ASSEMBLY, No. 1432

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Requires psychological examination when parent loses custody of child and wants to regain custody of child who is in care or custody of grandparent.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning child custody and amending R.S.9:2-10 and supplementing Title 9 of the Revised Statutes.

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

1. (New section) In any case in which the parents or the parent of a minor child have lost custody due to being grossly immoral or unfit to be intrusted with the care and education of such child, or neglect to provide the child with proper protection, maintenance and education, or are of such vicious, careless or dissolute habits as to endanger the welfare of the child or make the child a public charge, or likely to become a public charge, or when the parent or parents could not be found, but their parental rights have not been terminated, and the minor child is in the care or custody of a grandparent, the court shall require the parents or parent to undergo a psychological examination prior to making any changes to the care or custody arrangement, if such change is appropriate.

2. R.S.9:2-10 is amended to read as follows:

9:2-10. In an action brought pursuant to R.S.9:2-9, the Superior Court, after an investigation shall have been made by the chief probation officer of the county in which the child may reside, concerning the reputation, character and ability of the plaintiff, or such other person as the court may direct, to properly care for such child, shall make an order or judgment committing the child to the care and custody of such person, who will accept the same, as the court shall for that purpose designate and appoint, until such child shall attain the age of eighteen years, or the further direction of the court; provided, however, that in proper cases such care and custody may be exercised by supervision of the child in his own home, unless the court shall otherwise order. Such order or judgment may require the giving of a bond by the person to whose care or custody the said child may be committed, with such security and on such conditions as the court shall deem proper. <u>If the action brought pursuant to R.S.9:2-9 is by a grandparent who has the care or custody of a minor child, the court shall require a psychological examination of the parent or parents prior to making any changes to the care or custody arrangement as provided in section 1 of P.L. , c. (C.) (pending as section 1 of this bill).</u>

(cf: P.L.1991, c.91, s.191)

3. This act shall take effect immediately.

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 <u>thus</u> is new matter.

STATEMENT

This bill requires the parents or parent of a minor child who have lost custody due to being deemed unfit or for other reasons, but have not had their parental rights terminated, and the child is in the care or custody of a grandparent, to undergo a psychological examination prior to the court changing the custody arrangement, if such change is appropriate.

Under current law, parents may lose custody of their children for reasons which include, but are not limited to, being grossly immoral, unfit, or for neglecting the child. Under the bill, if they have not had their parental rights terminated by the court, and the child is in the care or custody of a grandparent, then the parent or parents are required by the court to undergo a psychological examination before the court alters the custody arrangement, if altering the custody arrangement is appropriate.

The bill also amends R.S.9:2-10 to direct the court to require a psychological examination of a parent or parents who have lost custody of their child and want to regain custody, but the child is in the care or custody of a grandparent, who has instituted an action for custody pursuant to R.S.9:2-9.