

ASSEMBLY, No. 1970

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblywoman CRECCO

1 AN ACT concerning visitation rights and amending the title and body  
2 of P.L.1971, c.420.

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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. The title of P.L.1971, c.420 (C.9:2-7.1) is amended to read as  
8 follows:

9 AN ACT authorizing the maintenance of habeas corpus proceedings by  
10 [grandparents or siblings] certain relatives to obtain visitation rights  
11 [in respect to their infant grandchildren or siblings in certain  
12 cases], and supplementing chapter 2 of Title 9 of the Revised  
13 Statutes.

14 (cf: P.L.1993, c.161, title)

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16 2. Section 1 of P.L.1971, c.420 (C.9:2-7.1) is amended to read as  
17 follows:

18 1. a. A grandparent or any sibling of a child residing in this State  
19 may make application before the Superior Court, in accordance with  
20 the Rules of Court, for an order for visitation. An aunt or uncle may  
21 make application before the Superior Court for an order for visitation  
22 to occur in the presence of the child's parents or the person with whom  
23 the child is residing. It shall be the burden of the applicant to prove by  
24 a preponderance of the evidence that the granting of visitation is in the  
25 best interests of the child.

26 b. In making a determination on an application filed pursuant to  
27 this section, the court shall consider the following factors:

28 (1) The relationship between the child and the applicant;

29 (2) The relationship between each of the child's parents or the  
30 person with whom the child is residing and the applicant;

31 (3) The time which has elapsed since the child last had contact with  
32 the applicant;

33 (4) The effect that such visitation will have on the relationship  
34 between the child and the child's parents or the person with whom the

**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 child is residing;

2 (5) If the parents are divorced or separated, the time sharing  
3 arrangement which exists between the parents with regard to the child;

4 (6) The good faith of the applicant in filing the application;

5 (7) Any history of physical, emotional or sexual abuse or neglect  
6 by the applicant; and

7 (8) Any other factor relevant to the best interests of the child.

8 c. With regard to any application made pursuant to this section, it  
9 shall be prima facie evidence that visitation is in the child's best interest  
10 if the applicant had, in the past, been a full-time caretaker for the child.  
11 (cf: P.L.1993, c.161, s.1)

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13 3. This act shall take effect immediately.

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#### STATEMENT

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18 This bill expands the category of relatives who may apply for  
19 visitation rights to include, not only parents, grandparents, and  
20 siblings, but also a child's aunts and uncles. Visits by the relatives  
21 added under this bill must occur within the presence of the child's  
22 parents or the person with whom the child resides. Currently, the  
23 child's grandparents and siblings may apply for an order for visitation  
24 with no supervision requirement.

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Allows aunts and uncles to apply for visitation rights.