

Preface

“Marriage is like a deck of cards. In the beginning, all you need is two hearts and a diamond. By the end, you wish you had a club and a spade!”

So goes the pithy adage by author A.J. Stewart. Today, much of the practice of family law revolves around the dissolution of marriages and the fundamental—often confrontational—issues that lawyers deal with as part of that process: child custody and parenting time; child support and insurance issues; alimony, and equitable distribution of marital assets. Yet, practicing family law is really a much larger, wider, broader field of practice, embracing issues as far ranging as reproductive rights, taxation of retirement benefits, juvenile immigration, the support of autistic children, cyberharassment as a form of domestic violence, military housing allowances, nondischargeability of certain debts in bankruptcy; and the tracking of traveling sex offenders—to name just a few.

This 26th edition of Guralnick’s New Jersey Family Law proudly comes to you this year as the most comprehensive compendium of relevant law for New Jersey family practitioners. Spanning more than one hundred legal subjects relevant to family lawyers, the book provides annotations of state and federal case law, statutes, regulations, court rules and research references covering every area relevant to family law jurisprudence. In the last year, for example, we’ve seen a new law extending the right to equitable distribution even after a party dies during the pendency of a divorce; various decisions further defining predicate acts in domestic violence cases and strengthening the constitutional rights of litigants; defining and clarifying the rights of participants in abuse and neglect proceedings, recognizing the impact of parental alienation, cautioning against judicial bias in parental termination proceedings, rejecting a custody decision based on an interview with a pre-schooler, and clarifying Megan’s Law registration requirements.

Perhaps the most transformative event promising to disrupt family law is the recent expansion and widespread adoption of artificial intelligence (AI) programs. ChatGPT, which started in November of 2022, now allows for interactive and conversational AI experiences. Search engines such as MS Bing and Google Bard, feature language-based queries which are increasingly more relevant and accurate, and AI-powered graphics generators such as Adobe Firefly and MS Bing Image Creator are inspiring new presentations of exhibits. For better or worse, our clients are becoming smarter too, as AI-driven programs now provide comprehensive citations and statutory references and enable document generation for parental time-sharing plans and marital property division.

As in past editions, the *New Jersey Family Law Annotated* attempts to cover family law comprehensively, embracing all New Jersey state law, all applicable federal law and international family law. Statutes, cases, continuing legal education and cross-references have been updated throughout the book. Expanded annotations and commentaries have been provided in many areas where the law is still developing or where uncertainty looms. The latest case notes have been provided across the full spectrum of matrimonial and domestic relations law, encompassing child support, alimony, equitable distribution, taxation, bankruptcy, retirement assets, adoption, domestic violence, abuse and neglect, guardianship, parental termination and other areas.

This book adopts the philosophy that a family lawyer must be a jack-of-all-trades. While it cannot replace the expertise one might draw from an accountant, a business valuator or a child psychologist, it endeavors to provide family lawyers with legal annotations and references from every field that affects their matrimonial and domestic relations practices.

The next pages contain a great deal of detail about particular points of law. Here, for example, you can learn the age at which children to be adopted in New Jersey must be physically present at the final adoption hearing. Yet equally, you will find in these pages significant laws and precedents that raise great social and cultural questions—riveting issues that stir memorable arguments and inspire energized lectures and discussions. As each of these important debates unfolds and develops, I hope to comment upon it, and draw from the wealth of case law, rules, statutes, articles and other materials that will help us practice family law more efficiently and serve the public more knowledgeably.

The format for this book relies on one or more of four annotation devices:

Comments. Many statutes or rules are followed by a comment. An *Introductory Comment* is used occasionally to explain a series of statutes or rules collectively. Where appropriate, these comments provide narrative explanations about particular aspects of the law or the practical operation of certain rules or statutory sections.

Other Legal Publications. Law reviews, journal articles and seminar programs are listed under the **CLE/Other Legal Publications** heading throughout the book. In areas of broad national interest, such as termination of parental rights, many references are provided from journals around the country. In other areas, references are made to programs by sponsors such as the New Jersey Institute for Continuing Legal Education.

Leading Cases. An exhaustive recitation of leading cases is provided throughout the book, alphabetized and listed with primary and secondary citations. The very newest cases are provided with the Westlaw citations.

Other References. A section of cross-references follows most of the statutes and rules in the book. These include internal references to other statutes or rules contained in the book as well as external references to resources not contained in this volume.

The choice of chapter numbers in the book bears no deliberate relationship to the enumeration scheme of the New Jersey Statutes. Rather, the book is organized by subject area. Annotating New Jersey law by some sequential review of statutes would be extremely difficult because there is no single “New Jersey Family Code” per se. So, for example, portions of Title 2A can be found in Chapter 3 and elsewhere. Parts of Title 9 fall into Chapters 4 and 10, among others. In the book, part and chapter numbers and references to subsections A, B, and C, etc. are employed only to allow for a sequential and comprehensible structure. Reliance should thus be placed on the specific statutes (e.g. N.J.S.A. 2A.-34-23) and rules (e.g., Rule 5:8B) rather than on the chapter designations contained herein.

We are fortunate, in New Jersey, to have a very active family bar, which devotes much time to continuing legal education programs, rules revision committees, community outreach, voluntary mediation and other dispute resolution programs. We are happily awash in a multitude of published materials, including thoughtful Supreme Court decisions, analytical articles in bar publications and numerous practice-oriented

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seminar course books and primers. I have seen the other sections of the bar, in my alter egos as an international lawyer and as a civil trial practitioner, and I can say confidently that the family lawyers are pursuing their trade with the most consistent and zealous dialogue over the meaning and the practice of the law. It is my earnest hope that this year's edition of *Guralnick's New Jersey Family Law Annotated* will make a significant contribution to that dialogue.

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