

ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY

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January 22, 2007

To: Assignment Judges

From: David P. Anderson, Jr.

Subject: P.L. 2007, c.6 (S-1467) - Adds a new cause of action for divorce based on irreconcilable differences

On January 20, 2007, Governor Corzine signed S-1467 into law as P.L. 2007, c.6. The new law was effective January 20, 2007. Attached is a copy of the law for your information.

The new law amends N.J.S.A.2A:34-2, which sets forth the causes of action for divorce, to provide that a divorce may be granted on grounds of "irreconcilable differences which have caused the breakdown of the marriage for a period of six months and which make it appear that the marriage should be dissolved and that there is no reasonable prospect of reconciliation."

Handwritten: 1/25/07 C. Anderson

Please note that section 4.b. of P.L. 2006, c.103 (enacted December 21, 2006), which established civil unions in New Jersey, provides that: "The dissolution of civil unions shall follow the same procedures and be subject to the same substantive rights and obligations that are involved in the dissolution of marriage." While P.L. 2006, c.103 was enacted before P.L. 2007, c.6, the Governor notes in the signing statement to S-1467 that it is his clear understanding that the new cause of action for divorce based on irreconcilable differences is applicable to civil unions as well as marriages.

Kindly advise appropriate staff of this new law. Please contact Harry Cassidy, Assistant Director, AOC Family Division at 609-984-4228 if you have any questions regarding Chapter 6.

attachment

c: Philip S. Carchman
Family Division Judges
Theodore J. Fetter
Directors
Assistant Directors
Clerks of the Court
Trial Court Administrators
Family Division Managers

P.L. 2007, c.6
Approved January 20, 2007

SENATE, No. 1467
STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED MARCH 2, 2006

Sponsored by:

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Senator Lesniak, Assemblymen Biondi, Gusciora, Diegnan, Bramnick and Hackett

SYNOPSIS

Adds new cause of action for divorce based on irreconcilable differences.

CURRENT VERSION OF TEXT

As introduced.

AN ACT establishing a cause of divorce from the bond of matrimony and amending N.J.S.2A:34-2.

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

1. N.J.S.2A:34-2 is amended to read as follows:

2A:34-2. Divorce from the bond of matrimony may be adjudged for the following causes heretofore or hereafter arising:

- a. Adultery;
- b. Willful and continued desertion for the term of 12 or more months, which may be established by satisfactory proof that the parties have ceased to cohabit as man and wife;
- c. Extreme cruelty, which is defined as including any physical or mental cruelty which endangers the safety or health of the plaintiff or makes it improper or unreasonable to expect the plaintiff to continue to cohabit with the defendant; provided that no complaint for divorce shall be filed until after

3 months from the date of the last act of cruelty complained of in the complaint, but this provision shall not be held to apply to any counterclaim;

d. Separation, provided that the husband and wife have lived separate and apart in different habitations for a period of at least 18 or more consecutive months and there is no reasonable prospect of reconciliation; provided, further that after the 18-month period there shall be a presumption that there is no reasonable prospect of reconciliation;

e. Voluntarily induced addiction or habituation to any narcotic drug as defined in the New Jersey Controlled Dangerous Substances Act, P.L.1970, c.226 or habitual drunkenness for a period of 12 or more consecutive months subsequent to marriage and next preceding the filing of the complaint;

f. Institutionalization for mental illness for a period of 24 or more consecutive months subsequent to marriage and next preceding the filing of the complaint;


g. Imprisonment of the defendant for 18 or more consecutive months after marriage, provided that where the action is not commenced until after the defendant's release, the parties have not resumed cohabitation following such imprisonment;

h. Deviant sexual conduct voluntarily performed by the defendant without the consent of the plaintiff;

i. Irreconcilable differences which have caused the breakdown of the marriage for a period of six months and which make it appear that the marriage should be dissolved and that there is no reasonable prospect of reconciliation.

(cf: P.L.1971, c.217, s.11)

2. This act shall take effect immediately.

 Gina Bellucci/AOC/Courts
03/18/2008 10:25 AM

To Harry Cassidy/AOC/Courts@Courts
cc
bcc

Subject Cof A for Dissolution of Civil Union does Not mirror
Dissolution of Marriage

H -- Problem . . . Pursuant to NJSA 2A:34-2, irreconcilable differences is a grounds for divorce from the bond of matrimony HOWEVER, NJSA 2A:34.2.1 which lists the causes for dissolution of a civil union does NOT List irreconcilable differences.

Causes of action for divorce from marriage = 9 (a through i)

Causes of action for dissolution of civil union = 7 (a through g)

Where they differ is as follows: in Dissolution of marriage there is a c o a for (i) irreconcilable differences & (h) deviant sexual conduct -- neither exists in the dissolution of civil union statute.



Diss of Marriage_NJSA_2A_34_2.doc Diss of Civil Union NJSA_2A_34_2_1.doc

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Administrative Office of The Courts, Family Practice Division
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