

THE SIMON LAW GROUP FIELD GUIDES · VOLUME I

Navigating Child Custody in New Jersey

A plain-language look at how New Jersey courts generally approach custody and parenting time — with worksheets you can fill in and bring to a consultation.

NEW JERSEY FOCUSED

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Includes 2 fill-in worksheets · New Jersey focused · Informational only, not legal advice.

HOW TO USE THIS GUIDE

This guide offers general suggestions and insights about child custody and parenting time in New Jersey. It is written for orientation, not as legal advice, and reading it does not create an attorney-client relationship. Every family's situation is different, and the law changes over time, so the ideas here are starting points for a conversation rather than instructions.

Consider using the worksheets to gather your thoughts, then reviewing them with a licensed New Jersey attorney who can look at your specific circumstances. As a general matter, it is generally wise to keep confidential or time-sensitive details out of web forms and email until a representation is in place. When you are ready to talk, Simon Law Group offers an initial consultation; you are welcome to call **(800) 709-1131**.

How New Jersey generally approaches custody

Custody in New Jersey is generally discussed in two parts. **Legal custody** usually refers to decision-making authority over matters such as a child's education, healthcare, and religious upbringing. **Residential custody** usually refers to where the child lives day to day and on which nights. Courts tend to treat these as separate questions, and an arrangement can blend them in many ways.

As a general matter, New Jersey starts from the idea that both parents are equally entitled to custody. Joint legal custody — where the parents share decision-making — is a common outcome absent significant conflict or other serious concerns. Residential arrangements tend to be more fact-specific and vary widely from family to family.

When parents cannot agree and a court is asked to decide, the decision is generally guided by the **best interests of the child**. This is a broad standard, and courts in New Jersey generally weigh a number of considerations rather than any single one. The next section describes those considerations in general terms.

The best-interests factors, in general

When a custody question is contested, courts in New Jersey generally consider factors such as the following. They are offered here for general orientation, not as legal advice, and a court is not generally obligated to weigh them equally.

1. The parents' ability to agree, communicate, and cooperate on matters relating to the child.
2. Each parent's willingness to accept custody, and any history of refusing parenting time that is not based on substantiated concerns about abuse.
3. The interaction and relationship between the child and the parents and siblings.
4. Any history of domestic violence.
5. The safety of the child, and the safety of either parent from physical abuse by the other.
6. The preference of the child, when the child is old enough and capable of forming an intelligent decision.
7. The needs of the child.
8. The stability of the home environment offered.
9. The quality and continuity of the child's education.
10. The fitness of the parents.
11. The geographic proximity of the parents' homes.
12. The extent and quality of the time spent with the child before and after any separation.
13. The parents' employment responsibilities.
14. The age and number of the children.

AN INSIGHT WORTH KEEPING IN MIND

In routine cases, a few of these considerations tend to carry significant weight: the day-to-day caregiving pattern, the stability a home offers, and the parents' ability to cooperate rather than retaliate. A parent who can show a steady, child-focused caregiving history — and a cooperative posture — tends to be in a stronger position. These tendencies are general; how any factor applies depends on the facts, and an attorney can help you think it through.

What parenting-time schedules can look like

New Jersey does not generally impose a single statewide parenting schedule. Arrangements tend to be shaped to fit the children's ages, the school calendar, the parents' work schedules, and the distance between the two homes. The shapes below are common starting points; many families adapt or combine them.

- **Shared (roughly 50/50) rotations** — arrangements such as week-on/week-off or various two- and three-day rotations. These tend to fit school-age children whose parents live close to one another.
- **Alternating-weekend arrangements** — one parent has every other weekend, sometimes with a weeknight dinner or overnight. These often come up where the homes are farther apart or where a work schedule makes a 50/50 split difficult.
- **Holiday and school-break rotation** — many families alternate major holidays year over year, and divide spring break and summer time separately from the regular schedule.
- **Long-distance arrangements** — where a parent lives several hours away, schedules often lean on extended summer and school-break time, with regular video or phone contact in between.

AN INSIGHT WORTH KEEPING IN MIND

There is no single right schedule; there tends to be the schedule that fits a particular family. A plan that maps to the children's real routines — school, activities, and the everyday rhythm both parents already know — tends to hold up better over time than one built around the calendar alone.

Relocation, in general

When one parent wants to move with a child — often out of state, or far enough to disrupt the existing schedule — New Jersey treats it as its own question. As a general matter, courts in New Jersey have generally asked a parent who wants to relocate with a child to show that the move is in the **child's** best interests, rather than simply that it would not harm the child.

For a parent considering a move, it can help to think the question through well before any decisions are made. Many parents find it useful to consider, in concrete terms, how the move would serve the child — for example, school quality, proximity to extended family, a thoughtful plan for substitute parenting time, or genuine employment reasons — and to keep a record of those reasons as they take shape.

For a parent who would prefer that a child not move, the same best-interests lens generally applies. It can help to consider how the move might affect the existing caregiving pattern, the child's relationships, and the child's day-to-day stability. Either way, this is a topic many parents find worth raising with counsel early, since the considerations can be fact-sensitive.

Revisiting an order, in general

Custody and parenting-time orders are generally not meant to be permanent in every detail. As a general matter, they can be revisited when there is a substantial, lasting change in circumstances that was not anticipated at the time of the original order. A change that is minor or temporary is less likely to support revisiting an order.

Common general examples that parents raise include:

- A planned move by one parent that affects the existing schedule.
- A child's changing needs as they grow — for instance, a new school stage, an activity schedule, or a health or treatment need.
- A meaningful change in a parent's situation, such as a new work schedule, a remarriage, or a change in health.

Whether a given change is enough to revisit an order tends to depend on the specifics, and the parent asking for the change generally carries the responsibility of showing why it is warranted. This is a good topic to discuss with a New Jersey attorney who can look at the particular order and circumstances.

Ideas some parents find helpful

The suggestions below are general ideas that many parents find helpful when custody or parenting time is in play. They are offered as orientation rather than instructions, and what fits any one family depends on its circumstances.

Keep a simple, factual record

Many parents find it helpful to keep a calm, dated record of the everyday caregiving routine — who handles school pickup, doctor visits, homework, meals, and bedtime. A factual, child-focused log tends to be more useful than commentary or opinion.

Save genuine communications

It can help to keep the texts, emails, and voicemails that naturally pass between the parents, rather than creating exchanges for the record. Records that reflect how things genuinely unfolded tend to be more credible than ones that look manufactured.

Talk with counsel before significant steps

Before a significant step — such as moving out of the family home — many parents find it helpful to speak with counsel first. As a general matter, it is generally wise to understand how a step might affect the larger picture before taking it, and a safety concern is its own conversation worth having promptly.

Keep children out of adult disputes

It generally helps children when the adult disagreements stay between the adults. Many parents find it helpful to let a child keep a comfortable relationship with both parents and to leave the details of the case out of the child's world.

Be thoughtful about social media

It can help to be thoughtful about what goes online during a custody matter. As a general matter, posts and messages can become relevant later, so many parents find it helpful to treat their accounts with that possibility in mind.

Checklist 1 • Parenting-Time Log starter

This starter is a place to keep a simple weekly record of the everyday caregiving routine. A calm, factual, child-focused log tends to be more useful than commentary — the goal is a reliable picture of the pattern, not a place to vent. The log works best as an index that points to proof you keep separately.

CATEGORY	DATE / TIME	WHAT HAPPENED	PROOF SAVED
School pickup / drop-off			
Homework and school communication			
Medical, dental, therapy, or medication			
Daily routine (meals, bedtime, bathing)			
Extracurriculars and events			
Schedule changes or missed time			
Parent-to-parent communication			

Checklist 2 • Best-interests preparation worksheet

This worksheet maps a few of the considerations that tend to be central in routine cases to a space for your own notes. There are no wrong answers here; it is a working sheet to help organize your thoughts before a consultation. Consider jotting down concrete, everyday examples you might discuss with counsel.

FACTOR	NOTES OR EXAMPLES YOU MIGHT DISCUSS
The day-to-day caregiving pattern	
Stability of the home environment	
Ability of the parents to cooperate	
The child's needs	
Each parent's availability and schedule	
Geographic proximity of the homes	

Common questions

How is custody generally decided in New Jersey?

When parents cannot agree and a court is asked to decide, New Jersey generally looks to the best interests of the child. As a general matter, courts weigh a range of considerations — such as the day-to-day caregiving pattern, the stability each home offers, and the parents' ability to cooperate — rather than any single factor. How those considerations apply tends to depend on the facts, which is a good topic for a consultation.

What is the difference between legal custody and residential custody?

In general terms, legal custody usually refers to decision-making authority over matters such as a child's education, healthcare, and religious upbringing, while residential custody usually refers to where the child lives day to day and on which nights. New Jersey courts tend to treat these as separate questions, and an arrangement can blend them in many ways.

Can a child choose which parent to live with?

A child's preference is generally one of the considerations a court may weigh, when the child is old enough and capable of forming an intelligent decision. As a general matter, it tends to be one factor among many rather than the deciding one. How much weight it carries depends on the circumstances, and an attorney can help you think it through.

Can a custody order be revisited later?

As a general matter, custody and parenting-time orders can be revisited when there is a substantial, lasting change in circumstances that was not anticipated when the original order was entered. A change that is minor or temporary is less likely to support a revision. Whether a given change is enough tends to depend on the specifics, and this is a good topic to review with a New Jersey attorney.

What does a parent generally show when wishing to relocate with a child?

When a parent wants to move with a child — often out of state, or far enough to disrupt the existing schedule — New Jersey generally treats it as its own question. As a general matter, courts have generally asked the parent who wishes to relocate to show that the move is in the child's best interests, rather than simply that it would not harm the child. Because the considerations can be fact-sensitive, many parents find it worth raising with counsel early.

Does a parent's new relationship affect custody?

In general terms, the central question tends to remain the best interests of the child rather than a parent's relationship status on its own. A new relationship can become relevant when it bears on the child's stability, safety, or day-to-day routine. How any particular situation is viewed depends on the facts, which is something an attorney can help you consider.

Plain-English terms

A few terms that come up often in New Jersey custody matters, in everyday language:

Legal custody	Generally, decision-making authority over major matters in a child's life, such as education, healthcare, and religious upbringing.
Residential custody	Generally, where a child lives day to day and on which nights; sometimes described in terms of the parent of primary residence.
Parenting time	The schedule of time a child spends with each parent, including regular days, holidays, and school breaks.
Best interests of the child	The general standard a New Jersey court looks to in custody questions, weighing a range of considerations about the child's well-being.
Parenting plan	A written outline of how parents intend to share decision-making and parenting time for their child.
Modification	A general term for revisiting or changing an existing order, often after a substantial, lasting change in circumstances.
Relocation	A move with a child — often out of state, or far enough to disrupt the existing schedule — that New Jersey generally treats as its own question.
Mediation	A general process in which a neutral third person helps parents try to reach agreement on custody or parenting-time questions.
Pendente lite	A Latin term meaning, in general, "while the case is pending"; it describes temporary arrangements that can apply during a case.
Guardian ad litem	A person a court may appoint, in some matters, to look into and report on what serves a child's interests.

Questions worth discussing with a New Jersey attorney

Some situations benefit from a closer look with counsel. If any of the following describe your family, they are good topics to raise during a consultation:

- Safety concerns, or a history of domestic violence.
- A possible relocation, by either parent.
- A child with special needs or significant medical considerations.
- A high-conflict situation between the parents.
- An interest in revisiting or modifying an existing order.

BRINGING IT TOGETHER

There is no single right outcome; there is the arrangement that fits your children and your family. Gathering the information above tends to make the first conversation more productive. When you are ready, a New Jersey family-law attorney can review your situation and outline options. Simon Law Group offers an initial consultation — you are welcome to call **(800) 709-1131** or read more at **www.simonattorneys.com/family-law**.

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This guide is part of a free New Jersey series. The others are available to read or download at www.simonattorneys.com/resources.

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This guide is provided by Simon Law Group, LLC for general informational and educational purposes about New Jersey law. It offers general suggestions and insights only and is not legal advice. Every situation is different, and statutes, regulations, and court rules change over time. For guidance about a specific matter, consider speaking with a licensed New Jersey attorney who can review your circumstances. This guide reflects general information as of 2026.

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About Simon Law Group, LLC

Simon Law Group is a New Jersey law firm serving clients across the state from three offices, with a practice that includes family law, estate planning, personal injury, criminal defense, real estate, and bankruptcy and foreclosure.

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