

New Decision Reaffirms Need for Plenary Hearing On All Contested Child Custody Matters

The recent Appellate Division decision, *J.G. v. J.H.*, approved for publication this month, reaffirms the principles set forth by New Jersey Courts that a plenary hearing is necessary, if not required, when making determinations concerning parenting time, custody, and a child's best interests, whether the parents, are married, divorced, or unmarried and custody is contested. The decision confirms that there can be no distinction regarding the parent's marital status. It further affirms that consideration of the custody factors (N.J.S.A. 9:2-4(c)) is required, with the parties being afforded the right to have mediation, discovery, lay, and expert testimony and an evaluation of the child's best interests. Courts may limit the scope of discovery but should not deny it outright without good cause. While the case does not provide anything entirely new, it does reaffirm the core principles in contested child custody matters that a fair plenary hearing must be undertaken with consideration of all the factors in N.J.S.A. 9:2-4 before a court may decide a parenting and custody arrangement that serves the child's best interest. This applies to all family part dockets.

If you encounter matters concerning custody or parenting time, Brach Eichler's team of family attorneys are highly skilled in the area of child custody matters, particularly high conflict cases, which includes representing clients from mediation through trial and appeal.