

SENATE, No. 392

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1996

By Senator LIPMAN

1 AN ACT concerning sanctions against parties who violate visitation  
2 orders and supplementing Title 2A of the New Jersey Statutes.

3

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

6

7 1. The Legislature finds and declares that:

8 a. There has been an increase in the filings of dissolutions of  
9 marriages in the recent years; and

10 b. The best interests of the children of these marriages in  
11 maintaining close relationships with both parents regardless of which  
12 parent has the physical custody of the child is paramount; and

13 c. Proceeding criminally in cases where the terms of an order of  
14 visitation with a child has failed to be honored may be both difficult  
15 and inappropriate; and

16 d. Bolstering the statutory civil remedies available to a judge  
17 hearing these types of matters may provide an indication of legislative  
18 intent to promote the enforcement of these matters.

19

20 2. A judge who sanctions a party for failure to comply with an  
21 order of visitation shall have these remedies available:

22 a. The awarding of counsel fees of the aggrieved party against the  
23 party who violated the terms of the order;

24 b. Community service;

25 c. The awarding of compensatory time for the time with the child  
26 for which the party was deprived; and

27 d. Other economic sanctions which may be decided on a  
28 case-by-case basis to compensate either party for costs incurred based  
29 on the circumstances.

30

31 3. This act shall take effect immediately.

32

33

STATEMENT

34

35 The bill would establish a series of specific statutory civil remedies  
36 for judges who hear violation of visitation order matters. A judge who

1 sanctions a party for failure to comply with an order of visitation shall  
2 have the following remedies available:

3 a. The awarding of counsel fees of the aggrieved party against the  
4 party who violated the terms of the order;

5 b. Community service;

6 c. The awarding of compensatory time for the time with the child  
7 for which the party was deprived; and

8 d. Other economic sanctions which may be decided on a  
9 case-by-case basis to compensate either party for costs incurred based  
10 on the circumstances.

11 This bill embodies recommendation 8 of the report of the  
12 Commission to Study the Law of Divorce, issued April 18, 1995.

13

14

15

16

17 Provides sanctions for parties who fail to comply with a visitation  
18 order.