

## LEGISLATIVE HISTORY CHECKLIST

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NJSA: 2A:34-23.2 &amp; 2A:34-23.3 (Visitation)

LAWS OF: 1997 CHAPTER: 300

BILL NO: A73

SPONSOR(S): Kavanaugh and others

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary  
SENATE: Womens IssuesAMENDED DURING PASSAGE: Yes Amendments during passage denoted  
First reprint enacted by superscript numbersDATE OF PASSAGE: ASSEMBLY: May 30, 1997  
SENATE: December 11, 1997

DATE OF APPROVAL: January 8, 1998

## 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: Yes

HEARINGS: Yes

974.90 New Jersey. Commission to Study the Law of Divorce.  
M359 Report...April 18, 1995. Trenton, 1995.  
1995A [See Recommendation 8 -- p.25]974.90 New Jersey. Commission to Study the Law of Divorce.  
M359 Preliminary report...March 15, 1995. Trenton, 1995.  
1995 [See Recommendation 8 -- pp.32-32]974.90 New Jersey. Commission to Study the Law of Divorce.  
M359 Public meeting, held 3-31-94. Trenton, 1995.  
1994M974.90 New Jersey. Commission to Study the Law of Divorce.  
M359 Commission meeting held 12-7-93. Trenton, 1993.  
1993 [See especially pp.14-17]

KBP:pp

§§1,2  
C. 2A:34-23.2  
&  
2A:34-23.3

P.L. 1997, CHAPTER 300, *approved January 8, 1998*  
Assembly, No. 73 (*First Reprint*)

1 **AN ACT** concerning sanctions against parties who violate visitation  
2 orders and supplementing Title 2A of the New Jersey Statutes.

3

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

6

7 1. The Legislature finds and declares that:

8 a. There has been an increase in the filings of dissolutions of  
9 marriages in the recent years; and

10 b. The best interests of the children of these marriages in  
11 maintaining close relationships with both parents regardless of which  
12 parent has the physical custody of the child is paramount; and

13 c. Proceeding criminally in cases where the terms of an order of  
14 visitation with a child has failed to be honored may be both difficult  
15 and inappropriate; and

16 d. Bolstering the statutory civil remedies available to a judge  
17 hearing these types of matters may provide an indication of legislative  
18 intent to promote the enforcement of these matters.

19

20 2. A judge who sanctions a party for failure to comply with an  
21 order of visitation shall have these remedies available:

22 a. The awarding of counsel fees of the aggrieved party against the  
23 party who violated the terms of the order;

24 b. Community service;

25 c. The awarding of compensatory time for the time with the child  
26 for which the party was deprived; <sup>1</sup>[and]<sup>1</sup>

27 d. <sup>1</sup>The awarding of monetary compensation for additional costs  
28 incurred when a parent fails to appear for scheduled visitation; and

29 e.<sup>1</sup> Other economic sanctions which may be decided on a  
30 case-by-case basis <sup>1</sup>[to compensate either party for costs incurred  
31 based on the circumstances]<sup>1</sup>.

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Assembly AJU committee amendments adopted May 20, 1996.**

1       3. This act shall take effect immediately.

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6       Provides sanctions for parties who fail to comply with a visitation  
7 order.

ASSEMBLY, No. 73

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman KAVANAUGH

1 AN ACT concerning sanctions against parties who violate visitation  
2 orders and supplementing Title 2A of the New Jersey Statutes.

3

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

6

7 1. The Legislature finds and declares that:

8 a. There has been an increase in the filings of dissolutions of  
9 marriages in the recent years; and

10 b. The best interests of the children of these marriages in  
11 maintaining close relationships with both parents regardless of which  
12 parent has the physical custody of the child is paramount; and

13 c. Proceeding criminally in cases where the terms of an order of  
14 visitation with a child has failed to be honored may be both difficult  
15 and inappropriate; and

16 d. Bolstering the statutory civil remedies available to a judge  
17 hearing these types of matters may provide an indication of legislative  
18 intent to promote the enforcement of these matters.

19

20 2. A judge who sanctions a party for failure to comply with an  
21 order of visitation shall have these remedies available:

22 a. The awarding of counsel fees of the aggrieved party against the  
23 party who violated the terms of the order;

24 b. Community service;

25 c. The awarding of compensatory time for the time with the child  
26 for which the party was deprived; and

27 d. Other economic sanctions which may be decided on a  
28 case-by-case basis to compensate either party for costs incurred based  
29 on the circumstances.

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31 3. This act shall take effect immediately.

STATEMENT

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The bill would establish a series of specific statutory civil remedies for judges who hear violation of visitation order matters. A judge who sanctions a party for failure to comply with an order of visitation shall have the following remedies available:

- a. The awarding of counsel fees of the aggrieved party against the party who violated the terms of the order;
- b. Community service;
- c. The awarding of compensatory time for the time with the child for which the party was deprived; and
- d. Other economic sanctions which may be decided on a case-by-case basis to compensate either party for costs incurred based on the circumstances.

This bill embodies recommendation 8 of the report of the Commission to Study the Law of Divorce, issued April 18, 1995.

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Provides sanctions for parties who fail to comply with a visitation order.

[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 73

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# STATE OF NEW JERSEY

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PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman KAVANAUGH, Corodemus,  
Senators Lipman, Bennett and Adler

1 AN ACT concerning sanctions against parties who violate visitation  
2 orders and supplementing Title 2A of the New Jersey Statutes.

3

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

6

7 1. The Legislature finds and declares that:

8 a. There has been an increase in the filings of dissolutions of  
9 marriages in the recent years; and

10 b. The best interests of the children of these marriages in  
11 maintaining close relationships with both parents regardless of which  
12 parent has the physical custody of the child is paramount; and

13 c. Proceeding criminally in cases where the terms of an order of  
14 visitation with a child has failed to be honored may be both difficult  
15 and inappropriate; and

16 d. Bolstering the statutory civil remedies available to a judge  
17 hearing these types of matters may provide an indication of legislative  
18 intent to promote the enforcement of these matters.

19

20 2. A judge who sanctions a party for failure to comply with an  
21 order of visitation shall have these remedies available:

22 a. The awarding of counsel fees of the aggrieved party against the  
23 party who violated the terms of the order;

24 b. Community service;

25 c. The awarding of compensatory time for the time with the child  
26 for which the party was deprived; <sup>1</sup>**[and]**<sup>1</sup>

27 d. <sup>1</sup>The awarding of monetary compensation for additional costs

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly AJU committee amendments adopted May 20, 1996.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 73

with committee amendments

# STATE OF NEW JERSEY

DATED: MAY 20, 1996

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 73.

The bill would establish a series of specific statutory civil remedies for judges who hear violation of visitation order matters. A judge who sanctions a party for failure to comply with an order of visitation shall have the following remedies available:

The awarding of counsel fees of the aggrieved party against the party who violated the terms of the order;

Community service;

The awarding of compensatory time for the time with the child for which the party was deprived; and

Other economic sanctions which may be decided on a case-by-case basis.

The committee amendments added a new subsection d. in section 2 of the bill providing that monetary compensation may be awarded for costs incurred when a parent fails to appear for scheduled visitation. This relief is especially important when the non-custodial parent repeatedly fails to come or fails to come on time causing the child emotional injury and disrupting plans for the custodial parent. The change in new subsection e. is to clarify that the court may award compensatory and punitive damages when a party interferes with visitation by removing the reference to "compensate."

This bill embodies recommendation 8 of the report of the Commission to Study the Law of Divorce, issued April 18, 1995.

This bill was prefiled for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE WOMEN'S ISSUES, CHILDREN AND FAMILY  
SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 73**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 17, 1997

The Senate Women's Issues, Children and Family Services Committee favorably reports Assembly Bill No. 73 (1R).

The bill would establish a series of specific statutory civil remedies for judges who hear violation of visitation order matters. A judge who sanctions a party for failure to comply with an order of visitation shall have the following remedies available:

- the awarding of counsel fees of the aggrieved party against the party who violated the terms of the order;
- community service;
- the awarding of compensatory time for the time with the child for which the party was deprived; and
- other economic sanctions which may be decided on a case-by-case basis.

Under the provisions of the bill, monetary compensation may be awarded for costs incurred when a parent fails to appear for scheduled visitation. This relief is especially important when the non-custodial parent repeatedly fails to come or fails to come on time causing the child emotional injury and disrupting plans for the custodial parent. Also the bill provides that other economic sanctions can be decided on a case-by-case basis.

This bill embodies recommendation 8 of the report of the Commission to Study the Law of Divorce, issued April 18, 1995.

This bill is identical to Senate Bill No. 392 Sca (Lipman/Bennett), which was also released by this committee on November 17, 1997.