

FAMILY FILES

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Published Cases

A.J. v. R.J., 2019 WL 4324420, decided 10/7/19. The court held that the factors in *Baures v. Lewis*, 167 N.J. 91 (2001), no longer apply when a court is addressing an intra-state relocation, and instead, pursuant to *Bisbing v. Bisbing*, 230 N.J. 309 (2017), the court must apply a best interests of the child analysis pursuant N.J.S.A. 9:2-4. The court also held that where a trial court exercises its authority under Rules 1:10-3 and 5:3-7(a)(6), it must make findings under N.J.S.A. 9:2-4 that the sanction imposed is in the best interests of the child. In this matter, the trial court, relying on *Baures and Schulze v Morris* 361 N.J.Super. 419 (App. Div. 2003), transferred residential custody of the children to the father because the mother unilaterally relocated intra-state (62 miles away) with the children outside of the 15 mile radius mandated by their Marital Settlement Agreement.

Landau v. Landau, 2019 WL 4308641, decided 9/12/19. The appellate court determined the party seeking modification still has the burden of showing the changed circumstance of cohabitation so as to warrant relief from an alimony obligation, see *Martindell v. Martindell*, 21 N.J. 341, 353 (1956), and hold the 2014 amendments to the alimony statute did not alter the requirement that "[a] prima facie showing of changed circumstances must be made before a court will order discovery of an ex-spouse's financial status." *Lepis*, 83 N.J. at 157. Because the trial court ordered discovery in this case without a prima facie showing of changed circumstances, the appellate court reversed.

E.S. v. C.D., FV-02-1094-19. The Hon. Mitchell Steinhart, J.S.C. held that a former live-in nanny qualified as a former household member of her previous employer/victim. That a person receives a monetary benefit from engaging in a relationship does not automatically disqualify that person from seeking relief under the Prevention of Domestic Violence Act ("PDVA"). The PDVA defines victims of domestic violence to include any person eighteen years or older who has been subjected to domestic violence by a person who "was at any time a household member." N.J.S.A. 2C:25-19(d). Judge Steinhart cited to *Coleman v. Romano*, 388 N.J. Super. 342, 351-52 (Ch. Div. 2006), which lists six considerations to determine whether the parties qualify as household members for purposes of the PDVA: 1) the nature and duration of the prior relationship; 2) whether the past domestic violence relationship provided a special opportunity for abuse and controlling behavior; 3) the passage of time since the end of the relationship; 4) the extent and nature of any intervening contacts; 5) the nature of the precipitating incident; and 6) the likelihood of ongoing contact or relationship.