LEGISLATIVE HISTORY CHECKLIST Compiled by the NJ State Law Library

(Custody & visitation--deny)

NJSA:

9:2-4.1

LAWS OF:

1995

CHAPTER:

55

BILL NO:

A538

SPONSOR(S):

Weinberg and others

DATE INTRODUCED:

Pre-filed

COMMITTEE:

ASSEMBLY:

Judiciary

SENATE:

Judiciary

AMENDED DURING PASSAGE:

Yes

Amendments during passage

denoted by superscript numbers

November 2,

Second reprint enacted

Juca

June 20, 1994

ASSEMBLY: SENATE:

January 19, 1994

DATE OF APPROVAL:

DATE OF PASSAGE:

March 17, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT:

Yes

COMMITTEE STATEMENT:

ASSEMBLY:

Yes

SENATE:

Yes

FISCAL NOTE:

No

VETO MESSAGE:

No

MESSAGE ON SIGNING:

No

FOLLOWING WERE PRINTED:

REPORTS:

No

HEARINGS:

Yes

974.90

New Jersey. Commission to Study the Law of Divorce.

M359 1994 Testimony and discussion regarding...divorce. 1994.

[see especially pp. 14-20, 59x-67x]

KBG:pp

P.L.1995, CHAPTER 68, approved March 17, 1995 1994 Assembly No. 538 (Second Reprint)

AN ACT denying certain parental rights in cases involving rape and supplementing Title 9 of the New Jersey Statutes.

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

8 1. Notwithstanding any provision of law to the contrary, a person convicted of sexual essault under N. J.S.2C:14-22[,]2 shall 8 not be awarded the custody of or visitation rights to a minor child 9 1 who was 1 born as a result of 1 or was the victim of 1 the sexual 10 sault 1 (, except upon a showing by clear and convincing evidence 11 that it is in the best interest of the child for custody or visitation rights to be awarded.] 2, except upon a showing by clear and 12 convincing evidence that it is in the best interest of the child for 13 14 custody or visitation rights to be awarded². A denial of custody 15 or visitation under this section shall not by itself terminate the parental rights of the person denied visitation or custody, nor 16 17 shall it affect the obligation of the person to support the minor child. In any proceeding for establishment or enforcement of 18 such an obligation of support the victim shall not be required to 19 appear in the presence of the obligor and the victim's and child's 20 21 whereabouts shall be kept confidential. 1

2. This act shall take effect immediately.

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Denies custody and visitation to a person who fathers a child through rape.

EXPLAMATION--Matter enclosed in bold-faced brackets (thus) in the above bill is not enacted and is intended to be emitted in the law.

Matter underlined thus is new matter. Hatter enclosed in superscript numerals has been adopted as follows:

Assembly AJL committee amendments adopted May 19, 1994.

Senate SJU committee amendments adopted Nevember 21, 1994.

ASSEMBLY, No. 530 STATE OF NEW JELSEY

Introduced Pending Technical Review by Logislative Counsel PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblywomen WEINBERG and HECK

AN ACT denying certain parental rights in cases involving rape and supplementing Title 9 of the New Jersey Statutes.

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

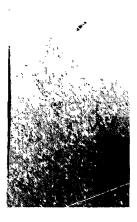
1. Notwithstanding any provision of law to the contrary, a person convicted of sexual assault under N.J.S.2C:14-2, shall not be awarded the custody of or visitation rights to a minor child born as a result of the sexual assault, except upon a showing by clear and convincing evidence that it is in the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

2. This act shall take effect immediately.

STATEMENT

This bill would prohibit the award of custody of a minor child or parental visitation rights to a person who has fathered a child through rape, where the person has been convicted of sexual assault, except upon a showing by clear and convincing evidence that an award of custody or visitation is in the best interest of the child.

Denies custody and visitation to a person who fathers a child through rape.



ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 538

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 1994

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 538.

As introduced, this bill would prohibit the award of custody of a minor child or parental visitation rights to a person who has fathered a child through rape, where the person has been convicted of sexual assault, except upon a showing by clear and convincing evidence that an award of custody or visitation is in the best interest of the child.

The committee amended the bill to add language to prohibit visitation or custody when the person seeking contact was convicted of sexually assaulting the child, not only if the child was born of the sexual assault. The committee also deleted the language which would have permitted visitation or custody upon a showing in the best interests of the child. Language was added which provides that a denial of custody or visitation under this section shall not by itself terminate the parental rights of the person denied visitation or custody, nor shall it affect the obligation of the person to support the minor child. In any proceeding for establishment or enforcement of such an obligation of support the victim shall not be required to appear in the presence of the obligor and the victim's and child's whereabouts shall be kept confidential.

This bill was prefiled for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[FIRST REPRINT]
ASSEMBLY, No. 538

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 21, 1994

The Senate Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 538 [1R].

This bill prohibits the award of custody of a minor child or parental visitation rights to a person who has fathered a child through rape, where the person has been convicted of sexual assault. The bill also prohibits the awarding of custody or visitation if the child was the victim of a sexual assault and the person seeking custody was the perpetrator of the sexual assault. In addition. the bill provides that a denial of custody or visitation under this section shall not by itself terminate the parental rights of the person denied visitation or custody nor shall it affect the obligation of the person to support of the minor child. In any proceeding for establishment or enforcement of a support obligation, the victim shall not be required to appear in the presence of the obligor and the victim's and child's whereabouts shall be kept confidential. By amendment, the committee restored language creating an exception to these prohibitions if it is determined by clear and convincing evidence that it is in the best interest of the child for custody or visitation to be awarded.

This bill was prefiled for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.