

[First Reprint]
ASSEMBLY, No. 276

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen BATEMAN and COHEN

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

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

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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;

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted May 20, 1996.

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

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

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

10 i. Irreconcilable differences which have caused the breakdown of
11 the marriage for a period of three months¹ [, which is defined as
12 substantial reasons for not continuing the marriage]¹ and which make
13 it appear that the marriage should be dissolved ¹and that there is no
14 reasonable prospect of reconciliation¹.

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

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17 2. This act shall take effect immediately.

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