

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2351

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 17, 2022

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2351.

This bill provides that if a complaint has been filed for divorce, dissolution of a civil union, or divorce from bed and board, and either party dies prior to the entry of a final judgment, the court has authority to order equitable distribution of the couple's property. The bill provides that under these circumstances the surviving spouse, civil union partner, or domestic partner would not have a right to an intestate share or an elective share of the decedent's estate.

Under current law, if a spouse or partner dies while the divorce or dissolution is pending, the survivor is excluded from equitable distribution. At the same time, current law provides that if both parties were living separately, the survivor is also excluded from an elective share of the decedent's estate.

The bill also clarifies a provision in current law which bars the court from making an equitable distribution award on behalf of a party convicted of an attempt or conspiracy to murder the other party. Under the bill, the court is also barred from making an award concerning equitable distribution on behalf of a party barred from inheriting under N.J.S.A.3B:7-1.1. The referenced statute provides, among other provisions, that a person responsible for an intentional killing forfeits all benefits with regard to an intestate share or elective share of the decedent's estate.

In addition, the bill expands the laws of intestate succession and elective share to encompass a surviving partner in a civil union. Currently, these statutes apply only to a surviving spouse or surviving domestic partner.

The committee made a technical amendment to the bill to clarify language regarding equitable distribution.

COMMITTEE AMENDMENTS:

Technical amendment to section 6 of the bill, which amends N.J.S.2A:34-23 concerning equitable distribution.