

ASSEMBLY, No. 276

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman BATEMAN

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

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:34-2 is amended to read as follows:

8 2A:34-2. Divorce from the bond of matrimony may be adjudged  
9 for the following causes heretofore or hereafter arising:

10 a. Adultery;

11 b. Willful and continued desertion for the term of 12 or more  
12 months, which may be established by satisfactory proof that the parties  
13 have ceased to cohabit as man and wife;

14 c. Extreme cruelty, which is defined as including any physical or  
15 mental cruelty which endangers the safety or health of the plaintiff or  
16 makes it improper or unreasonable to expect the plaintiff to continue  
17 to cohabit with the defendant; provided that no complaint for divorce  
18 shall be filed until after 3 months from the date of the last act of  
19 cruelty complained of in the complaint, but this provision shall not be  
20 held to apply to any counterclaim;

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

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

32 f. Institutionalization for mental illness for a period of 24 or more

**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.**

1 consecutive months subsequent to marriage and next preceding the  
2 filing of the complaint;

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

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

9 i. Irreconcilable differences which have caused the breakdown of  
10 the marriage for a period of three months, which is defined as  
11 substantial reasons for not continuing the marriage and which make it  
12 appear that the marriage should be dissolved.

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

14

15 2. This act shall take effect immediately.

16

17

18 STATEMENT

19

20 This bill amends N.J.S.2A:34-2 concerning the causes for divorce.  
21 It adds a new cause of action in subsection i. based on irreconcilable  
22 differences. Irreconcilable differences is defined as differences which  
23 have caused the breakdown of the marriage for a period of three  
24 months, which is defined as substantial reasons for not continuing the  
25 marriage and which make it appear that the marriage should be  
26 dissolved.

27 This bill embodies recommendation number 1 of the report of the  
28 Commission to Study the Law of Divorce, issued April 18, 1995.

29

30

31

32

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