

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 4510

STATE OF NEW JERSEY

DATED: MAY 29, 2025

The Senate Judiciary Committee reports favorably Senate Bill No. 4510.

This bill is intended to clarify procedures in certain contested child custody cases. The bill would: (1) impose certain restrictions on the court's authority to order reunification therapy for the child which "aims to reunite or reestablish a relationship between an estranged parent and [that] child"; (2) require the court to give more weight to the child's own expressed preferences in determining custody as expressed by any appointed guardian ad litem or attorney representing the child's interests; and require the court to weigh the findings and recommendations of the child's mental health professional, if any.

More specifically, regarding reunification therapy, the court would be prohibited from ordering this therapy unless there is generally accepted and scientifically valid proof of the safety, effectiveness, and therapeutic value of the reunification therapy, and good cause is shown by a preponderance of the evidence that such therapy is appropriate. Acceptable evidence would include, but not be limited to, evidence of consensus from mental health professionals and evidence of the child's willingness to participate in reunification therapy.

To assist on this point, the bill would require the State Board of Marriage and Family Therapy Examiners, no later than 12 months after the effective date of the bill (which takes effect immediately upon enactment), to develop professional standards for the practice of reunification therapy and adopt rules and regulations promulgating such standards. In developing such standards, the bill directs the board to consult with other professional licensing boards governing mental health professionals, professional organizations or learned societies with relevant expertise, and the Administrative Director of the Courts or a designee with judicial experience in child custody cases.

Regarding the child's own expressed preferences in determining custody, this factor would be given additional weight whenever the court appointed a guardian ad litem or an attorney, or both, to represent the minor child's interests. The bill indicates that such representation "shall include but not be limited to representing the expressed preferences of the child, whether expressed . . . verbally

or in writing, unless such preferences pose an imminent risk of substantial physical, financial, or other harm to the child.” When the child expresses a particular reason or reasons for the child’s preferences, an appointed guardian or attorney would be under an obligation to inform the court of such expressed reasons.

Finally, regarding the use of the findings and recommendations of the child’s mental health professional, if any, by the court in making an award of custody, this factor would be added to the statutory list of considerations for the court to review, which list currently includes such factors as the interaction and relationship of the child with the child’s parents and siblings, the safety of the child and safety of either parent from physical abuse by the other parent, the child’s own preference when of sufficient age and capacity to reason so as to form an intelligent decision, and the quality and continuity of the child’s education.