

ASSEMBLY, No. 609

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman DAVID W. WOLFE

District 10 (Ocean)

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

SYNOPSIS

Denies custody and visitation rights to minor child by family members of individuals convicted of certain crimes.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning custody and visitation rights and amending
2 P.L.1995, c.55.

3

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

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7 1. Section 1 of P.L.1995, c.55 (C.9:2-4.1) is amended to read
8 as follows:

9 1. a. Notwithstanding any provision of law to the contrary, a
10 person convicted of sexual assault under N.J.S.2C:14-2 shall not be
11 awarded the custody of or visitation rights to any minor child,
12 including a minor child who was born as a result of or was the
13 victim of the sexual assault, except upon a showing by clear and
14 convincing evidence that it is in the best interest of the child for
15 custody or visitation rights to be awarded. However, a court that
16 awards such custody or visitation rights to a person convicted of
17 sexual assault under N.J.S.2C:14-2 shall stay enforcement of the
18 order or judgment for at least 10 days in order to permit the appeal
19 of the order or judgment and application for a stay in accordance
20 with the Rules of Court.

21 b. Notwithstanding any provision of law to the contrary, a
22 person convicted of sexual contact under N.J.S.2C:14-3 or
23 endangering the welfare of a child under N.J.S.2C:24-4 shall not be
24 awarded the custody of or visitation rights to any minor child,
25 except upon a showing by clear and convincing evidence that it is in
26 the best interest of the child for such custody or visitation rights to
27 be awarded. However, a court that awards such custody or visitation
28 rights to a person convicted of sexual contact under N.J.S.2C:14-3
29 or endangering the welfare of a child under N.J.S.2C:24-4 shall stay
30 enforcement of the order or judgment for at least 10 days in order to
31 permit the appeal of the order or judgment and application for a stay
32 in accordance with the Rules of Court.

33 c. A denial of custody or visitation under this section shall not
34 by itself terminate the parental rights of the person denied visitation
35 or custody, nor shall it affect the obligation of the person to support
36 the minor child.

37 d. In any proceeding for establishment or enforcement of such
38 an obligation of support the victim shall not be required to appear in
39 the presence of the obligor and the victim's and child's whereabouts
40 shall be kept confidential.

41 e. Notwithstanding any provision of law to the contrary, a
42 family member of a person convicted of sexual assault under
43 N.J.S.2C:14-2 shall not be awarded the custody of or visitation
44 rights to any minor child born as a result of the sexual assault,
45 except upon a showing of clear and convincing evidence that it is in

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 the best interest of the child for custody or visitation rights to be
2 awarded. However, a court that awards such custody or visitation
3 rights to a family member of a person convicted of sexual assault
4 under N.J.S.2C:14-2 shall stay enforcement of the order or
5 judgment for at least 10 days in order to permit the appeal of the
6 order or judgment and application for a stay in accordance with the
7 Rules of Court.

8 As used in this subsection, "family member" means a person 18
9 years of age or older related to a person convicted of sexual assault
10 under N.J.S.2C:14-2 by blood, marriage or adoption who resides
11 with the convicted person on a full-time basis, including: a spouse;
12 a sibling, parent, stepsibling or stepparent of the convicted person
13 or his spouse; and a person whose status is preceded by the words
14 "great" or "grand."

15 (cf: P.L.1999, c.424, s.1)

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17 2. This act shall take effect immediately.

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STATEMENT

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22 This bill amends N.J.S.A.9:2-4.1 to deny the awarding of
23 visitation rights to or custody of a minor child to a family member
24 of a person convicted of sexual assault under N.J.S.A.2C:14-2 if the
25 sexual assault resulted in the birth of the child, except upon a
26 showing by clear and convincing evidence that awarding visitation
27 rights or custody is in the best interest of the child. The bill defines
28 "family member" as a person 18 years of age or older related to a
29 person convicted of sexual assault by blood, marriage or adoption
30 who resides with the convicted person on a full-time basis,
31 including: a spouse; a sibling, parent, stepsibling or stepparent of
32 the convicted person or his spouse; and a person whose status is
33 preceded by the words "great" or "grand."

34 The bill also provides that after a court awards visitation rights to
35 or custody of the minor child to a family member of the person
36 convicted of sexual assault, the court shall not enforce the order or
37 judgment for at least 10 days in order to permit the appeal of the
38 order or judgment and application for the stay in accordance with
39 the Rules of Court.