities both parties would most likely face
36 during the divorce process. The bill would require each party to
37 complete the program prior to entry of judgment. Failure of a party
38 to participate in the program would be considered as a factor by the
39 court in making any custody and visitation determinations.

40 The bill would require all participants to pay a registration fee of
41 \$25.00 which would be deposited in the Parents' Education Fund.
42 This fund would be dedicated to the development, establishment,
43 operation and maintenance of the Parents Education Program. The
44 program would be administered by the Administrative Office of the
45 Courts.

46 The bill would also authorize the creation of a temporary nine

1 member advisory committee, consisting of professionals in the area of
2 divorce. The committee would be required to develop a specific
3 curriculum, determine the program length, establish guidelines and
4 qualifications for the program moderators and develop any other
5 necessary program requirements. The committee would be required
6 to report its findings to the Administrative Office of the Courts which
7 in turn would be required to use these recommendations in developing
8 the mandatory education program.

9 This bill embodies recommendation number 2 of the report of the
10 Commission to Study the Law of Divorce, issued April 18, 1995.

ASSEMBLY SENIOR ISSUES AND COMMUNITY SERVICES
COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 51

STATE OF NEW JERSEY

DATED: JUNE 1, 1998

The Assembly Senior Issues and Community Services Committee favorably reports Senate Bill No. 51 (1R).

Senate Bill No. 51 (1R) would establish the "Parents' Education Program," a mandatory education program for all parties filing an action for divorce or separate maintenance if the custody, visitation or support of a minor child is an issue. The program would be designed to assist and advise divorcing and separating parents on issues concerning divorce, separation and custody and to provide the parties with a better understanding of the legal process, costs and financial responsibilities both parties would most likely face during the divorce or separation process. The bill would require each party to complete the program prior to entry of judgment except for good cause and in cases involving domestic violence. Failure of a party to participate in the program would be considered as a factor by the court in making any custody and visitation determinations.

The bill would require all participants to pay a registration fee of \$25.00 which would be deposited in a Parents' Education Fund. This fund would be dedicated to the development, establishment, operation and maintenance of the Parents' Education Program. The program would be administered by the Administrative Office of the Courts.

The bill establishes a temporary advisory committee consisting of nine members to be appointed by the Governor; the membership of the committee is to include a former judge who specialized in family law matters, an attorney who specializes in family law matters, a mediator, the Administrative Director of the Courts or the Administrator's designee, two mental health professionals with experience in the field of child care, an educator, one custodial parent, and one non-custodial parent. The committee is to develop a specific curriculum, guidelines, and qualifications for the program representatives, and other program requirements. Within three months of organizing, the committee is to report its findings to the Administrative Office of the Courts, which in turn would use these recommendations in developing the mandatory education program.

The bill provides that the Assignment Judge shall appoint appropriate staff to act as program representatives for the Parents' Education Program, as necessary, for each county.

The bill provides that parties would not be referred to the Parents' Education Program if a temporary or final order restraining either party from contact with one another has been issued pursuant to the "Prevention of Domestic Violence Act of 1991," N.J.S.A.2C:25-17 et seq., or if either party is restrained from contact with the other party, or a child of the other party, under the criminal or civil laws of this or any other state.

Finally, the bill limits the liability of program representatives in the Parents' Education Program in connection with their duties unless their actions are fraudulent or evidence a reckless disregard for the duties imposed by their position.

This bill is identical to Assembly Bill No. 1810 which was released by this committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 51

STATE OF NEW JERSEY

DATED: JANUARY 21, 1999

The Assembly Appropriations Committee reports favorably Senate Bill No. 51 (1R).

Senate Bill No. 51 (1R) establishes the "Parents' Education Program," a mandatory education program for all parties filing an action for divorce, nullity or separate maintenance wherein the custody, visitation or support of a minor child is an issue. The program will be designed to assist and advise divorced or separating parents on issues concerning divorce, separation and custody to provide the parties with a better understanding of the legal process, costs and financial responsibilities both parties are likely to face during the divorce process. The bill requires each party to complete the program prior to entry of judgment, except for good cause and in cases involving domestic violence. Failure of a party to participate in the program will be considered as a factor by the court in making any custody and visitation determinations.

The bill requires all participants to pay a registration fee of \$25 for deposit to the "Parents' Education Fund." This fund is dedicated to the development, establishment, operation and maintenance of the Parents' Education Program. The program will be administered by the Administrative Office of the Courts.

The bill establishes a temporary advisory committee consisting of nine members to be appointed by the Governor. The membership of the committee is to include a former judge who specialized in family law matters, an attorney who specializes in family law matters, a mediator, the Administrative Director of the Courts or the Administrator's designee, two mental health professionals with experience in the field of child care, an educator, one custodial parent, and one non-custodial parent. The committee is to develop a specific curriculum, guidelines, and qualifications for the program representatives, and other program requirements. Within three months of organizing, the committee is to report its findings to the Administrative Office of the Courts, which in turn will use these recommendations in developing the mandatory education program.

The bill provides that the Assignment Judge will appoint appropriate staff to act as program representatives for the Parents'

Education Program, as necessary, for each county.

The bill provides that parties will not be referred to the Parents' Education Program if a temporary or final order restraining either party from contact with one another has been issued pursuant to the "Prevention of Domestic Violence Act of 1991," N.J.S.A.2C:25-17 et seq., or if either party is restrained from contact with the other party, or a child of the other party, under the criminal or civil laws of this or any other state.

The bill limits the liability of program representatives in the Parents' Education Program in connection with their duties unless their actions are fraudulent or evidence a reckless disregard for the duties imposed by their position.

This bill is identical to Assembly Bill No. 1810 as reported by this committee.

FISCAL IMPACT:

The Administrative Office of the Courts (AOC) states that the Judiciary has already developed a modest Parents' Education Program and established such a program in each county. Because of limited funding, these programs vary among counties in scope and in substance. Under the bill, the curriculum would be standardized. The AOC notes that the fee charges under the bill would generate approximately \$600,000, enough to offset the costs to the Judiciary for the formalized program and to provide for materials and training.

SENATE WOMEN'S ISSUES, CHILDREN AND FAMILY
SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 51

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1998

The Senate Women's Issues, Children and Family Services Committee favorably reports Senate Bill No. 51 with committee amendments.

As amended by committee, this bill would establish the "Parents' Education Program," a mandatory education program for all parties filing an action for divorce. The program would be designed to assist and advise divorced parents on issues concerning divorce, separation and custody and to provide the parties with a better understanding of the legal process, costs and financial responsibilities both parties would most likely face during the divorce process. The bill would require each party to complete the program prior to entry of judgment except for good cause and in cases involving domestic violence. Failure of a party to participate in the program would be considered as a factor by the court in making any custody and visitation determinations.

The bill would require all participants to pay a registration fee of \$25.00 which would be deposited in the Parents' Education Fund. This fund would be dedicated to the development, establishment, operation and maintenance of the Parents' Education Program. The program would be administered by the Administrative Office of the Courts.

The bill would also authorize the creation of a temporary nine member advisory committee, consisting of professionals in the area of divorce. The committee would be required to develop a specific curriculum, determine the program length, establish guidelines and qualifications for the program moderators and develop any other necessary program requirements. The committee would be required to report its findings to the Administrative Office of the Courts which in turn would be required to use these recommendations in developing the mandatory education program.

The committee amended the bill to provide that the Assignment Judge appoint appropriate staff to act as program representatives for the Parents' Education Program, as necessary, for each county. The

bill was also amended by committee to change the composition of the advisory committee established by the bill. Under the current provisions of the bill, the membership of the advisory committee includes a probation officer. The committee amended the bill to replace the probation officer with the Administrative Director of the Courts or his designee.

The bill was amended by the committee to ensure that parties would not be referred to the Parents' Education Program if a temporary or final order restraining either party from contact with one another has been issued pursuant to the "Prevention of Domestic Violence Act of 1991," N.J.S.A. 2C:25-17 et seq., or if either party is restrained from contact with the other party, or a child of the other party, under the criminal or civil laws of this or any other state.

Finally, the bill was amended to limit the liability of a program representative in the Parents' Education Program in connection with their duties unless their actions are fraudulent.

This bill was prefiled for introduction in the 1998-1999 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 51

STATE OF NEW JERSEY

DATED: MARCH 5, 1998

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 51 (1R).

Senate Bill No. 51 (1R) would establish the "Parents' Education Program," a mandatory education program for all parties filing an action for divorce or separate maintenance if the custody, visitation or support of a minor child is an issue. The program would be designed to assist and advise divorcing and separating parents on issues concerning divorce, separation and custody and to provide the parties with a better understanding of the legal process, costs and financial responsibilities both parties would most likely face during the divorce or separation process. The bill would require each party to complete the program prior to entry of judgment except for good cause and in cases involving domestic violence. Failure of a party to participate in the program would be considered as a factor by the court in making any custody and visitation determinations.

The bill would require all participants to pay a registration fee of \$25.00 which would be deposited in a Parents' Education Fund. This fund would be dedicated to the development, establishment, operation and maintenance of the Parents' Education Program. The program would be administered by the Administrative Office of the Courts.

The bill establishes a temporary advisory committee consisting of nine members to be appointed by the Governor; the membership of the committee is to include a former judge who specialized in family law matters, an attorney who specializes in family law matters, a mediator, the Administrative Director of the Courts or the Administrator's designee, two mental health professionals with experience in the field of child care, an educator, one custodial parent, and one non-custodial parent. The committee is to develop a specific curriculum, guidelines, and qualifications for the program representatives, and other program requirements. Within three months of organizing, the committee is to report its findings to the Administrative Office of the Courts, which in turn would use these recommendations in developing the mandatory education program.

The bill provides that the Assignment Judge shall appoint

appropriate staff to act as program representatives for the Parents' Education Program, as necessary, for each county.

The bill provides that parties would not be referred to the Parents' Education Program if a temporary or final order restraining either party from contact with one another has been issued pursuant to the "Prevention of Domestic Violence Act of 1991," N.J.S.A. 2C:25-17 et seq., or if either party is restrained from contact with the other party, or a child of the other party, under the criminal or civil laws of this or any other state.

Finally, the bill limits the liability of program representatives in the Parents' Education Program in connection with their duties unless their actions are fraudulent or evidence a reckless disregard for the duties imposed by their position.

FISCAL IMPACT:

No fiscal note has been prepared on this bill. The Administrative Office of the Courts (AOC), however, indicates that the Judiciary has already developed a modest Parents' Education Program and established such a program in every county. Due to limited funding, these programs vary among counties in scope and in substance. Under the bill, the curriculum would be standardized. The AOC notes that the fee charges under the bill would generate approximately \$600,000, enough to offset the costs to the Judiciary for the formalized program as well as provide for materials and training.

FISCAL NOTE

[First Reprint]

SENATE, No. 51

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: APRIL 21, 1998

Senate Bill No. 51 (1R) of 1998 would establish the "Parents' Education Program," a mandatory education program for all parties filing an action for divorce where the custody, visitation or support of a minor child is an issue. The program would be developed by a nine member advisory committee appointed by the Governor, and the program would be administered by the Administrative Office of the Courts. The bill requires all participants to pay a registration fee of \$25, which would be deposited in the Parents' Education Fund, to be used for the development and operation of the education program.

The Administrative Office of the Courts (AOC) states that the Judiciary has developed a modest Parents Education Program, and established one in every county. Because of limited funding, these programs vary among counties, in scope and in substance. Under the bill, the curriculum would be standardized. The AOC notes that the fee charged would generate approximately \$600,000, enough to offset the costs to the Judiciary for the formalized program, as well as provide for materials and training.

The Office of Legislative Services concurs.

This fiscal note has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 1810

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MARCH 9, 1998

Sponsored by:

Assemblywoman MARION CRECCO
District 34 (Essex and Passaic)

Co-Sponsored by:

Assemblyman Luongo

SYNOPSIS

Creates the "Parents' Education Program."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/31/1998)

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2

1 **AN ACT** establishing a mandatory education program and
2 supplementing Title 2A of the New Jersey Statutes.

3

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

6

7 1. This act shall be known and may be cited as the "Parents'
8 Education Act."

9

10 2. There is hereby established a separate, nonlapsing, revolving
11 fund in the General Fund to be known as the "Parents' Education
12 Fund." The Clerk of the Superior Court shall forward the \$25
13 registration fee collected pursuant to section 5 of P.L. , c.
14 (C.)(now pending before the Legislature as section 5 of this bill)
15 for deposit in the fund. The fund shall be administered by the
16 Administrative Office of the Courts and dedicated to the development,
17 establishment, operation and maintenance of the "Parents' Education
18 Program" created pursuant to section 3 of P.L. , c. (C.)(now
19 pending before the Legislature as section 3 of this bill).

20

21 3. a. There is hereby established a mandatory education program
22 to be known as the "Parents' Education Program."

23 b. The program shall be designed to assist and advise divorced
24 parents on issues concerning divorce, separation and custody. The
25 program shall be made available twice a month. The program shall be
26 administered by the Administrative Office of the Courts. The
27 Assignment Judge shall appoint appropriate staff to act as a program
28 representative or representatives, as necessary, for each county.

29 c. The purpose of the program shall be to promote cooperation
30 between the parties and to assist parents in resolving issues which may
31 arise during the divorce or separation process, including, but not
32 limited to:

33 (1) Understanding the legal process and cost of divorce or
34 separation, including arbitration and mediation;

35 (2) Understanding the financial responsibilities for the children;

36 (3) Understanding the interaction between parent and child, the
37 family relationship and any other areas of adjustment and concern
38 during the process of divorce or separation;

39 (4) Understanding how children react to divorce or separation,
40 how to spot problems, what to tell them about divorce or separation,
41 how to keep communication open and how to answer questions and
42 concerns the children may have about the process;

43 (5) Understanding how parents can help their children during the
44 divorce or separation, specific strategies, ideas, tools, and resources
45 for assistance;

46 (6) Understanding how parents can help children after the divorce

1 or separation and how to deal with new family structures and different
2 sets of rules; and

3 (7) Understanding that cooperation may sometimes be
4 inappropriate in cases of domestic violence.

5

6 4. a. There is hereby established an advisory committee consisting
7 of nine members appointed by the Governor with the advice and
8 consent of the Senate. The members shall include a former judge who
9 specialized in family law matters, an attorney who specializes in family
10 law matters, a mediator, the Administrative Director of the Courts, or
11 his designee, two mental health professionals with experience in the
12 field of child care, an educator, one custodial parent and one
13 non-custodial parent.

14 b. The committee members shall select a chairman from among the
15 members. The committee shall develop a curriculum, guidelines,
16 program representative qualifications and requirements to be used in
17 the "Parents' Education Program" established pursuant to section 3 of
18 P.L. , c. (C.)(now pending before the Legislature as section 3 of
19 this bill). The committee shall report its recommendations to the
20 Administrative Office of the Courts three months following the
21 organization of the committee. The Administrative Office of the
22 Courts shall use the recommendations of the committee to develop a
23 comprehensive education program.

24

25 5. a. The court shall order every person who has filed an action for
26 divorce, nullity or separate maintenance where the custody, visitation
27 or support of the minor child is an issue to attend the "Parents'
28 Education Program" established pursuant to section 3 of P.L. , c.
29 (C.)(now pending before the Legislature as section 3 of this bill).
30 Each party shall attend separate sessions of the program.

31 b. Each party shall be required to pay a fee of \$25 for registration
32 in the "Parents' Education Program" which shall be forwarded by the
33 Clerk of the Superior Court for deposit in the "Parents' Education
34 Program Fund" established pursuant to section 2 of P.L. , c. (C.)
35 (now pending before the Legislature as section 2 of this bill).

36 c. Except as provided in subsections d. and e. of this section, the
37 court shall require all parties who have filed an action for divorce,
38 nullity or separate maintenance where the custody, visitation or
39 support of the minor child is an issue to complete the program prior
40 to entry of judgment. Failure of a party to participate in the program
41 shall be considered as a factor by the court in making any custody and
42 visitation determinations.

43 d. The court may exempt a party from attending the program, if the
44 court finds good cause for an exemption.

45 e. The court shall not refer a party to the program if a temporary
46 or final order restraining either party from contact with the other has

1 been issued pursuant to the "Prevention of Domestic Violence Act of
2 1991," P.L. 1991, c. 261 (C.2C:25-17 et seq.), or if either party is
3 restrained from contact with the other party, or a child of the other
4 party, under the criminal or civil laws of this or any other state .

5
6 6. a. Notwithstanding any other provision of law to the contrary,
7 no person serving as a program representative in the "Parents'
8 Education Program" established pursuant to section 3 of P.L. , c.
9 (C.)(now pending before the Legislature as section 3 of this bill)
10 shall be liable for damages resulting from any exercise of judgment or
11 discretion in connection with the person's duties unless the actions are
12 fraudulent or evidence a reckless disregard for the duties imposed by
13 the position. Nothing in this section shall be deemed to grant
14 immunity to any program representative causing damage by that
15 person's wilful, wanton or grossly negligent act of commission or
16 omission.

17 b. No person serving as a program representative in the program
18 shall solicit, accept employment from or counsel a program participant
19 for a period of one year after the program participant has completed
20 the program.

21
22 7. All communications made by any program participant during the
23 course of attending the "Parents' Education Program," established
24 pursuant to section 3 of P.L. , c. (C.)(now pending before the
25 Legislature as section 3 of this bill) is confidential and shall not be
26 admissible as evidence in any court proceeding.

27
28 8. The Supreme Court of New Jersey may adopt Rules of Court
29 appropriate or necessary to effectuate the purpose of this act.

30
31 9. This act shall take effect 180 days after enactment except for
32 section 4 which shall take effect immediately.

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35 STATEMENT

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37 This bill would establish the "Parents' Education Program," a
38 mandatory education program for all parties filing an action for
39 divorce. The program would be designed to assist and advise divorced
40 parents on issues concerning divorce, separation and custody and to
41 provide the parties with a better understanding of the legal process,
42 costs and financial responsibilities both parties would most likely face
43 during the divorce process. The bill would require each party to
44 complete the program prior to entry of judgment except for good
45 cause and in cases involving domestic violence. Failure of a party to
46 participate in the program would be considered as a factor by the court

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1 in making any custody and visitation determinations.

2 The bill would require all participants to pay a registration fee of
3 \$25.00 which would be deposited in the Parents' Education Fund.
4 This fund would be dedicated to the development, establishment,
5 operation and maintenance of the Parents' Education Program. The
6 program would be administered by the Administrative Office of the
7 Courts.

8 The bill would also authorize the creation of a temporary nine
9 member advisory committee, consisting of professionals in the area of
10 divorce. The committee would be required to develop a specific
11 curriculum, determine the program length, establish guidelines and
12 qualifications for the program moderators and develop any other
13 necessary program requirements. The committee would be required
14 to report its findings to the Administrative Office of the Courts which
15 in turn would be required to use these recommendations in developing
16 the mandatory education program.

17 The bill provides that the Assignment Judge would appoint
18 appropriate staff to act as program representatives for the Parents'
19 Education Program, as necessary, for each county.

20 The bill provides that parties would not be referred to the Parents'
21 Education Program if a temporary or final order restraining either
22 party from contact with one another has been issued pursuant to the
23 "Prevention of Domestic Violence Act of 1991," N.J.S.A. 2C:25-17
24 et seq., or if either party is restrained from contact with the other
25 party, or a child of the other party, under the criminal or civil laws of
26 this or any other state.

27 Finally, the bill limits the liability of a program representative in the
28 Parents' Education Program in connection with their duties unless their
29 actions are fraudulent.

ASSEMBLY SENIOR ISSUES AND COMMUNITY SERVICES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1810

STATE OF NEW JERSEY

DATED: JUNE 1, 1998

The Assembly Senior Issues and Community Services Committee favorably reports Assembly Bill No. 1810.

This bill would establish the "Parents' Education Program," a mandatory education program for all parties filing an action for divorce, nullity or separate maintenance where the custody, visitation or support of a minor child is an issue. The program would be designed to assist and advise divorced parents on issues concerning divorce, separation and custody and to provide the parties with a better understanding of the legal process, costs and financial responsibilities both parties would most likely face during the divorce process. The bill would require each party to complete the program prior to entry of judgment except for good cause and in cases involving domestic violence. Failure of a party to participate in the program would be considered as a factor by the court in making any custody and visitation determinations.

The bill would require all participants to pay a registration fee of \$25.00 which would be deposited in the Parents' Education Fund. This fund would be dedicated to the development, establishment, operation and maintenance of the Parents' Education Program. The program would be administered by the Administrative Office of the Courts.

The bill establishes a temporary advisory committee consisting of nine members to be appointed by the Governor; the membership of the committee is to include a former judge who specialized in family law matters, an attorney who specializes in family law matters, a mediator, the Administrative Director of the Courts or the Administrator's designee, two mental health professionals with experience in the field of child care, an educator, one custodial parent, and one non-custodial parent. The committee is to develop a specific curriculum, guidelines, and qualifications for the program representatives, and other program requirements. Within three months of organizing, the committee is to report its findings to the Administrative Office of the Courts, which in turn would use these recommendations in developing the mandatory education program.

The bill provides that the Assignment Judge would appoint

appropriate staff to act as program representatives for the Parents' Education Program, as necessary, for each county.

The bill provides that parties would not be referred to the Parents' Education Program if a temporary or final order restraining either party from contact with one another has been issued pursuant to the "Prevention of Domestic Violence Act of 1991," N.J.S.A.2C:25-17 et seq., or if either party is restrained from contact with the other party, or a child of the other party, under the criminal or civil laws of this or any other state.

Finally, the bill limits the liability of program representatives in the Parents' Education Program in connection with their duties unless their actions are fraudulent or evidence a reckless disregard for the duties imposed by their position.

This bill is identical to Senate Bill No. 51 (1R) which was released by this committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1810

STATE OF NEW JERSEY

DATED: JANUARY 21, 1999

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1810.

Assembly Bill No. 1810 establishes the "Parents' Education Program," a mandatory education program for all parties filing an action for divorce, nullity or separate maintenance wherein the custody, visitation or support of a minor child is an issue. The program will be designed to assist and advise divorced or separating parents on issues concerning divorce, separation and custody to provide the parties with a better understanding of the legal process, costs and financial responsibilities both parties are likely to face during the divorce process. The bill requires each party to complete the program prior to entry of judgment, except for good cause and in cases involving domestic violence. Failure of a party to participate in the program will be considered as a factor by the court in making any custody and visitation determinations.

The bill requires all participants to pay a registration fee of \$25 for deposit to the "Parents' Education Fund." This fund is dedicated to the development, establishment, operation and maintenance of the Parents' Education Program. The program will be administered by the Administrative Office of the Courts.

The bill establishes a temporary advisory committee consisting of nine members to be appointed by the Governor. The membership of the committee is to include a former judge who specialized in family law matters, an attorney who specializes in family law matters, a mediator, the Administrative Director of the Courts or the Administrator's designee, two mental health professionals with experience in the field of child care, an educator, one custodial parent, and one non-custodial parent. The committee is to develop a specific curriculum, guidelines, and qualifications for the program representatives, and other program requirements. Within three months of organizing, the committee is to report its findings to the Administrative Office of the Courts, which in turn will use these recommendations in developing the mandatory education program.

The bill provides that the Assignment Judge will appoint appropriate staff to act as program representatives for the Parents' Education Program, as necessary, for each county.

The bill provides that parties will not be referred to the Parents'

Education Program if a temporary or final order restraining either party from contact with one another has been issued pursuant to the "Prevention of Domestic Violence Act of 1991," N.J.S.A.2C:25-17 et seq., or if either party is restrained from contact with the other party, or a child of the other party, under the criminal or civil laws of this or any other state.

The bill limits the liability of program representatives in the Parents' Education Program in connection with their duties unless their actions are fraudulent or evidence a reckless disregard for the duties imposed by their position.

This bill is identical to Senate Bill No. 51 (1R) as reported by this committee.

FISCAL IMPACT:

The Administrative Office of the Courts (AOC) states that the Judiciary has already developed a modest Parents' Education Program and established such a program in each county. Because of limited funding, these programs vary among counties in scope and in substance. Under the bill, the curriculum would be standardized. The AOC notes that the fee charges under the bill would generate approximately \$600,000, enough to offset the costs to the Judiciary for the formalized program and to provide for materials and training.

FISCAL NOTE

ASSEMBLY, No. 1810

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: AUGUST 5, 1998

Assembly Bill No. 1810 of 1998 would establish the "Parents' Education Program," a mandatory education program for all parties filing an action for divorce where the custody, visitation or support of a minor child is an issue. The program would be developed by a nine member advisory committee appointed by the Governor, and the program would be administered by the Administrative Office of the Courts. The bill requires all participants to pay a registration fee of \$25, which would be deposited in the Parents' Education Fund, to be used for the development and operation of the education program.

The Administrative Office of the Courts (AOC) states that the Judiciary has developed a modest Parents Education Program, and established one in every county. Because of limited funding, these programs vary among counties, in scope and in substance. Under the bill, the curriculum would be standardized. The AOC notes that the fee charged would generate approximately \$600,000, enough to offset the costs to the Judiciary for the formalized program, as well as provide for materials and training.

The Office of Legislative Services concurs.

This fiscal note has been prepared pursuant to P.L.1980, c.67.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Gene Herman
609-777-2600

RELEASE: May 19, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

S-51, sponsored by Senators Walter J. Kavanaugh (R- Morris/Somerset) and Robert J. Martin (R- Essex/Morris/Passaic) and Assembly Member Marion Crecco (R- Essex/Passaic), creates the "Parents Education Program," a mandatory education program for all parties filing an action for divorce. The program will be designed to assist and advise divorced parents on issues concerning divorce, separation and custody and to provide the parties with a better understanding of the legal process, costs and financial responsibilities both parties would most likely face during the divorce, as well as the effect of divorce on children.

The bill embodies a recommendation in the 1995 report of the Commission to Study the Law of Divorce. Failure of a party to participate in the program would be considered as a factor by the court in making any custody and visitation determinations. The bill requires all participants to pay a registration fee of \$25, which would be deposited in the Parents Education Fund, a separate, nonlapsing, revolving fund in the state General Fund. This fund would be dedicated to the development, operation and maintenance of the Parents Education Program, which would be administered by the Administrative Office of the Courts. The bill allows the court to exempt a party from attending the program for good cause. It also exempts parties who are protected by or restricted by a temporary restraining order. The bill also authorizes the creation of a temporary nine-member advisory committee, appointed by the Governor with the advice and consent of the Senate, consisting of professionals in the area of divorce and child care as well as a custodial parent and a non-custodial parent. The committee will be required to develop a specific curriculum, determine the program length, establish guidelines and qualifications for the program moderators and develop any other necessary program requirements.

S-942, sponsored by Senators John O. Bennett (R-Monmouth) and Andrew R. Ciesla (R-Monmouth/Ocean) and Assembly Member Carol J. Murphy (R- Essex/Morris/Passaic), requires the Victims of Crime Compensation Board (VCCB) to establish maximum payment rates and service limitations for medical expenses paid on behalf of crime victims. The VCCB, which is in but not of the Department of Law and Public Safety, is authorized to pay compensation to crime victims for losses they sustained as a result of the crime. The VCCB is funded through a \$50 penalty imposed upon all criminal defendants for each crime of which they are convicted. losses to victims or their dependents. The bill requires that the VCCB adopt payment rates reflected in the medical fee schedules established by the Commissioner of Banking and Insurance for automobile insurance personal injury protection coverage. The bill prohibits a medical care provider who accepts payment at the maximum rate from the VCCB from seeking additional monies from the victim for the same services.

S-1060, sponsored by Senator William L. Gormley (R-Atlantic) and Assembly Members Francis J. Blee (R-Atlantic) and Joseph R. Malone, III, (R-Burlington/Monmouth/Ocean), provides that the district of residence for children who are placed by a state agency in a skill development home will be

the present district of residence of the parent or guardian with whom the child lived prior to placement. Previously, the Department of Education considered the school district in which the skill development home is located to be the student's district of residence for funding purposes because the child's residence is considered to be the skill development home. The bill will assign the responsibility for funding to the home district of the child's parent or guardian which, but for the placement, would be responsible for educating the child.

A-210, sponsored by Assembly Members Francis L. Bodine (R- Atlantic/Burlington/Camden) and Nicholas R. Felice (R- Bergen/Passaic), and Senator John J. Matheussen (R- Camden/ Gloucester), provides immunity from liability to professional engineers in certain circumstances. The bill is in response to the Supreme Court case of *Carvalho v. Toll Bros. and Developers*, 143 N.J. 454 (1996), which held a professional engineer liable for a worker's personal injury arising from the collapse of a trench at a construction site. The bill codifies the *Carvalho* decision and provides a limited immunity to professional engineers from workers' personal injury suits for which compensation is recoverable under the Workers' Compensation Act. The immunity will apply only if the engineer did not assume contractual responsibility for workplace site safety and if the engineer was retained to perform only professional services on the construction project.

AJR-29, sponsored by Assembly Members Christopher "Kip" Bateman (R- Morris/Somerset) and Peter J. Biondi (R-Morris/Somerset), establishes "Human Potential Week" to promote a greater awareness of the needs and concerns of people with disabilities and to highlight the significant contributions these individuals have made to their families, communities, and society as a whole. The resolution calls upon the Governor to annually issue a proclamation establishing the second week in May as "Human Potential Week" and to encourage appropriate activities and programs throughout the state to celebrate the week.

SJR-12, sponsored by Senator Peter A. Inverso (R- Mercer/Middlesex), designates May of each year as "Kindness Awareness Month" in New Jersey. It urges all citizens to engage in educational programs and activities to foster kindness. The resolution recognizes the role of kindness in fostering social responsibility, happiness and harmony, particularly among children. Students, teachers, and parents, as special agents of kindness, are encouraged to bring this message to young people across the state.