

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1516

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 2023

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1516.

This bill, as amended, would permit courts to include in a restraining order imposed when a defendant who is charged with a crime or offense involving domestic violence is released from custody before trial, or in an order imposed stating the conditions of sentencing after a defendant is found guilty of a domestic violence crime or offense, or in a final restraining order issued against a defendant whether or not there is a criminal complaint alleging such a crime or offense, a provision indicating that, if the victim named in the domestic violence order is pregnant, the order's protections would apply to the victim's child immediately upon birth, if such protection is requested by the victim.

This bill is based in part on the holding in B.C. v. T.G., 430 N.J. Super. 455 (Ch. Div. 2013), in which the Superior Court, Chancery Division, Family Part held that when a victim is pregnant, the court may provide that any protections ordered under the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) automatically apply to the victim's child upon the birth of the child. The court, noting that the protections in a domestic violence restraining order apply to the victim's immediate family, stated "there is little sense in requiring the victim to have to return to court again immediately after the birth of the child for an emergent hearing in order to add the baby to her final restraining order." Id. at 466. The court additionally noted that, for various reasons, "a new parent may be either unable or unwilling to immediately return to domestic violence court immediately following childbirth." Id. at 467.

This bill, as amended and reported, is identical to the Second Reprint of Assembly Bill No. 3093, also reported today by the committee.

The committee amendments to the bill:

- provide that the protections available in an order issued by a court would apply to the pregnant victim's child immediately upon

birth, if requested by the victim; and

- change the bill's effective date, from immediately upon enactment to the first day of the third month next following enactment, and provide that the Administrative Director of the Administrative Office of the Courts may take such anticipatory action as necessary for the implementation of the act.