ASSEMBLY, No. 2234

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)
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District 37 (Bergen)
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District 11 (Monmouth)

SYNOPSIS

Eliminates phrase “born out of wedlock” from statutes concerning legal settlement; revises law for determining a minor’s county of legal settlement.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning determination of a minor's county of settlement, amending P.L.1965, c.59, and repealing section 3 of P.L.1965, c.59.

1. Section 38 of P.L.1965, c.59 (C.30:4-49.2) is amended to read as follows:

38. The settlement of a minor **[**born in wedlock**]** shall be that of his parents **[**or surviving parent**]** ; or in case of **[**divorce or separation**]** parents who do not share the same settlement, of the parent having his sole custody or having joint custody and with whom the minor most often resides. In the case of the death of **[**the**]** a parent **[**having custody**]**, the settlement shall be that of the surviving parent. In case of the death of both parents or in case of permanent separation from his parents by court order or by surrender of custody by an instrument in writing in accordance with law, the settlement of such minor at the time of such death or separation shall continue until his majority unless he shall gain a separate settlement as hereinafter provided.

(cf: P.L.1965, c.59, s.38)

2. Section 39 of P.L.1965, c.59 (C.30:4-49.3) is repealed.

3. This act shall take effect immediately.

STATEMENT

This bill eliminates disparities in the way that a county adjuster determines a minor child's county of legal settlement based on the marital status of a minor's parents at the time of birth. Current statute provides that a minor born "out of wedlock" has the same legal settlement as his mother. It is the sponsor's belief that the terminology "out of wedlock" is outdated and pejorative, and that the marital status of a minor's parents at the time of birth is not relevant to the minor's actual settlement.

Instead, this bill establishes that a minor's county of settlement is the settlement of the minor's parents, or in the case of parents who do not share the same settlement, of the parent having sole custody or with whom the minor most often resides. This will better reflect the child's actual residence, and eliminates any need to question whether the child's parents were married when the child was born.

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.