

9:2-4

7/10/75

LEGISLATIVE FACT SHEET

ON *Child preference considered -- Custody*

N.J.R.S. 9:2-4

(1974 Amendment)

LAWS OF 1974

CHAPTER 143 Nov. 11, 1974

SENATE 340 (A2188-1973)

ASSEMBLY

INTRODUCED *Pre-filed*

BY *Menza, Hagedorn*

STATEMENT

YES

NO SPONSOR'S STMT.

AMENDED DURING PASSAGE

YES

NO

HEARING *None discovered.*

VETO

Senate Committee Statement

REPRODUCTION

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CHAPTER 143 LAWS OF N. J. 1974
APPROVED 11-11-74

SENATE, No. 340

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1974 SESSION

By Senator MENZA

AN ACT concerning the care, custody, guardianship and support of
children and amending R. S. 9:2-4.

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

1 1. R. S. 9:2-4 is amended to read as follows:

2 9:2-4. In making an order or judgment relative to the custody
3 of the children pending a controversy between their parents, or in
4 regard to their final possession, the rights of both parents, in the
5 absence of misconduct, shall be held to be equal, and they shall be
6 equally charged with their care, nurture, education and welfare,
7 and the happiness and welfare of the children shall determine the
8 custody or possession. *If a child is of sufficient age and capacity to*
9 *reason so as to form an intelligent preference as to custody, the*
10 *court shall consider and give due weight to his wishes in making*
11 *an award of custody or modification thereof.*

12 The court may make the necessary orders and judgments from
13 time to time in relation to such custody or possession, but the
14 father, as such, shall not have preference over the mother as to
15 the award of custody of such minor child if the best interests of the
16 child otherwise may be protected, and in no case shall the court
17 having jurisdiction in this State over the person and custody of any
18 minor permit such child to be removed from this State where the
19 mother or father resides in this State and is the suitable person
20 who should have the custody of such child for its best welfare.

1 2. This act shall take effect immediately.

SENATE INSTITUTIONS, HEALTH AND
WELFARE COMMITTEE

STATEMENT TO
SENATE, No. 340

STATE OF NEW JERSEY

DATED: FEBRUARY 11, 1974

This bill would incorporate in the law the practice common in custody proceedings to give weight to the child's wishes when awarding or modifying the terms of custody. The bill gives the court the discretion, however, of considering the child's wishes only if it finds he is of sufficient age and capacity to form an intelligent preference regarding custody.