

New Jersey's New Child Custody Law: What the Amendments to N.J.S.A. 9:2-4 Mean for You and Your Children

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If you are in the middle of a custody dispute or thinking about filing one, New Jersey's custody laws have changed in a way that directly affects you and your children. On January 20, 2026, Governor Murphy signed S4510/A5761 into law. The amendments to N.J.S.A. 9:2-4 represent a significant shift in how courts determine what is truly in a child's best interests, placing greater emphasis on safety, transparency, and the child's own lived experience.

At the heart of the amendment is a new legal starting point: child safety. Under the prior statute, safety was one factor among many, considered alongside issues such as school stability, parental cooperation, and geographic proximity. The new law elevates safety to a mandatory threshold issue. If there is a history of domestic violence, abuse, or credible safety concerns, the court is required to address those risks directly rather than minimizing them in pursuit of equal parenting time.

The amendment also changes how courts listen to children. When a child is of sufficient age and maturity to form an intelligent opinion, the court must now give meaningful consideration to that child's expressed preferences. Children have the right to speak privately with the judge in chambers, and those conversations are sealed to protect their privacy. This requirement ensures that a child's voice is not quietly dismissed and gives parents a clearer understanding of how the court reached its decision.

Another significant reform involves court-ordered reunification therapy. Under the amendment, courts may no longer order reunification therapy unless there is generally accepted, scientifically valid evidence demonstrating that the approach is safe and effective. Courts are also prohibited from assuming that a child's reluctance to see a parent is the result of parental

alienation without investigating the underlying reasons. A parent with a history of abuse cannot be awarded additional custody time simply to force a relationship.

The new law also brings greater transparency and accountability to custody decisions. The amendment requires judges in contested cases to make detailed findings on the record and to clearly explain how each statutory factor influenced the decision.

In addition, the amendments raise the standards for mental health professionals providing evaluations must be state-licensed, and when a case involves domestic violence or abuse, the professional must have specific training and experience in those areas.

The law took effect immediately on January 20, 2026. If you are currently involved in a dispute, considering filing a motion, or preparing for trial, this law will shape the evidence presented, the strategies used in court, and the protections available for your child.

At Brach Eichler Family Services, we understand how personal and high-stakes custody disputes can be. We are already integrating the requirements of these amendments into our approach, whether that means advocating for a child's voice to be heard, challenging unsafe or unsupported therapeutic interventions, or ensuring the court fully addresses safety concerns before making custody decisions. Our goal is to help you navigate these changes with clarity and confidence, while keeping your child's well-being at the center of the process.

You can view the new law at: https://pub.njleg.state.nj.us/Bills/2024/S5000/4510_R4.PDF

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If you have any questions about this alert, please contact:

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