

PUBLIC HEARING
before
ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE
on
ASSEMBLY CONCURRENT RESOLUTION 84
(Family Court)

Held:
November 29, 1982
Assembly Chamber
State House Complex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Martin A. Herman (Chairman)

ALSO PRESENT:

F. Marchetta, Research Associate
Office of Legislative Services
Aide, Assembly Judiciary, Law, Public Safety
and Defense Committee

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ASSEMBLYMAN MARTIN A. HERMAN (Chairman): Good morning. I am Assemblyman Herman. I am the Chairman of the Assembly Judiciary, Law, Public Safety and Defense Committee.

The purpose of today's hearing is to conduct, in accordance with the Constitutional requirements, a public hearing on Assembly Concurrent Resolution 84. That particular piece of legislation proposes to amend Article VI, Section III, paragraph 3, and Section VI, paragraphs 1 and 3 of the Constitution - creating a family part of the Chancery Division, and transferring jurisdiction of the juvenile and domestic relations court, or family court, and county district courts to the Superior Court upon the abolition of those courts and permitting judges of those former courts who have acquired tenure or Judges of the Superior Court who acquired tenure prior to their appointment to the Superior Court to have tenure as Superior Court Judges and judges of those former courts who have not acquired tenure to acquire tenure upon reappointment to the Superior Court.

As the sponsor of this bill, and I assume the primary witness at this particular public hearing, it has long been felt that this proposal is overdue on two sets of principals: One, the fact that this would basically complete the total integration and consolidation of the courts, which we started with the Constitution of 1947, and with the Constitutional Amendment of a few years back which integrated the county courts and the Superior Courts. This would take the last step by abolishing the county district court and the juvenile relations court, or family court, which we created by legislation on July 23, 1982, by the signature of the Governor, into one solidified court system.

I think that the lack of witnesses here today shows that this proposal has come of age. I think that the family court is long overdue and that the people of this State, by their overwhelming adoption of the prior Constitutional Amendment integrating the county courts into the Superior Court system, have demonstrated that they, too, believe that justice is best served by an integrated, unified court system. This proposal would go a long way in completing that task, a task, I believe, supported by all of the judges of our State as well as the members of the Bar Association and the public as well.

I do not believe we have to say a great deal more. I would then ask if there is anyone else in the public who wishes to speak on this proposal, if not, I will call the public hearing to a close and ask that the record be printed as expeditiously so this matter can receive the full attention of the Assembly and the Senate of the State of New Jersey.

(A statement from the New Jersey Bar Association was submitted after this public hearing and is attached.)

(Hearing Concluded)

[OFFICIAL COPY REPRINT]
ASSEMBLY CONCURRENT RESOLUTION No. 84

STATE OF NEW JERSEY

INTRODUCED MARCH 11, 1982

By Assemblyman HERMAN

Referred to Committee on Judiciary, Law, Public Safety
and Defense

A CONCURRENT RESOLUTION proposing to amend Article VI, Section III, paragraph 3 and Section VI, paragraphs 1 and 3, of the Constitution of the State of New Jersey.

1 BE IT RESOLVED *by the General Assembly of the State of New*
2 *Jersey (the Senate concurring):*

3 1. The following proposed amendments to the Constitution are
4 hereby agreed to:

5 Amend Article VI, Section III, paragraph 3 of the Constitution
6 to read as follows:

7 3. The Superior Court shall be divided into an Appellate Division, a Law Division, and a Chancery Division, *which shall include a*
8 *family part.* Each division shall have such *other* parts, consist of
9 such number of judges, and hear such causes, as may be provided
10 by rules of the Supreme Court. At least two judges of the Superior
11 Court shall at all times be assigned to sit in each of the counties
12 of the State, who at the time of their appointment and reappointment
13 were residents of that county provided, however, that the
14 number of judges required to reside in the county wherein they sit
15 shall be at least equal in number to the number of judges of the
16 county court sitting in each of the counties at the adoption of this
17 amendment.

18 Amend Article VI, Section VI, paragraph 1 of the Constitution
19 to read as follows:

20 1. The Governor shall nominate and appoint, with the advice and
21 consent of the Senate, the Chief Justice and associate justices of the
22 Supreme Court, the Judges of the Superior Court, and the judges
23 of the inferior courts with jurisdiction extending to more than one
24 municipality; *except that upon the abolition of the juvenile and*

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted October 12, 1982*

24 domestic relations courts "or family court" and county district
 25 courts as provided by law, the judges of those former courts shall
 26 become the Judges of the Superior Court without nomination by the
 27 Governor or confirmation by the Senate. No nomination to such an
 28 office shall be sent to the Senate for confirmation until after 7 days'
 29 public notice by the Governor.

30 Amend Article VI, Section VI, paragraph 3 of the Constitution
 31 to read as follows:

32 3. The Justices of the Supreme Court and the Judges of the
 33 Superior Court shall hold their offices for initial terms of 7 years
 34 and upon reappointment shall hold their offices during good
 35 behavior; provided however, that, upon the abolition of the juvenile
 36 and domestic relations courts "or family court" and county district
 37 courts as provided by law, the judges in office in those former courts
 38 who have acquired tenure and the Judges of the Superior Court
 39 who have acquired tenure as a judge in those former courts prior
 40 to appointment to the Superior Court, shall have tenure as Judges
 41 of the Superior Court. Judges of the juvenile and domestic relations
 42 courts "or family court" and county district courts who have not
 43 acquired tenure as a judge of those former courts shall hold their
 44 offices for the period of their respective terms which remain un-
 45 expired and shall acquire tenure upon reappointment to the
 46 Superior Court. Such justices and judges shall be retired upon
 47 attaining the age of 70 years. Provisions for the pensioning of
 48 the Justices of the Supreme Court and the Judges of the Superior
 49 Court shall be made by law.

1 2. When this proposed amendment to the Constitution is finally
 2 agreed to, pursuant to Article IX, paragraph 1 of the Constitution,
 3 it shall be submitted to the people at the next general election occur-
 4 ring more than 3 months after such final agreement and be pub-
 5 lished at least once in at least one newspaper of each county
 6 designated by the President of the Senate and the Speaker of the
 7 General Assembly and the Secretary of State, not less than 3
 8 months prior to said general election.

1 3. This proposed amendment to the Constitution shall be sub-
 2 mitted to the people at said election in the following manner and
 3 forms:

4 There shall be printed on each official ballot to be used at such
 5 general election, the following:

6 a. In every municipality in which voting machines are not used,
 7 the following legend shall immediately precede the question:

8 If you favor the proposition printed below, make a cross (X),
 9 plus (+) or check (✓) in the square opposite the word "Yes."

10 If you are opposed thereto make a cross (X), plus (+) or check
 11 (✓) in the square opposite the word "No."

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY CONCURRENT RESOLUTION No. 84

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 7, 1982

This proposed constitutional amendment creates a separate family part of the Superior Court Chancery Division. The judges of the juvenile and domestic relations courts which presently have jurisdiction over most family matters and the judges of the county district courts would be transferred to the Superior Court. The amendment would also make an exception to the constitutional requirement that judges of the Superior Court must be nominated by the Governor and confirmed by the Senate before taking office. Upon the abolition of the juvenile and domestic relations courts and county district courts, judges of those former courts would be judges of the Superior Court without being renominated and reconfirmed. Tenure status of the transferred judges would not be affected; judges of those former courts who have tenure and untenured judges of the Superior Court who had previously acquired tenure as judges of the juvenile and domestic relations or county district courts would have tenure as judges of the Superior Court. Judges who have not acquired tenure on the juvenile and domestic relations courts or county district courts would continue to serve for their unexpired terms and become tenured as Superior Court judges upon reappointment.

Technical amendments were made to conform the bill with P. L. 1981, c. 78.

12 b. In every municipality the following question:

	Yes.	<p>CONSTITUTIONAL AMENDMENT CONCERNING TRANSFER OF JUDGES OF THE JUVENILE AND DOMESTIC RELATIONS COURTS *OR FAMILY COURT* AND COUNTY DISTRICT COURTS TO THE SUPERIOR COURT</p> <p>Shall the amendment to Article VI, Section III, paragraph 3 and Section VI, paragraphs 1 and 3 of the Constitution creating a family part of the Chancery Division, transferring judges of the juvenile and domestic relations courts <i>*or family court*</i> and county district courts to the Superior Court upon the abolition of those courts and permitting judges of those former courts who have acquired tenure or Judges of the Superior Court who acquired tenure prior to their appointment to the Superior Court to have tenure as Superior Court Judges and judges of those former courts who have not acquired tenure to acquire tenure upon reappointment to the Superior Court, be approved?</p> <p>INTERPRETIVE STATEMENT</p> <p>This proposed constitutional amendment creates a separate family part of the Superior Court Chancery Division. The judges of the juvenile and domestic <i>*or family court*</i> relations courts which presently have jurisdiction over most family matters and the judges of the county district courts would be transferred to the Superior Court. Whereas, under the Constitution, Judges of the Superior Court must be nominated by the Governor and confirmed by the Senate before taking office, this amendment proposes that upon the abolition of the juvenile and domestic relations courts <i>*or family court*</i> and county district courts, judges of those former courts would be Judges of the Superior Court without being renominated and reconfirmed. In addition, judges of those former courts who have tenure and untenured Judges of the Superior Court who had previously acquired tenure as judges of the juvenile and domestic relations <i>*or family court*</i> or county district courts would have tenure as Judges of the Superior Court. Judges who have not acquired tenure on the juvenile and domestic relations courts <i>*or family court*</i> or county district courts would continue to serve for their unexpired terms and become tenured as Superior Court Judges upon reappointment.</p>
	No.	



NEW JERSEY STATE BAR ASSOCIATION

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ACR 84- FAMILY COURT

The New Jersey State Bar Association supports A-3428, Bate, which unifies the court system by abolishing the County District Courts and the Juvenile and Domestic Relations Courts and transfers their jurisdictional powers to the Superior Court. The bill establishes a family part of the Superior Court. The family part of Superior Court would have jurisdiction over all family and juvenile related legal matters.

The idea of a Family Court, has long held favor with the judiciary, lawyers and experts in the field of family law. It is an attempt to bring together a variety of judicial and social resources, which are now scattered over different courts and agencies, for the purpose of better resolving family law disputes and cases. In this way, the courts would be able to do the best job possible of fashioning remedies for juvenile relations and matrimonial problems.

The Family Court has been endorsed by the New Jersey Supreme Court and the Supreme Court Committee on Matrimonial Litigation. Also, the National Council of Juvenile and Family Court Judges, in 1977, endorsed a resolution calling upon each state to establish a single separate court with jurisdiction over all family related problems. The creation of a single Family Court to deal with all family problems can improve the quality of family justice and avoid duplication of resources.

The consolidation of the various courts into the Superior Court system, will permit New Jersey to have one system of courts with original jurisdiction, instead of having separate court systems apart from the Superior Court.

