

P.L. 2007, CHAPTER 6, *approved January 20, 2007*
Senate, No. 1467

1 AN ACT establishing a cause of divorce from the bond of
2 matrimony 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
13 parties 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
16 or makes it improper or unreasonable to expect the plaintiff to
17 continue to cohabit with the defendant; provided that no complaint
18 for divorce shall be filed until after 3 months from the date of the
19 last act of cruelty complained of in the complaint, but this provision
20 shall not be 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
23 or 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
31 preceding the filing of the complaint;

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

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

39 h. Deviant sexual conduct voluntarily performed by the
40 defendant without the consent of the plaintiff;

41 i. Irreconcilable differences which have caused the breakdown
42 of the marriage for a period of six months and which make it appear
43 that the marriage should be dissolved and that there is no reasonable
44 prospect of reconciliation.

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

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill amends N.J.S.2A:34-2 concerning the causes for
7 divorce. The bill provides that a divorce will be granted on grounds
8 of "irreconcilable differences which have caused the breakdown of
9 the marriage for a period of six months and which make it appear
10 that the marriage should be dissolved and that there is no reasonable
11 prospect of reconciliation."

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