

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1467

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 2006

The Senate Judiciary Committee reports favorably Senate Bill No. 1467.

This bill amends N.J.S.2A:34-2 concerning the causes for divorce. The bill provides that a divorce will 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."

A version of this bill was introduced originally in 1995 embodying Recommendation #1 from the 1995 report of the Commission to Study the Law of Divorce. After the original bill was reintroduced in the 1996-1997 session, it was amended to delete the phrase "which is defined as substantial reasons for not continuing the marriage" and to add the phrase "and that there is no reasonable prospect of reconciliation" and to change the time period from three months to six months.

That bill was introduced in the 1998-1999 session and passed both houses in January, 1999. However, Governor Whitman conditionally vetoed A-138 on March 4, 1999. The Governor's changes were passed by the Assembly on March 11, 1999, but the bill did not see further action that session. After passage by the Assembly of the Governor's changes, the bill provided for two new causes of action, with the "irreconcilable differences" time period changed from six months to nine months. The new language was as follows (Governor's changes are denoted by italics):

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

j. *Mutual consent, where 90 days have elapsed from the date of commencement of an action alleging that the marriage is irretrievably broken, with no reasonable prospect of reconciliation, and an affidavit has been filed by each of the parties evidencing that each of the parties consents to this cause of action for the divorce.*

In the 2000-2001 session, the bill was reintroduced as conditionally vetoed but it was reported out of the Assembly Judiciary Committee in January 2000 with amendments that deleted all of the Governor's conditional veto language, thus restoring the bill to its

1996-1997 version. That bill was reintroduced in the 2002-2003 and 2004-2005 sessions and currently.

This bill is identical to Assembly, No. 483.