

# ASSEMBLY, No. 3089

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JULY 1, 2010

**Sponsored by:**

**Assemblyman ANTHONY M. BUCCO**

**District 25 (Morris)**

**Assemblywoman CAROLINE CASAGRANDE**

**District 12 (Mercer and Monmouth)**

**Assemblyman GARY R. CHIUSANO**

**District 24 (Sussex, Hunterdon and Morris)**

**SYNOPSIS**

Eliminates one year residency requirement for certain civil action filings.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 11/22/2011)

1 AN ACT concerning residency requirements for certain civil actions  
2 and amending N.J.S.2A:34-10.

3

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

6

7 1. N.J.S. 2A:34-10 is amended to read as follows:

8 2A:34-10. Jurisdiction in divorce proceedings, dissolution of a  
9 civil union, legal separation from a partner in a civil union couple;  
10 service of process; residence requirements.

11 Jurisdiction in actions for divorce, either absolute or from bed  
12 and board, and in actions for dissolution of a civil union or legal  
13 separation from a partner in a civil union couple may be acquired  
14 when process is served upon the defendant as prescribed by the  
15 rules of the Supreme Court, and

16 1. When, at the time the cause of action arose, either party was  
17 a bona fide resident of this State, and has continued so to be down  
18 to the time of the commencement of the action; except that no  
19 action for absolute divorce or dissolution of a civil union shall be  
20 commenced for any cause other than adultery or extreme cruelty  
21 involving an act of domestic violence as defined in section 3 of  
22 P.L.1991, c.261 (C.2C:25-19) or under the provisions of a  
23 substantially similar statute under the laws of another state or the  
24 United States, unless one of the parties has been for the 1 year next  
25 preceding the commencement of the action a bona fide resident of  
26 this State; or

27 2. When, since the cause of action arose, either party has  
28 become, and for at least 1 year next preceding the commencement  
29 of the action has continued to be, a bona fide resident of this State;  
30 or

31 3. When, since the cause of action arose, either party has  
32 alleged grounds of extreme cruelty involving an act of domestic  
33 violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19) or  
34 under the provisions of a substantially similar statute under the laws  
35 of another state or the United States.

36 (cf: P.L. 2006, c.103, s.70)

37

38 2. This act shall take effect immediately.

39

40

41

#### STATEMENT

42

43 At present, in order to file for a divorce, dissolution or legal  
44 separation in New Jersey, at least one of the parties must have been  
45 a New Jersey resident for at least one year. The sole exception to

**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.

1 this residency requirement is the case of adultery. This bill would  
2 eliminate the one year residency requirement in the case of extreme  
3 cruelty involving an act of domestic violence, thereby permitting  
4 earlier filings by persons including those fleeing into New Jersey  
5 from another state.