

Preface

New Jersey family law saw a variety of transformational changes over the last year, many of which are taking effect in 2026. Our child custody statute was overhauled to make the safety of the children a priority in all custody determinations; to give children a louder voice in choosing the custodial parent, and in curtailing the often mechanical referral of cases to mental health counselors and reunification therapists. Alimony modification motions based on cohabitation now have two standard discovery forms: a prescribed set of interrogatories and sample set of requests for production of documents. The Family Case Information Statement (CIS) has been expanded in a number of ways, now including, for example, categories to report cryptocurrency assets and seasonal, irregular or non-recurring expenses. New procedures, deadlines and standardized forms have been introduced for non-dissolution (FD Docket) cases. In the area of domestic violence, the law governing “coercive control” is developing both in terms of statutory language and new case law. On the federal tax frontier, domestic abuse survivors may withdraw up to \$10,000 from their retirement accounts, or 50% of their vested account balance (whichever is less), without paying an early withdrawal penalty.

The 27th edition of *Guralnick’s New Jersey Family Law Annotated* 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 to state and federal case law, statutes, regulations, court rules and research references covering every aspect of family law jurisprudence.

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 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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