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P.L. 1999, CHAPTER 424, *approved January 18, 2000*
Assembly, No. 1586 (*Third Reprint*)

1 AN ACT concerning custody and visitation rights and amending
2 P.L.1995. c.55.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1995, c.55 (C.9:2-4.1) is amended to read as
8 follows:

9 1. a. Notwithstanding any provision of law to the contrary, a
10 person convicted of sexual assault under N.J.S.2C:14-2 shall not be
11 awarded the custody of or visitation rights to any minor child,
12 including a minor child who was born as a result of or was the victim
13 of the sexual assault ¹**[**, except upon a showing by clear and
14 convincing evidence that it is in the best interest of the child for
15 custody or visitation rights to be awarded¹ ², except upon a showing
16 by clear and convincing evidence that it is in the best interest of the
17 child for custody or visitation rights to be awarded ². ³ However, a
18 court that awards such custody or visitation rights to a person
19 convicted of sexual assault under N.J.S.2C:14-2 shall stay enforcement
20 of the order or judgment for at least 10 days in order to permit the
21 appeal of the order or judgment and application for a stay in
22 accordance with the Rules of Court.³

23 b. Notwithstanding any provision of law to the contrary, a person
24 convicted of sexual contact under N.J.S.2C:14-3 or endangering the
25 welfare of a child under N.J.S.2C:24-4 shall not be awarded the
26 custody of or visitation rights to any minor child ¹**[**, except upon a
27 showing by clear and convincing evidence that it is in the best interest
28 of the child for such custody or visitation rights to be awarded]¹
29 ², except upon a showing by clear and convincing evidence that it is
30 in the best interest of the child for such custody or visitation rights to
31 be awarded ². ³ However, a court that awards such custody or
32 visitation rights to a person convicted of sexual contact under
33 N.J.S.2C:14-3 or endangering the welfare of a child under
34 N.J.S.2C:24-4 shall stay enforcement of the order or judgment for at
35 least 10 days in order to permit the appeal of the order or judgment
36 and application for a stay in accordance with the Rules of Court. ³

37 c. A denial of custody or visitation under this section shall not by
38 itself terminate the parental rights of the person denied visitation or
39 custody, nor shall it affect the obligation of the person to support the

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SWF committee amendments adopted September 17, 1998.

² Assembly floor amendments adopted November 23, 1998.

³ Senate floor amendments adopted January 10, 2000.

1 minor child.

2 d. In any proceeding for establishment or enforcement of such an
3 obligation of support the victim shall not be required to appear in the
4 presence of the obligor and the victim's and child's whereabouts shall
5 be kept confidential.

6 (cf: P.L.1995, c.55, s.1)

7

8 2. This act shall take effect immediately.

9

10

11

12

13 Denies custody and visitation rights to a minor child by individuals
14 convicted of certain crimes.

ASSEMBLY, No. 1586

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman GERALD J. LUONGO

District 4 (Camden and Gloucester)

Assemblywoman MARION CRECCO

District 34 (Essex and Passaic)

Co-Sponsored by:

Assemblywoman Heck, Assemblymen Talarico and Thompson

SYNOPSIS

Denies custody and visitation rights to a minor child by individuals convicted of certain crimes.

CURRENT VERSION OF TEXT

As Introduced.



(Sponsorship Updated As Of: 6/19/1998)

1 AN ACT concerning custody and visitation rights and amending
2 P.L.1995. c.55.

3

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

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7 1. Section 1 of P.L.1995, c.55 (C.9:2-4.1) is amended to read as
8 follows:

9 1. a. Notwithstanding any provision of law to the contrary, a
10 person convicted of sexual assault under N.J.S.2C:14-2 shall not be
11 awarded the custody of or visitation rights to any minor child,
12 including a minor child who was born as a result of or was the victim
13 of the sexual assault, except upon a showing by clear and convincing
14 evidence that it is in the best interest of the child for custody or
15 visitation rights to be awarded.

16 b. Notwithstanding any provision of law to the contrary, a person
17 convicted of sexual contact under N.J.S.2C:14-3 or endangering the
18 welfare of a child under N.J.S.2C:24-4 shall not be awarded the
19 custody of or visitation rights to any minor child, except upon a
20 showing by clear and convincing evidence that it is in the best interest
21 of the child for such custody or visitation rights to be awarded.

22 c. A denial of custody or visitation under this section shall not by
23 itself terminate the parental rights of the person denied visitation or
24 custody, nor shall it affect the obligation of the person to support the
25 minor child.

26 d. In any proceeding for establishment or enforcement of such an
27 obligation of support the victim shall not be required to appear in the
28 presence of the obligor and the victim's and child's whereabouts shall
29 be kept confidential.

30 (cf: P.L.1995, c.55, s.1)

31

32 2. This act shall take effect immediately.

33

34

35

STATEMENT

36

37 This bill amends P.L.1995, c.55 (C.9:2-4.1) to deny the custody or
38 visitation rights of a person, convicted of sexual assault, to any minor
39 child, including a minor child who was born as a result of or was the
40 victim of the sexual assault.

41 The bill also amends the statute to deny the custody or visitation
42 rights of a person, who has been convicted of sexual contact under
43 N.J.S.2C:14-3 or endangering the welfare of a child under

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 underlined thus is new matter.

- 1 N.J.S.2C:24-4, to any minor child, unless the person can show by clear
- 2 and convincing evidence that it is in the best interest of the child for
- 3 the custody or visitation to continue.

ASSEMBLY SENIOR ISSUES AND COMMUNITY SERVICES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1586

STATE OF NEW JERSEY

DATED: JUNE 1, 1998

The Assembly Senior Issues and Community Services Committee favorably reports Assembly Bill No. 1586.

This bill amends P.L.1995, c.55 (C.9:2-4.1) to deny the custody or visitation rights of a person convicted of sexual assault, to any minor child, including a minor child who was born as a result of or was the victim of the sexual assault.

The bill also amends the statute to deny the custody or visitation rights of a person who has been convicted of sexual contact under N.J.S.2C:14-3 or endangering the welfare of a child under N.J.S.2C:24-4, to any minor child, unless the person can show by clear and convincing evidence that it is in the best interest of the child for the custody or visitation to continue.

SENATE WOMEN'S ISSUES, CHILDREN AND FAMILY
SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1586

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 1998

The Senate Women's Issues, Children and Family Services Committee favorably reports Assembly Bill No. 1586 with committee amendments.

As amended by committee, this bill amends P.L.1995, c.55 (C.9:2-4.1) to deny the custody or visitation rights of a person convicted of sexual assault to any minor child, including a minor child who was born as a result of or was the victim of the sexual assault.

The bill also amends the statute to deny the custody or visitation rights of a person who has been convicted of sexual contact under N.J.S.2C:14-3 or endangering the welfare of a child under N.J.S.2C:24-4, to any minor child.

The committee amended the bill to delete the exceptions in the bill which permit a person who has been convicted of sexual assault, sexual conduct or endangering the welfare of a child, to be awarded custody or visitation rights to a minor child if there is a showing of clear and convincing evidence that it is in the best interest of the child for custody or visitation rights to awarded.

This bill is identical to Senate Bill No.1187 SCA (Allen), which was reported by this committee on September 17, 1998.

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1586

with Assembly Floor Amendments
(Proposed By Assemblyman LUONGO)

ADOPTED: NOVEMBER 23, 1998

This floor amendment restores the bill's original provisions which provide for an exception to the bill's bar to the awarding of custody or visitation rights to persons convicted of sexual assault, sexual contact or endangering the welfare of a child, upon a showing by clear and convincing evidence that awarding the custody or visitation rights is in the best interest of the child.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 1586

with Senate Floor Amendments
(Proposed By Senator Allen)

ADOPTED: JANUARY 10, 2000

This floor amendment provides that after a court awards visitation rights or custody of a minor child to a person convicted of sexual assault, sexual contact or endangering the welfare of a child, the court shall not enforce the order or judgment for at least 10 days in order to permit the appeal of the order or judgment and application for the stay, in accordance with the Rules of Court.

SENATE, No. 1187

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JUNE 11, 1998

Sponsored by:

Senator DIANE ALLEN

District 7 (Burlington and Camden)

SYNOPSIS

Denies custody and visitation rights to a minor child by individuals convicted of certain crimes.

CURRENT VERSION OF TEXT

As introduced.



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2 P.L.1995, c.55.

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13 of the sexual assault, except upon a showing by clear and convincing
14 evidence that it is in the best interest of the child for custody or
15 visitation rights to be awarded.

16 b. Notwithstanding any provision of law to the contrary, a person
17 convicted of sexual contact under N.J.S.2C:14-3 or endangering the
18 welfare of a child under N.J.S.2C:24-4 shall not be awarded the
19 custody of or visitation rights to any minor child, except upon a
20 showing by clear and convincing evidence that it is in the best interest
21 of the child for such custody or visitation rights to be awarded.

22 c. A denial of custody or visitation under this section shall not by
23 itself terminate the parental rights of the person denied visitation or
24 custody, nor shall it affect the obligation of the person to support the
25 minor child.

26 d. In any proceeding for establishment or enforcement of such an
27 obligation of support the victim shall not be required to appear in the
28 presence of the obligor and the victim's and child's whereabouts shall
29 be kept confidential.

30 (cf: P.L.1995, c.55, s.1)

31

32 2. This act shall take effect immediately.

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STATEMENT

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37 This bill amends P.L.1995, c.55 (C.9:2-4.1) to deny the custody or
38 visitation rights of a person, convicted of sexual assault, to any minor
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41 The bill also amends the statute to deny the custody or visitation
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S1187 ALLEN

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- 1 N.J.S.2C:24-4, to any minor child, unless the person can show by clear
- 2 and convincing evidence that it is in the best interest of the child for
- 3 the custody or visitation to continue.

SENATE WOMEN'S ISSUES, CHILDREN AND FAMILY
SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1187

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 1998

The Senate Women's Issues, Children and Family Services Committee favorably reports Senate Bill No. 1187 with committee amendments.

As amended by committee, this bill amends P.L.1995, c.55 (C.9:2-4.1) to deny the custody or visitation rights of a person convicted of sexual assault to any minor child, including a minor child who was born as a result of or was the victim of the sexual assault.

The bill also amends the statute to deny the custody or visitation rights of a person who has been convicted of sexual contact under N.J.S.2C:14-3 or endangering the welfare of a child under N.J.S.2C:24-4, to any minor child.

The committee amended the bill to delete the exceptions in the bill which permit a person who has been convicted of sexual assault, sexual conduct or endangering the welfare of a child, to be awarded custody or visitation rights to a minor child if there is a showing of clear and convincing evidence that it is in the best interest of the child for custody or visitation rights to awarded.

This bill is identical to Assembly Bill No.1586 SCA (Luongo/Crecco), which was reported by this committee on September 17, 1998.