

22A:2-12

LEGISLATIVE HISTORY CHECKLIST
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(Divorce--increase filing fees)

NJSA: 22A:2-12

LAWS OF: 1993 **CHAPTER:** 188

BILL NO: A595

SPONSOR(S) Solomon

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Senior Citizens
SENATE: Budget and Appropriations

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted dentoed by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** May 13, 1993
SENATE: June 21, 1993

DATE OF APPROVAL: July 19, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:

"Florino inks bill hiking divorce fees..." 7-20-93. Trenton Times.

KBG:pp

[FIRST REPRINT]
ASSEMBLY, No. 595

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Assemblyman SOLOMON

1 AN ACT concerning a portion of filing fees for divorce to fund
2 programs for displaced homemakers, amending N.J.S.22A:2-12
3 and supplementing P.L.1979, c.125 (C.52: 27D-43.19 et seq.).
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5 BE IT ENACTED *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7 1. N.J.S.22A:2-12 is amended to read as follows:
8 22A:2-12. Upon the filing of the first paper in any action or
9 proceeding in the Chancery Division of the Superior Court, there
10 shall be paid to the clerk of the court, for the use of the State,
11 the following fees, which, except as hereinafter provided, shall
12 constitute the entire fees to be collected by the clerk for the use
13 of the State, down to the final disposition of the cause:

14 Receivership and partition, \$135.00.

15 All other actions and proceedings except in probate cases and
16 actions and proceedings for divorce, \$135.00.

17 Actions and proceedings for divorce, ¹[\$100.00] \$160.00¹,
18 \$25.00 of which shall be forwarded by the Clerk of the Superior
19 Court as provided in section 2 of P.L. , c. (C.) (now
20 pending before the Legislature as this bill).

21 Any person filing a motion in any action or proceeding shall pay
22 to the clerk \$15.00.

23 (cf: P.L.1991, c.177, s.1)

24 2. (New section) The Clerk of the Superior Court shall
25 forward \$25.00 of the ¹[\$100.00] \$160.00¹ filing fee for divorce
26 provided for in N.J.S.22A:2-12 on a quarterly basis to the
27 Department of Community Affairs.

28 3. (New section) The Department of Community Affairs shall
29 establish a trust fund for the deposit of the fees collected
30 pursuant to section 2 of this amendatory and supplementary act.
31 The moneys from the trust fund shall be used for the specific
32 purpose of providing grants-in-aid to programs for displaced
33 homemakers as identified by the Division on Women in the
34 Department of Community Affairs pursuant to section 3 of
35 P.L.1979, c.125 (C.52:27D-43.20).

36 4. (New section) The Commissioner of the Department of
37 Community Affairs in accordance with the "Administrative
38 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) shall
39 promulgate rules and regulations necessary to implement this act
40 including rules and regulations establishing eligibility
41 requirements for programs for displaced homemakers to receive
42 the grants-in-aid.

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 Assembly ASC committee amendments adopted February 27, 1992.

1 5. This act shall take effect on the 60th day after enactment.

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6 Increases filing fee for divorce \$25.00; establishes trust fund in

7 DCA for funds for grants to displaced homemaker programs.

1 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) shall
2 promulgate rules and regulations necessary to implement this act
3 including rules and regulations establishing eligibility
4 requirements for programs for displaced homemakers to receive
5 the grants-in-aid.

6 5. This act shall take effect on the 60th day after enactment.

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STATEMENT

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11 This bill increases the fee for filing for a divorce by \$25.00.
12 Presently this fee is \$75.00. These additional sums of money
13 shall be forwarded by the clerk of the court to the Department of
14 Community Affairs to be placed in a trust fund to be created
15 pursuant to the bill. This money will be used specifically for
16 providing grants-in-aid to programs for displaced homemakers.
17 The Division on Women in the Department of Community Affairs
18 currently identifies programs for displaced homemakers. A
19 "displaced homemaker" is defined as an individual who has not
20 worked in the labor force for a substantial number of years but
21 has, during those years, worked in the home providing unpaid
22 services for family members and has been dependent upon the
23 income of another family member but is no longer supported by
24 that income and:

25 a. Is receiving public assistance because of dependent children
26 in the home but is within one year of no longer being eligible for
27 such assistance; or

28 b. Is unemployed or underemployed and is experiencing
29 difficulty in obtaining or upgrading employment; or

30 c. Is at least 40 years of age, an age at which discrimination
31 based on age is likely, and at which entry or reentry to or
32 advancement in the labor market is difficult.

33 The Commissioner of the Department of Community Affairs is
34 granted the authority in section 4 of the bill to promulgate rules
35 and regulations.

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40 _____
41 Increases filing fee for divorce \$25.00; establishes trust fund in
DCA for funds for grants to displaced homemaker programs.

ASSEMBLY SENIOR CITIZENS AND SOCIAL SERVICES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 595

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 1992

The Assembly Senior Citizens and Social Services Committee favorably reports Assembly Bill No. 595 with committee amendments.

As amended, this bill increases the fee for filing for a divorce by \$25.00. Presently this fee is \$135.00. These additional sums of money shall be forwarded by the clerk of the court to the Department of Community Affairs to be placed in a trust fund to be created pursuant to the bill. This money will be used specifically for providing grants-in-aid to programs for displaced homemakers. The Division on Women in the Department of Community Affairs currently administers programs for displaced homemakers. A "displaced homemaker" is defined as an individual who has not worked in the labor force for a substantial number of years but has, during those years, worked in the home providing unpaid services for family members and has been dependent upon the income of another family member but is no longer supported by that income and:

- a. Is receiving public assistance because of dependent children in the home but is within one year of no longer being eligible for such assistance;
- b. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; or
- c. Is at least 40 years of age, an age at which discrimination based on age is likely, and at which entry or reentry to or advancement in the labor market is difficult.

The Commissioner of the Department of Community Affairs is granted the authority in section 4 of the bill to promulgate rules and regulations.

The amendments are technical in nature and reflect the increases in fees for filing for a divorce pursuant to P.L.1991, c.177.

This bill was pre-filed for introduction in the 1992 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

ASSEMBLY, No. 595

STATE OF NEW JERSEY

DATED: JUNE 14, 1993

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 595.

Assembly Bill No. 595 increases the fee for filing for a divorce by \$25.00. Presently this fee is \$135.00. This additional fee will be forwarded to the Department of Community Affairs to be placed in a trust fund and used specifically for providing grants-in-aid to programs for displaced homemakers.

A "displaced homemaker" is defined as a person who has not worked for a substantial number of years but has worked in the home providing unpaid services for family members and has been dependent upon the income of another family member but is no longer supported by that income and:

a. is receiving public assistance because of dependent children in the home but is within one year of no longer being eligible for such assistance;

b. is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; or

c. is at least 40 years of age, an age at which discrimination based on age is likely, and at which entry or reentry to or advancement in the labor market is difficult.

The Department of Community Affairs currently administers programs for displaced homemakers.

As reported by this committee, this bill is identical to Senate Bill No. 1144 of 1992.

FISCAL IMPACT

In a fiscal note prepared by the Office of Legislative Services on this bill, it was estimated that the Department of Community Affairs' Displaced Homemakers' Program would receive approximately \$617,000 in additional funds annually. This grant program received \$900,000 in the Fiscal Year 1993 appropriations act. Therefore, the increase in revenue resulting from this bill would provide for an approximate 70 percent increase over present funding levels for this program.

FISCAL NOTE TO
[FIRST REPRINT]
ASSEMBLY, No. 595

STATE OF NEW JERSEY

DATED: July 2, 1992

Assembly Bill No. 595(1R) of 1992 would increase the fee for filing for a divorce action by \$25.00. Presently this fee is \$135.00. These additional sums of money shall be forwarded by the clerk of the court to the Department of Community Affairs to be placed in a trust fund to be created pursuant to the bill. This money will be used specifically for providing grants-in-aid to programs for displaced homemakers. The Division on Women in the Department of Community Affairs currently administers programs for displaced homemakers. A "displaced homemaker" is defined as an individual who has not worked in the labor force for a substantial number of years but has, during those years, worked in the home providing unpaid services for family members and has been dependent upon the income of another family member but is no longer supported by that income and:

- a. Is receiving public assistance because of dependent children in the home but is within one year of no longer being eligible for such assistance;
- b. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; or,
- c. Is at least 40 years of age, an age at which discrimination based on age is likely, and at which entry or reentry to or advancement in the labor market is difficult.

The Administrative Office of the Courts (AOC) estimates that the \$25.00 filing fee increase would generate \$617,000 in additional revenues in its first full year of implementation. The AOC adds that minimal additional costs would be incurred by the courts in tracking the relevant caseload data and in collecting and transmitting the fee increase to the Department of Community Affairs on a quarterly basis. However, the AOC has not provided an estimate of these related costs.

The Office of Legislative Services concurs with the AOC revenue estimate and adds that, as a result, the Department of Community Affairs' Displaced Homemakers' Program would receive approximately \$617,000 in additional funds, on an annualized basis, for the purpose of providing grants to such programs. This grant program received \$900,000 in the FY 1992 Appropriations Act. Thus, the increased revenue that would be obtained through this bill would provide for an almost 70 percent increase over present funding levels for these programs.

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