

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Third Reprint]

ASSEMBLY, No. 3730

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 23, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 3730 (3R).

As amended, this bill permits the court to order counseling for a child in a proceeding involving domestic violence. The bill also permits the court to order legal and physical custody of a minor child to the plaintiff in certain circumstances involving domestic violence.

A court may order counseling in appropriate cases, including when a child witnesses or experiences domestic violence while residing in the household with the abuser and the victim. Additionally, the bill permits the court to order 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 in providing counseling for a child. The court may enter this order upon evaluating and determining the defendant's ability to pay for such services. The defendant may be required to pay the victim directly, reimburse the Victims of Crime Compensation Office for compensation paid to the victim from the Victims of Crime Compensation Office, or reimburse any party that may have compensated the victim.

The bill also establishes that, upon the issuance of a final restraining order, there is a presumption that legal and physical custody be awarded to the non-abusive parent. Nothing in the bill precludes the non-custodial parent from making an application to the court to modify custody after an award of custody to the non-abusive parent. In any subsequent child support proceeding following the entry of a final restraining order, the victim is not required to be in the same room as the person found by the court to have committed domestic violence.

COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) establish that the non-custodial parent who does not maintain custody upon the entry of a final restraining order pursuant to the domestic violence statute maintains the right to seek modification of custody; and

(2) clarify that the victim is not required to be in the same room as the person found to have committed an act of domestic violence in any subsequent child support proceeding following the entry of a final restraining order.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.