

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

August 6, 1971

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

(Divorce and Nullity of Marriage - 1970 Revision)

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

Divorce Law Study Commission created by:

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

Amended by:

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

The Commission published:

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

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

Similar bills introduced (1969-1971)

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

Bill which became law was:

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

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

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

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

Mar. 29 - Senate amended, passed Assembly.

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

Apr. 26 - re-enacted in Assembly.

Apr. 29 - Re-enacted in Senate.

June 14 - Approved.

No statement.

Continued in 1971 report
Hearing on above bill:

974.90 New Jersey. Legislative Assembly Judiciary

M359 Committee.

1970b Public hearings on A-1100 (Divorce)

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

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

Publicity release from Family Life Bureau

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

Law Journal Articles (1966 - 1970)

89 NJLJ 180, March 24, 1966 "The State Bar's Family Law Section."

89 NJLJ 341, May 26, 1966 "Revision of divorce laws urged".

89 NJLJ 711, Nov. 3, 1966 "Divorce law reform to be pushed".

90 NJLJ 73, Feb. 2, 1967 "New Jersey Legislators call for Divorce
Law Study and Reform.

90 NJLJ 345, May 25, 1967 "Dean Heckel says keep religion out
of divorce law."

90 NJLJ 613, Sept. 14, 1967 "Congressman urges public support
of new divorce bill".

90 NJLJ 617, Sept. 21, 1967 Foster, Henry H. Jr., "Reform of
divorce grounds and defenses"

90 NJLJ 652, Oct. 5, 1967 "Renewable term mariages, prepaid
alimony urged".

91 NJLJ 81, Feb.8, 1968 "Judge Woods comments on divorce law
and family courts".

91 NJLJ 640, Oct. 3, 1968 "Our outmoded marriage, divorce and
sex laws". [editorial]

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

For background see:

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

Also see:

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

- Divorce—cont'd**
- Divorce aid for poor proposed along with other legal services
88 NJLJ 757, Nov. 25, 1965
- The State Bar's family law section (editorial on need for revising N.J. divorce laws)
89 NJLJ 180, March 24, 1966
- Revision of (N.J.) divorce laws urged; would add five new grounds abolish alimony where there are no children
89 N.J.J 341, May 26, 1966
- Divorce law reform to be pushed
89 NJLJ 711, November 3, 1966
- Divorce-California California cuts time necessary for final divorce
88 NJLJ 605, Sept. 16, 1965
- Divorce-New York (State)**
- New York High Court upholds Mexican divorce obtained after personal appearance
88 NJLJ 469, July 22, 1965
- New York City Bar Assn proposes new grounds for divorce
88 NJLJ 789, Dec. 9, 1965
- Proposed statute would make sweeping changes in N.Y. divorce law; Wilson committee provides five new categories for divorce
89 NJLJ 1, Jan. 6, 1965
- Domestic Relations N.J. State Bar Association Committee on Family Law**
Report. 81 NJLJ 254, May 15, 1958
Report. 82 NJLJ 245, May 5, 1959
Report. 83 NJLJ 189, April 14, 1960
Report. 87 NJLJ 290, May 7, 1964
Report. 87 NJLJ 727, Nov. 12, 1964
Report. 88 NJLJ 296, May 6, 1965
Report. 88 NJLJ 725, Nov. 11, 1965
Report. 89 NJLJ 302, May 12, 1966
- N.J. State Bar Association Committee on Divorce and Custody**
Report. 76 NJLJ 424, Dec. 10, 1953
Report. 77 NJLJ 130, April 22, 1954a
Report. 77 NJLJ 407, Dec. 2, 1954
Report. 78 NJLJ 430, Dec. 15, 1955
Report. 78 NJLJ 137, April 28, 1955
Report. 79 NJLJ 165, May 3, 1956
Report. 79 NJLJ 505, Dec. 20, 1956
Report. 80 NJLJ 262, May 23, 1957
- Hartman, Morris S. Tax aspects of separation agreements
88 NJLJ 145, March 11, 1965
- Grossman, Charles M. Provision of legal services to the indigent in family law matters
89 NJLJ 187, March 24, 1966
- Grossman, Charles M. What can State Bar Family Law Committee accomplish? 89 NJLJ 697, October 27, 1966
see also Marriage Law
- Domestic Relations Courts State Bar**
resolution calls for state-wide family court
88 NJLJ 59, Jan. 28, 1965
- Child custody case embroils two Western states; tug of war may help cause of uniform law
88 NJLJ 495, July 29, 1965
- The State Bar's family law section (editorial on need of family court)
89 NJLJ 180, March 24, 1966
see also Juvenile Courts
- Domestic Relations Courts-N.Y. (State)**
Urge N.Y. family court jurisdiction be upped to 19 years
85 NJLJ 121, Mar. 1, 1962
- Divorce N.J. State Bar Association Committee on Divorce Study**
Report. 69 NJLJ 181, June 6, 1946
Report. 72 NJLJ 161, May 19, 1949
Report. 73 NJLJ 166, May 25, 1950
Report. 73 NJLJ 412, Dec. 7, 1950
Report. 74 NJLJ 186, May 31, 1951
Report. 75 NJLJ 433, December 11, 1952
Report. 76 NJLJ 165, May 7, 1953
- N.J. Supreme Court Committee on Divorce and Custody**
Report. 80 NJLJ 109, Mar. 7, 1957
- Divorce conciliation plans for three cities studied by Philadelphia Bar
80 NJLJ 257, May 23, 1957
- Ginsburg, I.G. The right to discovery in divorce actions: the limitation imposed by R.R. 4:98-5 should be abolished.
81 NJLJ 85, Feb. 13, 1958
- Hartman, M.N. Alabama divorces (Validity in NJ)
81 NJLJ 540, Oct. 23, 1958
- Curb-service divorces and full faith
83 NJLJ 161, March 31, 1960
- Court sets first test under cohabitation pending-divorce law
84 NJLJ 361, July 6, 1961
- Hartman addresses joint bar meeting on Alabama divorces
84 NJLJ 305, June 1, 1961
- Levenson, A.D. Letter to editor on divorce law
86 NJLJ 604, Oct. 31, 1963
- Pitfalls in foreign divorces discussed
88 NJLJ 325, May 20, 1965

Clippings:

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

Carter, Peter

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

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

Harris, Roger

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

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

Davis, John O.

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

Carter, Peter

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

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

Lamendola, Linda

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

JH/EH

Encl.

ASSEMBLY, No. 512

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1968

By Assemblymen DE KORTE, CRANE, VANDER PLAAT,
HOLLENBECK, RUSSO, MORAITES, VOLK and RANDALL

Referred to Committee on Revision and Amendment of Laws

AN ACT to amend "An act establishing a study commission to study and review the statutes and court decisions relating to divorce and nullity of marriage, to consider the advisability and practicability of creating a family law court, and related matters, prescribing its powers and duties, and making an appropriation therefor," approved May 18, 1967 (P. L. 1967, c. 57).

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

1 1. Section 8 of the act of which this act is amendatory is amended
2 to read as follows:

3 8. The commission may meet and hold hearings at such place or
4 places as it shall designate during the sessions or recesses of the
5 Legislature and shall report its findings to the Governor and the
6 Legislature accompanying the same with any legislative bills which
7 it may desire to recommend for adoption by the Legislature on or
8 before **[July 1, 1968]** *July 1, 1969*, or as soon thereafter as may
9 be possible.

1 2. This act shall take effect immediately.

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