

ASSEMBLY, No. 2135

STATE OF NEW JERSEY

INTRODUCED JUNE 10, 1996

By Assemblyman LeFEVRE

1 AN ACT concerning time limitations on establishing the parent-child
2 relationship and amending N.J.S.3B:5-10.

3

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

6

7 1. N.J.S.3B:5-10 is amended to read as follows:

8 3B:5-10. Establishment of Parent-Child Relationship.

9 If, for the purposes of intestate succession, a relationship of parent
10 and child must be established to determine succession by, through, or
11 from a person, in cases not covered by N.J.S.3B:5-9, a person is the
12 child of the person's parents regardless of the marital state of the
13 person's parents, and the parent and child relationship may be
14 established as provided by the "New Jersey Parentage Act," P.L.1983,
15 c.17 (C.9:17-38 et seq.). The parent and child relationship may be
16 established for purposes of this section regardless of the time
17 limitations set forth in subsection b. of section 8 of P.L.1983, c.17
18 (C.9:17-45).

19 (cf :P.L.1991, c.22, s.1).

20

21 2. This act shall take effect immediately and shall apply to any
22 pending matter for which the time limitations set forth in Title 3B of
23 the New Jersey Statutes have not expired.

24

25

26

STATEMENT

27

28 This bill amends N.J.S.3B:5-10 to clarify that the limitations on
29 actions under the "New Jersey Parentage Act" which is set at no more
30 than 5 years after the child attains the age of majority shall not apply
31 to actions under the probate act solely for the purpose of establishing
32 the parent and child relationship as permitted by N.J.S.3B:5-10. That
33 section of the probate code concerns intestate succession. The parent
34 and child relationship must be established to determine succession by,

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 through or from a person.

2 The "New Jersey Parentage Act" already provides in subsection f.
3 of N.J.S.A.9:17-45 that it does not extend the time within which a
4 right of inheritance or a right to succession may be asserted beyond
5 the time provided by law relating to distribution and closing of
6 decedents' estates or to the determination of heirship, or otherwise.
7 Thus, the provisions of the probate code control the limitations for
8 claims on distribution of an intestate estate. However, this bill clarifies
9 that the general time limitations of the "Parentage Act" as set forth in
10 subsection b. of N.J.S.A.9:17-45 do not cut off efforts to establish a
11 parent and child relationship consistent with the procedures of the
12 "Parentage Act" for the purposes of intestate succession. Thus, a
13 person beyond the age of 23 years may be able to establish a
14 relationship with a parent for the purpose of inheritance.

15 The sponsor wishes to note that the purpose of this bill is to accord
16 an opportunity to illegitimate children of any age to establish
17 parentage for purposes of intestate inheritance. Those persons should
18 not be cut off from this opportunity at the age of 23 years. The bill
19 is not intended in any way to change any of the statutes of limitations
20 provided for in the probate code itself.

21

22

23

24

25 Provides that time limitations in "New Jersey Parentage Act" do not
26 preclude the establishment of a parent and child relationship for
27 purposes of intestate succession.