

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3730

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 16, 2023

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 3730.

As amended, this bill permits the court, in a proceeding involving domestic violence, to order counseling for a child. A court may order counseling in appropriate cases, including when a child witnesses or experiences the domestic violence while residing in the household with the abuser and the victim.

Additionally, this bill permits the court to order the defendant, the abusive party, to pay for the domestic violence counseling provided to the child. A defendant ordered to pay for domestic violence counseling is required to show proof of payment of the services to the court. The bill permits the court to order a defendant to provide reimbursement for costs incurred by the plaintiff associated with providing counseling for a child. The court is permitted to enter this order upon evaluating and determining the defendant's ability to pay for such services.

Finally, as amended, the bill permits the court to order permanent sole custody of a minor child to the plaintiff, the victim of domestic violence and prohibits a person convicted of domestic violence from being awarded custody of any minor child, except upon a showing of clear and convincing evidence that custody with the defendant is in the best interest of the child.

COMMITTEE AMENDMENTS

Committee amended the bill to:

- (1) permit court ordered permanent custody to be awarded to a victim plaintiff in a domestic violence proceeding;
- (2) prohibit individual convicted of domestic violence from being awarded custody of any minor child;
- (3) require court to evaluate and determine defendants ability to pay for domestic violence counseling services for a child; and
- (4) make minor technical changes.