

[Fourth Reprint]

**SENATE, No. 4510**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED MAY 22, 2025

**Sponsored by:**

**Senator JOSEPH A. LAGANA**

**District 38 (Bergen)**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Somerset and Union)**

**Assemblywoman LINDA S. CARTER**

**District 22 (Somerset and Union)**

**Co-Sponsored by:**

**Assemblyman Venezia and Assemblywoman Dunn**

**SYNOPSIS**

Clarifies procedures in certain contested child custody cases.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on December 22, 2025.



**(Sponsorship Updated As Of: 1/12/2026)**

1 AN ACT concerning child custody, amending R.S.9:2-4, and  
2 supplementing Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. R.S.9:2-4 is amended to read as follows:

8 9:2-4. <sup>2</sup>**[The Legislature finds and declares that it is <sup>1</sup>[in]<sup>1</sup> the**  
9 **public policy of this State to assure <sup>1</sup>[that]<sup>1</sup> the protection and**  
10 **welfare, both physically and emotionally, of minor children [of**  
11 **frequency and continuing contact with both parents after the parents**  
12 **have separated or dissolved their marriage and that it] <sup>1</sup>including, but**  
13 **not limited to, frequent and continuing contact with both parents [are**  
14 **held paramount]<sup>1</sup> after the parents have separated or dissolved their**  
15 **marriage and that it is in the public interest to [encourage parents to**  
16 **share the rights and responsibilities of child rearing in order to effect**  
17 **this policy] <sup>1</sup>encourage parents to share the rights and responsibilities**  
18 **of child rearing in order to effect this policy. The Legislature further**  
19 **finds and declares that it is the public policy of this State to<sup>1</sup> ensure**  
20 **that decisions concerning child custody and parenting time are made**  
21 **on a case-by-case basis to make certain that the best interests of**  
22 **children are <sup>1</sup>[primary] paramount<sup>1</sup>] The Legislature finds and**  
23 **declares that it is the public policy of this State to assure that the**  
24 **protection and welfare, both physically and emotionally, of minor**  
25 **children are held paramount. This can include, but is not limited to,**  
26 **continuing contact with both parents after the parents have separated**  
27 **or dissolved their marriage. Additionally, it is in the public interest to**  
28 **encourage parents to share the rights and responsibilities of child**  
29 **rearing, if that is in the best interest of the child, in order to effectuate**  
30 **the protection and welfare of minor children. The Legislature further**  
31 **finds and declares that it is the public policy of this State to ensure that**  
32 **decisions concerning child custody and parenting time are made on a**  
33 **case-by-case basis and that the expressed preferences of the child are**  
34 **considered. The Legislature recognizes that the safety of children is of**  
35 **paramount importance and is an integral element of the child's best**  
36 **interests. To that end, the Legislature finds and <sup>4</sup>[delcares] declares<sup>4</sup>**  
37 **that judicial decisions regarding custody of, and access to, children**  
38 **shall promote the safety of children as a threshold issue. The**  
39 **Legislature also recognizes that children should also have their voices**  
40 **considered in contested custody cases and that any court-ordered**  
41 **therapy or treatment should be scientifically valid and have generally**  
42 **accepted proof of effectiveness and therapeutic value consistent with**

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SBA committee amendments adopted June 26, 2025.

<sup>2</sup>Assembly AJU committee amendments adopted December 15, 2025.

<sup>3</sup>Assembly AAP committee amendments adopted December 18, 2025.

<sup>4</sup>Assembly floor amendments adopted December 22, 2025.

1 “Kayden’s Law,” a component of the federal Violence Against  
2 Women Act Reauthorization Act of 2022<sup>2</sup>

3 In any proceeding involving the custody of a minor child, the  
4 rights of both parents shall be equal and the court shall enter an order  
5 which may include:

- 6 a. Joint custody of a minor child to both parents, which is  
7 comprised of legal custody or physical custody **[which]**, shall include:  
8 (1) provisions for residential arrangements so that a child shall reside  
9 either solely with one parent or alternatively with each parent in  
10 accordance with the needs of the parents and the child; and (2)  
11 provisions for consultation between the parents in making major  
12 decisions regarding the child’s health, education and general welfare;
- 13 b. Sole custody to one parent with appropriate parenting time for  
14 the noncustodial parent; or
- 15 c. Any other custody arrangement as the court may determine to  
16 be in the best interests of the child.

17 In making an award of custody, the court shall consider, but not be  
18 limited to, the following factors: the parents’ ability to agree,  
19 communicate and cooperate in matters relating to the child; the  
20 parents’ willingness to accept custody and any history of  
21 unwillingness to allow parenting time not based on substantiated  
22 abuse; the interaction and relationship of the child with **[its]** the  
23 child’s parents and siblings; the history of domestic violence <sup>4</sup>and  
24 child abuse<sup>4</sup>, if any; the safety of the child <sup>4</sup>and the child’s siblings, if  
25 any,<sup>4</sup> and the safety of either parent from physical abuse by the other  
26 parent; the preference of the child when of sufficient age and capacity  
27 to reason so as to form an intelligent decision; the <sup>1</sup>**[findings and**  
28 **recommendations]** input and supporting documentation<sup>1</sup> of <sup>1</sup>**[the]** a  
29 State<sup>1</sup> licensed mental health professional, if any, providing private  
30 therapy or other services to the child <sup>1</sup>to the extent allowed under the  
31 professional’s State licensure<sup>1</sup>; the needs of the child; the stability of  
32 the home environment offered; the quality and continuity of the child’s  
33 education; the fitness of the parents <sup>2</sup>, taking into account assessments  
34 administered by court-appointed professionals<sup>2</sup>; the geographical  
35 proximity of the parents’ homes; the extent and quality of the time  
36 spent with the child prior to or subsequent to the separation; the  
37 parents’ employment responsibilities; and the age and number of the  
38 children. A parent shall not be deemed unfit unless <sup>2</sup>**[the parents’]**  
39 that parent’s<sup>2</sup> conduct has <sup>4</sup><sup>2</sup>**[a substantial]** an<sup>2</sup> a substantial<sup>4</sup>  
40 adverse effect on the child.

41 The court, for good cause and upon its own motion, may appoint a  
42 guardian ad litem or an attorney or both to represent the minor child’s  
43 interests <sup>1</sup>**[, which shall include but not be limited to representing the**  
44 expressed preferences of the child, whether expressed by the child  
45 verbally or in writing, unless such preferences pose an imminent risk  
46 of substantial physical, financial, or other harm to the child. To the

1 extent that the child has expressed any particular reason or reasons for  
2 the child's preferences, the guardian ad litem or the attorney or both  
3 shall so inform the court】<sup>1</sup> . The court shall have the authority to  
4 award a counsel fee to the guardian ad litem and the attorney and to  
5 assess that cost between the parties to the litigation.

6 d. The court shall order any custody arrangement which is agreed  
7 to by both parents unless it is contrary to the best interests of the child.

8 e. In any case in which the parents cannot agree to a custody  
9 arrangement, the court may require each parent to submit a custody  
10 plan which the court shall consider in awarding custody.

11 f. <sup>4</sup>【(1)】<sup>1</sup> (1)<sup>4</sup> The court shall specifically place on the record  
12 the factors which justify any custody arrangement not agreed to by  
13 both parents.

14 <sup>4</sup>【(2) If the court orders any custody arrangement contrary to the  
15 expressed preferences of the child, the court shall specifically place on  
16 the record the factors which justify the arrangement and which justify  
17 the court's decision to disregard the child's expressed preferences.】<sup>1</sup>

18 (2) If the court orders any custody arrangement contrary to the  
19 expressed preferences of the child, the court shall specifically place on  
20 the record the factors which justify the arrangement and which justify  
21 the court's decision to disregard the child's expressed preferences.<sup>4</sup>

22 g. <sup>2</sup>【The court shall not order reunification therapy unless there  
23 is generally accepted and scientifically valid proof of the safety,  
24 effectiveness, and therapeutic value of the reunification therapy; and  
25 good cause is shown by a preponderance of the evidence that  
26 reunification therapy is appropriate. Such evidence shall include but  
27 not be limited to evidence of consensus from mental health  
28 professionals and evidence of the child's willingness to participate in  
29 reunification therapy.】 (1) In cases where there exists an expressed  
30 concern with refusal and resistance to contact between parent and  
31 child, the court shall consider the following non-exhaustive factors in  
32 determining whether to order reunification therapy or other form of  
33 remedy or treatment to address the situation:

34 (a) the claimed reasons, extent, and duration of the refusal or  
35 resistance from the perspective of each parent and the child, if the  
36 child is deemed by the court to be of sufficient age, capacity, and  
37 maturity to express their reasons;

38 (b) the child's age, capacity, and maturity level, including whether  
39 the child has special needs and whether those special needs affect the  
40 child's capacity and maturity level;

41 (c) the willingness of each parent and the child, if the child is  
42 deemed by the court to be of sufficient age, capacity, and maturity to  
43 express a preference, to engage in reunification therapy;

44 (d) any conduct claimed by one parent against the other parent that  
45 weighs in favor of or against the implementation of reunification  
46 therapy or other form of remedy;

1       (e) any history of therapy in which the child was involved,  
2 including, but not limited to, individual, family, or reunification  
3 therapy;

4       (f) any prior interventions or other efforts that were implemented  
5 and the results thereof;

6       (g) any history of domestic violence or evidence that either parent  
7 harmed or placed the child's health, safety, or welfare at substantial  
8 risk of harm; and

9       (h) any other relevant factor.

10       (2) If the court determines that reunification therapy is appropriate,  
11 it may appoint a reunification therapist to commence the therapeutic  
12 process who may coordinate or consult with any treating therapists for  
13 the parents and the child. The reunification therapist shall report to the  
14 court regarding the therapeutic process, including the parties' and  
15 child's willingness to participate in the process, and any progress  
16 made, on a periodic basis as determined appropriate by the court.  
17 Based on the contents of the therapist's reporting, the court may,  
18 within its discretion, make modifications to ongoing therapy as  
19 deemed appropriate, including, but not limited to, implementing  
20 alternative options to address the subject parent-child relationship, or  
21 ceasing or suspending the therapy, with the reasons for such  
22 modifications placed on the record. Nothing set forth herein shall  
23 prevent the parties from voluntarily agreeing to engage in reunification  
24 therapy without the need for court intervention.

25       (3)<sup>1</sup> (1) The court shall not order any therapy unless there is  
26 generally accepted and scientifically valid proof of the safety,  
27 effectiveness, and therapeutic value of the therapy. The court shall  
28 require a showing of good cause that therapy is appropriate prior to  
29 ordering such therapy. No treatment program intended to reunite a  
30 child with a party from whom that child is estranged <sup>4</sup>and to whom  
31 that child resists or refuses contact<sup>4</sup> shall be ordered by the court  
32 without the consent of both parties, and upon a determination that the  
33 child is of sufficient age. In determining good cause for ordering  
34 therapy, the court shall consider, but shall not be limited to, the  
35 following factors:

36       (a) the claimed reasons, extent, and duration of separation from the  
37 perspective of each parent and the child, if the court determines the  
38 child to be of sufficient age, capacity, and maturity to express the  
39 child's reasons. A child deemed to be of sufficient age and expressing  
40 a desire to speak to the court shall be granted an audience off the  
41 record and in private chambers. <sup>3</sup>The record of the conversation shall  
42 be sealed.<sup>3</sup> The child may also include letters from a treating State  
43 licensed mental health professional to support the child's capacity and  
44 maturity to express the child's reasons;

45       (b) the child's age, capacity, and maturity level, including whether  
46 the child has special needs and whether those special needs affect the  
47 child's capacity and maturity level;

1 (c) the willingness of each parent and the child, if the court  
2 determines the child to be of sufficient age, capacity, and maturity to  
3 express a preference, to engage in scientifically valid therapy;

4 (d) any conduct claimed by one parent against the other parent that  
5 weighs in favor of or against the implementation of any scientifically  
6 valid therapy;

7 (e) <sup>3</sup>[any] in compliance with the privacy provisions of the federal  
8 Health Insurance Portability and Accountability Act, Pub.L.104-191  
9 (HIPAA), a summary of the<sup>3</sup> history of therapy in which the child was  
10 involved, including, but not limited to, individual or family therapy <sup>4</sup>;

11 (f) and<sup>4</sup> any prior interventions or other efforts that were  
12 implemented and the results thereof;

13 <sup>4</sup>[(g)] (f)<sup>4</sup> any history of domestic violence <sup>4</sup>[,] or child abuse,  
14 including<sup>4</sup> sexual abuse, emotional or mental abuse, or evidence that  
15 either parent harmed or placed the child's health, safety, or welfare at  
16 substantial risk of harm; and

17 <sup>4</sup>[(h)] (g)<sup>4</sup> any other relevant factor.

18 (2) If the court determines that therapy is appropriate, the court  
19 may appoint a <sup>4</sup>[therapist] State licensed mental health professional<sup>4</sup>  
20 to commence the therapeutic process and who may coordinate or  
21 consult with any treating therapists for the parents and the child. <sup>4</sup>If  
22 there is evidence of a history of domestic violence or child abuse, the  
23 appointed mental health professional must have substantial training in  
24 and experience working with those who have experienced that type of  
25 violence or abuse.<sup>4</sup> The therapist shall report to the court, on a  
26 periodic basis as determined by the court, regarding the progress of  
27 therapy, including but not limited to, the parties' and child's  
28 willingness to participate in therapy. In addition, children of sufficient  
29 age can request to report their experience in the therapy and may also  
30 include letters from a treating State licensed mental health professional  
31 to support their capacity and maturity to express their reasons. Based  
32 on the therapist's and child's feedback, the court may, within its  
33 discretion, make modifications to ongoing therapy as appropriate,  
34 including, but not limited to, ceasing or suspending the therapy, with  
35 the reasons for such modifications placed on the record. Nothing set  
36 forth herein shall allow:

37 (a) therapy that cuts off a child from a <sup>4</sup>safe<sup>4</sup> parent <sup>4</sup>who is not  
38 physically or sexually abusive and<sup>4</sup> with whom the child is bonded or  
39 to whom the child is attached;

40 (b) the use of force, threat of force, or physical obstruction in  
41 circumstances that place the safety of the child at risk; or

42 (c) the use of undue coercion, verbal abuse, or isolation from the  
43 child's family, community, or other sources of support.

44 The court shall not presume that a child's reluctance to interact  
45 with a party was caused by the other party <sup>4</sup>[, nor shall a party be  
46 granted] . When there is evidence of a history of domestic violence or

1 child abuse, the offending party shall not be granted increased<sup>4</sup>  
 2 custody for the purpose of improving the relationship between the  
 3 child and such party or in an attempt to address the child's reluctance  
 4 to interact with such party. Nothing set forth herein shall prevent the  
 5 parties from voluntarily agreeing to engage in therapy without the need  
 6 for court intervention.<sup>2</sup>

7 <sup>2</sup>【For the purposes of this subsection, “reunification therapy”  
 8 means family therapy that aims to reunite or reestablish a relationship  
 9 between an estranged parent and a child.】

10 h. No later than three years after the effective date of  
 11 P.L. , c. (C. ) (pending before the Legislature as this bill), the  
 12 <sup>3</sup>【Administrative Director of the Courts】 Institute for Families at the  
 13 Rutgers School of Social Work, in consultation with the  
 14 Administrative Office of the Courts,<sup>3</sup> shall submit to the Governor and  
 15 to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
 16 19.1), a report concerning the impact of the statutory amendments  
 17 made pursuant to P.L. , c. (C. ) (pending before the  
 18 Legislature as this bill). The report <sup>3</sup>shall study the family court  
 19 system and<sup>3</sup> shall include <sup>3</sup>【:

20 (1) a survey of judges concerning the effectiveness of options to  
 21 hear from minor children or therapists when deciding custody cases,  
 22 and recommendations on how such options can be improved;

23 (2) a study concerning the frequency with which judges exercise  
 24 such options, and reasons why such options are or are not exercised;

25 (3) a survey of court staff with testimonials concerning the  
 26 effectiveness of such options;

27 (4) a voluntary survey of court-involved minor children with  
 28 appropriately redacted testimonials concerning their experience with  
 29 being heard by the court; and

30 (5) any appropriate statistical<sup>3</sup> all necessary and appropriate<sup>3</sup>  
 31 information <sup>3</sup>【available to the Administrative Office of the Courts】<sup>3</sup>  
 32 that would assist the Legislature in evaluating the effectiveness of  
 33 P.L. , c. (C. ) (pending before the Legislature as this bill) on  
 34 family reunification and custody case resolution.

35 There is appropriated from the General Fund to the Administrative  
 36 Office of the Courts <sup>3</sup>the sum of \$500,000, and to the Institute for  
 37 Families at the Rutgers School of Social Work<sup>3</sup> the sum of  
 38 <sup>3</sup>【\$1,000,000】 \$500,000,<sup>3</sup> to effectuate the provisions of subsection h.  
 39 of this section.<sup>2</sup>

40 (cf: P.L.1997, c.299, s.9)

41  
 42 <sup>1</sup>【2. (New section) The State Board of Marriage and Family  
 43 Therapy Examiners shall, no later than 12 months following the  
 44 effective date of P.L. , c. (pending before the Legislature as  
 45 this bill), develop professional standards for the practice of  
 46 reunification therapy and, pursuant to the “Administrative

1 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules  
2 and regulations promulgating such standards. In developing such  
3 standards, the Board is directed to consult with other professional  
4 licensing boards governing mental health professionals,  
5 professional organizations or learned societies with relevant  
6 expertise, and the Administrative Director of the Courts or a  
7 designee with judicial experience in child custody cases.

8 For the purposes of this section, “reunification therapy” means  
9 family therapy that aims to reunite or reestablish a relationship  
10 between an estranged parent and a child. **1**

11

12 **<sup>1</sup>[3.] 2.<sup>1</sup>** This act shall take effect immediately.