

9:2-7.1

LEGISLATIVE HISTORY CHECKLIST
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(Grandparent & sibling visitation)

NJSA: 9:2-7.1

LAWS OF: 1993 CHAPTER: 161

BILL NO: A979

SPONSOR(S) Albohn

DATE INTRODUCED: February 24, 1992

COMMITTEE: ASSEMBLY: Senior Citizens

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Assembly Committee Substitute (1R) enacted. Amendments during passage denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 18, 1992

SENATE: May 13, 1993

DATE OF APPROVAL: June 29, 1993

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: No

KBG:pp

*STATEMENT TO SEN. FLOOR
AMENDMENTS 3/22/93*

*DL
DO NOT SIGN*

P.L.1993, CHAPTER 161, *approved June 29, 1993*
Assembly Committee Substitute (*First Reprint*) for
1992 Assembly Nos. 979 and 1091

1 AN ACT concerning visitation rights for grandparents and
2 amending P.L.1971, c.420.

3

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

6 1. Section 1 of P.L.1971, c.420 (C.9:2-7.1) is amended to read
7 as follows:

8 1. [Where either or both of the parents of a minor child,
9 residing within the State, is or are deceased, or divorced or living
10 separate and apart in different habitats, regardless of the
11 existence of a court order or agreement, a grandparent or the
12 grandparents of such child, who is or are the parents of such
13 deceased, separated or divorced parent or parents,] ¹[A
14 grandparent or any sibling of [the] a child may apply to the
15 Superior Court, in accordance with the Rules of Court, to have
16 [such] the child brought before [such] the court; and the court
17 may make such order or judgment, as the best interest of the
18 child may require, for visitation rights for [such] the
19 grandparent[, grandparents] or sibling in respect to [such] the
20 child.] a. A grandparent or any sibling of a child residing in this
21 State may make application before the Superior Court, in
22 accordance with the Rules of Court, for an order for visitation. It
23 shall be the burden of the applicant to prove by a preponderance
24 of the evidence that the granting of visitation is in the best
25 interests of the child.

26 b. In making a determination on an application filed pursuant
27 to this section, the court shall consider the following factors:

28 (1) The relationship between the child and the applicant;

29 (2) The relationship between each of the child's parents or the
30 person with whom the child is residing and the applicant;

31 (3) The time which has elapsed since the child last had contact
32 with the applicant;

33 (4) The effect that such visitation will have on the relationship
34 between the child and the child's parents or the person with
35 whom the child is residing;

36 (5) If the parents are divorced or separated, the time sharing
37 arrangement which exists between the parents with regard to the
38 child;

39 (6) The good faith of the applicant in filing the application;

40 (7) Any history of physical, emotional or sexual abuse or
41 neglect by the applicant; and

1 c. With regard to any application made pursuant to this
2 section, it shall be prima facie evidence that visitation is in the
3 child's best interest if the applicant had, in the past, been a
4 full-time caretaker for the child.¹

5 (cf: P.L.1987, c.363, s.2)

6 2. This act shall take effect immediately.

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11 _____

12 Modifies the circumstances under which a grandparent may apply
for visitation rights.

ASSEMBLY, No. 979
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

INTRODUCED FEBRUARY 24, 1992

By Assemblyman ALBOHN

1 AN ACT concerning visitation rights for grandparents and
2 amending P.L.1971, c.420.

3

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

6 1. Section 1 of P.L.1971, c.420 (C.9:2-7.1) is amended to read
7 as follows:

8 1. [Where either or both of the parents of a minor child,
9 residing within the State, is or are deceased, or divorced or living
10 separate and apart in different habitats, regardless of the
11 existence of a court order or agreement, a grandparent or the
12 grandparents of such child, who is or are the parents of such
13 deceased, separated or divorced parent or parents,] A
14 grandparent or any sibling of [the] a child may apply to the
15 Superior Court, in accordance with the Rules of Court, to have
16 such child brought before such court; and the court may make
17 such order or judgment, as the best interest of the child may
18 require, for visitation rights for such grandparent[, grandparents]
19 or sibling in respect to such child.

20 (cf: P.L.1987, c.363, s.2)

21 2. This act shall take effect immediately.

22

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24

STATEMENT

25

26 Presently, N.J.S.A.9:2-7.1 permits a sibling or grandparent of a
27 minor child to apply for visitation rights. A grandparent may only
28 apply, however, when one or both of the child's parents are dead
29 or when the parents are divorced or separated. This bill would
30 eliminate the requirement that a child's parents be deceased,
31 divorced or separated in order for a grandparent to apply for
32 visitation rights.

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37 Modifies the circumstances under which a grandparent may apply
38 for visitation rights.

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.

ASSEMBLY, No. 1091
STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1992

By Assemblyman SOLOMON and Assemblywoman HECK

1 AN ACT concerning visitation rights for grandparents and
2 amending P.L.1971, c.420.

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

6 1. Section 1 of P.L.1971, c.420 (C.9:2-7.1) is amended to read
7 as follows:

8 1. [Where either or both of the parents of a minor child,
9 residing within the State, is or are deceased, or divorced or living
10 separate and apart in different habitats, regardless of the
11 existence of a court order or agreement, a grandparent or the
12 grandparents of such child, who is or are the parents of such
13 deceased, separated or divorced parent or parents.] A
14 grandparent or any sibling of [the] a child may apply to the
15 Superior Court, in accordance with the Rules of Court, to have
16 such child brought before such court; and the court may make
17 such order or judgment, as the best interest of the child may
18 require, for visitation rights for such grandparent[, grandparents]
19 or sibling in respect to such child.

20 (cf: P.L.1987, c.363, s.2)

21 2. This act shall take effect immediately.

22

23

24

STATEMENT

25

26 Presently, N.J.S.A.9:2-7.1 permits a sibling or grandparent of a
27 minor child to apply for visitation rights. A grandparent may only
28 apply, however, when one or both of the child's parents are dead
29 or when the parents are divorced or separated. This bill would
30 eliminate the requirement that a child's parents be deceased,
31 divorced or separated in order for a grandparent to apply for
32 visitation rights.

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37 Modifies the circumstances under which a grandparent may apply
38 for visitation rights.

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.

**ASSEMBLY SENIOR CITIZENS
AND SOCIAL SERVICES COMMITTEE**

STATEMENT TO

**ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 979 and 1091**

STATE OF NEW JERSEY

DATED: JUNE 1, 1992

The Assembly Senior Citizens and Social Services Committee favorably reports an Assembly Committee Substitute for Assembly Bill Nos. 979 and 1091.

Presently, N.J.S.A.9:2-7.1 permits a sibling or grandparent of a minor child to apply for visitation rights. A grandparent may only apply, however, when one or both of the child's parents are dead or when the parents are divorced or separated. This substitute would eliminate the requirement that a child's parents be deceased, divorced or separated in order for a grandparent to apply for visitation rights.

SENATE JUDICIARY COMMITTEE
STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 979 and 1091
STATE OF NEW JERSEY

DATED: DECEMBER 10, 1992

The Senate Judiciary reports favorably Assembly Committee Substitute for Assembly Bill Nos. 979/1091.

Presently, under the provisions of N.J.S.A.9:2-7.1, a sibling or grandparent of a minor child may make application in Superior Court for visitation rights. A grandparent, however, may only apply when one or both of the child's parents are deceased or when the parents are divorced or separated. This bill would eliminate the requirement that a child's parents be deceased, divorced or separated in order for a grandparent to apply for visitation rights.

Senate Amendments
(Proposed by Senator Brown)

to

Assembly No.979/1091(ACS)

(Sponsored by Assemblymen Albon, Solomon and Assemblywoman Heck)

ADOPTED
MAR 22 1993

REPLACE SECTION 1 TO READ:

1. Section 1 of P.L.1971, c.420 (C.9:2-7.1)^{pk} is amended to read as follows:

1. [Where either or both of the parents of a minor child, residing within the State, is or are deceased, or divorced or living separate and apart in different habitats, regardless of the existence of a court order or agreement, a grandparent or the grandparents of such child, who is or are the parents of such deceased, separated or divorced parent or parents.] ²[A grandparent or any sibling of [the] a child may apply to the Superior Court, in accordance with the Rules of Court, to have [such] the child brought before [such] the court; and the court may make such order or judgment, as the best interest of the child may require, for visitation rights for [such] the grandparent[, grandparents] or sibling in respect to [such] the child.] a. A grandparent or any sibling of a child residing in this State may make application before the Superior Court, in accordance with the Rules of Court, for an order for visitation. It shall be the burden of the applicant to prove by a preponderance of the evidence that the granting of visitation is in the best interests of the child.

b. In making a determination on an application filed pursuant to this section, the court shall consider the following factors:

- (1) The relationship between the child and the applicant;
- (2) The relationship between each of the child's parents or the person with whom the child is residing and the applicant;
- (3) The time which has elapsed since the child last had contact with the applicant;
- (4) The effect that such visitation will have on the relationship between the child and the child's parents or the person with whom the child is residing;
- (5) If the parents are divorced or separated, the time sharing arrangement which exists between the parents with regard to the child;
- (6) The good faith of the applicant in filing the application;
- (7) Any history of physical, emotional or sexual abuse or neglect by the applicant; and
- (8) Any other factor relevant to the best interests of the child.

c. With regard to any application made pursuant to this section, it shall be prima facie evidence that visitation is in the child's best interest if the applicant had, in the past, been a full-time caretaker for the child.²

(cf. P.L.1987, c.363, s.2)^{pk}

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STATEMENT

Presently, under the provisions of N.J.S.A.9:2-7.1, a sibling or grandparent of a minor child may make application in Superior Court for visitation rights. A grandparent, however, may only apply when one or both of the child's parents are deceased or when the parents are divorced or separated. S-74 would eliminate the requirement that a child's parents be deceased, divorced or separated in order for a grandparent to apply for visitation rights. These amendments would provide that the grandparent or sibling seeking visitation must show by a preponderance of evidence that the granting of visitation would be in the best interests of the child. The amendments would also include in the bill a list of factors which the court is to consider in ruling on a application for visitation. In addition, the amendments would provide that it would constitute prima facie evidence that visitation is in the child's best interests if the person seeking visitation was, in the past, the child's full-time caretaker.

~~(cf. P.L. 1987, c. 363, s. 2)~~

~~2. This act shall take effect immediately.~~

~~Modifies the circumstances under which a grandparent may apply for visitation rights.~~

SENATE, No. 74

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Senator BROWN

1 AN ACT concerning visitation rights for grandparents and
2 amending P.L.1971, c.420.

3

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

6 1. Section 1 of P.L.1971, c.420 (C.9:2-7.1) is amended to read
7 as follows:

8 1. [Where either or both of the parents of a minor child,
9 residing within the State, is or are deceased, or divorced or living
10 separate and apart in different habitats, regardless of the
11 existence of a court order or agreement, a grandparent or the
12 grandparents of such child, who is or are the parents of such
13 deceased, separated or divorced parent or parents.] A
14 grandparent or any sibling of [the] a child may apply to the
15 Superior Court, in accordance with the Rules of Court, to have
16 such child brought before such court; and the court may make
17 such order or judgment, as the best interest of the child may
18 require, for visitation rights for such grandparent[, grandparents]
19 or sibling in respect to such child.

20 (cf: P.L.1987, c.363, s.1)

21 2. This act shall take effect immediately.

22

23

24

STATEMENT

25

26 Presently, N.J.S.A.9:2-7.1 permits a sibling or grandparent of a
27 minor child to apply for visitation rights. A grandparent may only
28 apply, however, when one or both of the child's parents are dead
29 or when the parents are divorced or separated. This bill would
30 eliminate the requirement that a child's parents be deceased,
31 divorced or separated in order for a grandparent to apply for
32 visitation rights.

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38 Modifies the circumstances under which a grandparent may apply
for visitation rights.

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.

SENATE JUDICIARY COMMITTEE

AMENDMENTS

to

SENATE, No.74

(Sponsored by Senator Brown)

ADOPTED
DEC 10 1992

REPLACE SECTION 1 TO READ:

1. Section 1 of P.L.1971, c.420 (C.9:2-7.1) is amended to read as follows:

1. [Where either or both of the parents of a minor child, residing within the State, is or are deceased, or divorced or living separate and apart in different habitats, regardless of the existence of a court order or agreement, a grandparent or the grandparents of such child, who is or are the parents of such deceased, separated or divorced parent or parents.] A grandparent or any sibling of [the] a child may apply to the Superior Court, in accordance with the Rules of Court, to have ¹[such] the¹ child brought before ¹[such] the¹ court; and the court may make such order or judgment, as the best interest of the child may require, for visitation rights for ¹[such] the¹ grandparent[, grandparents] or sibling in respect to ¹[such] the¹ child.

(cf: P.L.1987, c.363, s.1)

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 74

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 10, 1992

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 74.

Presently, under the provisions of N.J.S.A.9:2-7.1, a sibling or grandparent of a minor child may make application in Superior Court for visitation rights. A grandparent, however, may only apply when one or both of the child's parents are deceased or when the parents are divorced or separated. This bill would eliminate the requirement that a child's parents be deceased, divorced or separated in order for a grandparent to apply for visitation rights.

The amendments adopted by the committee were technical in nature and conformed the wording of the bill with similar legislation passed by the Assembly.

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.

[FIRST REPRINT]

SENATE, No. 74

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Senators BROWN, DIMON and Cafiero

1 AN ACT concerning visitation rights for grandparents and
2 amending P.L.1971, c.420.

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

6 1. Section 1 of P.L.1971, c.420 (C.9:2-7.1) is amended to read
7 as follows:

8 1. [Where either or both of the parents of a minor child,
9 residing within the State, is or are deceased, or divorced or living
10 separate and apart in different habitats, regardless of the
11 existence of a court order or agreement, a grandparent or the
12 grandparents of such child, who is or are the parents of such
13 deceased, separated or divorced parent or parents,] A
14 grandparent or any sibling of [the] a child may apply to the
15 Superior Court, in accordance with the Rules of Court, to have
16 ¹[such] the¹ child brought before ¹[such] the¹ court; and the
17 court may make such order or judgment, as the best interest of
18 the child may require, for visitation rights for ¹[such] the¹
19 grandparent[, grandparents] or sibling in respect to ¹[such] the¹
20 child.

21 (cf: P.L.1987, c.363, s.2)

22 2. This act shall take effect immediately.

23

24

25

26

27 Modifies the circumstances under which a grandparent or sibling
28 may apply for visitation rights.

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 SJU committee amendments adopted December 10, 1992.