NOT TO BE PUBLISHED WITHOUT
THE APPROVAL OF THE COMMITTEE ON OPINIONS

SUPERIOR COURT OF NEW JERSEY
ESSEX VICINAGE
CHANCERY DIVISION, FAMILY PART
DOCKET NO. FD-07-4129-10

G.T.,

Plaintiff,

v.

M.A.,

Defendant.

Decided: November 17, 2025

Plaintiff G.T. appeared *pro se*

Defendant M.A. appeared *pro se*

DUGAN, J.S.C.

PROCEDURAL HISTORY

This matter comes before the court by way of counter applications for custody, parenting time and an adjustment of child support filed by Plaintiff G.T. ("NF") and Defendant M.A. ("NM"), respectively, regarding the minor G.A. (DOB: [omitted]). G.T. is G.A.'s natural father, and M.A. is G.A.'s natural mother. Both parties reside in New Jersey. NM has been the parent of primary residence since 2010.

The primary focus of the trial and this opinion is NF's request to modify residential custody and become G.A.'s parent of primary residence. The parties initially appeared in court on March 3, 2025, when the court heard preliminary testimony from the parties. NF was represented by counsel. The court ordered the parties to participate in its complimentary mediation program pursuant to R. 5:8-1 and 1:40-5. The court later scheduled and conducted an *in camera* interview of G.A. on May 13, 2025.

The parties attended mediation on April 16, 2025, and were unable to reach an agreement on any issue. The parties again appeared in court, with NM in person and NF by Zoom, on May 28, 2025, and the court scheduled the matter for trial beginning on October 15, 2025. During the May 28, 2025 hearing, the court also ordered additional parenting time for NF, including having alternating weeks during the summer and alternating weekends (Friday to Sunday) when the school year resumed. NF has exercised this parenting time consistently.

Counsel for NF filed a motion to withdraw as counsel before trial. The court granted the motion as unopposed, and NF proceeded *pro se*.

The parties appeared for trial on October 15, 2025, as scheduled. Both parties testified on their behalf, with NM assisted by a Haitan Creole interpreter. Neither party presented any other witnesses, although the court interviewed G.A. *in camera* again following trial.

EXHIBITS ADMITTED INTO EVIDENCE

The court admitted just one exhibit into evidence on consent: P-1, which was G.A.'s report card from the Deptford, New Jersey district for the 2022-2023 school year that NF introduced.

CREDIBILITY DETERMINATIONS

The court is the finder of fact in custody disputes. Before rendering its findings of fact and conclusions of law, the court must assess the credibility of all witnesses who testified at trial. Some custody disputes turn on credibility more than others. In some cases, the court will find all the parties equally credible or that no disputed facts of consequence exist but that the parties simply have differing views on what custodial arrangement would best serve the child's interests. This case turns to some extent on credibility as set later set forth in the court's findings of fact and conclusions of law.

In determining credibility, the court may consider: (1) the witness' interest, if any, in the outcome of this case; (2) the accuracy of the witness' recollection; (3) the witness' ability to know what they are talking about; (4) the reasonableness of the testimony; (5) the witness' demeanor on the stand; (6) the witness' candor or evasion; (7) the witness' willingness or reluctance to answer; (8) the inherent believability of the testimony; and (9) the presence of any inconsistent or contradictory statements. Model Jury Charge (Civil), 1.12K, "Credibility"

(approved Nov. 1998). With respect to each witness who testified at trial, the court makes the following credibility determinations.

G.T. (NF)

The court finds NF credible. His body language, eye contact and overall demeanor appeared credible, and he was respectful to the court and the judicial process throughout the entirety of the proceedings leading up to and including trial. NF's testimony was straightforward and appropriately detailed in, for example, describing his care and love for the G.A., especially when it came to his schooling and the extended parenting time that NF exercised this past summer. NF did not embellish his testimony. NF was candid in describing the tumultuous history between him and NM but continuously took the high road when he spoke of her.

NF did not make any disparaging comments or give any testimony that was unfavorable to NM except to the extent such testimony related directly to the issues in this case. Otherwise stated, NF was clearly focused on G.A.'s well-being and not "scoring points" against NM.

In fact, while maintaining his position that G.A. would be better off in his care, NF spoke positively about NM, especially during the period between 2015 and 2020. Specifically, in 2015, the court had ordered weekly parenting time for NF on Saturday, with pick-ups being at 10 a.m. and drop-offs at 3 p.m. NF gave credit to

NM for previously agreeing to more liberal parenting time than what the court had previously ordered, including vacations, holidays and some weekends.

When he could have exaggerated or embellished details to strengthen and support his argument for custody, NF refrained. For example, when asked about the stability of NM's home environment, NF declined to speculate or gratuitously disparage Hillside (where NM resides with G.A.) or NM herself. Overall, NF came across as very professional, reasonable and genuinely focused on G.A.'s best interests.

M.A. (NM)

The court finds NM to be less credible than NF. She was disruptive while NF testified, including by making faces and kicking the floor when she was upset.[1] She also struggled to stay focused on the matter at issue, often trying to testify to unrelated matters despite the court's attempts to redirect her. This temperamental behavior continued throughout the trial, despite multiple reprimands from the court. Although NM appeared sincere in her desire to keep custody of G.A., certain aspects

[1] The court recognizes that custody trials are inherently emotional and that a party's emotional behavior is not in itself inconsistent with a conclusion that a child's best interests are best served in that party's primary residential custody. As in any case, however, the court's ability to observe the parties' demeanor is limited to their in-court appearances, and, in this case, NM's demeanor and manner of interacting with G.A. is an issue relevant to the court's overall decision. The court does, therefore, take into account NM's demeanor at trial to some extent.

of NM's testimony and litigation conduct undermined her credibility. Several examples are as follows.

First, NM, as a general matter, appeared to exaggerate. She would make vague, unsupported comments that she is scared of NF. She would also make offhanded, inherently incredible statements, vaguely referring in one instance to NF's ploy to somehow obtain a million dollars from G.A. NM seemed more intent on addressing ancillary issues between her and NF in an attempt to "score points" than addressing G.A.'s best interests. This approach calls into question NM's overall credibility and ability to address G.A.'s best interests.

Second, NM testified inconsistently on certain material issues concerning the time G.A. had lived with NF. NM was very evasive and inconsistent about whether NF ever had custody of G.A. and whether G.A. had attended school in Deptford, where NF lives. NM testified on direct examination that NF had falsified documents to obtain custody of G.A. without NM's consent. Later, she contradicted her testimony by saying that G.A. had never lived with NF and that she never knew he had custody of G.A. After the court gave her an opportunity to clarify her testimony as to whether she meant to say that G.A. had never lived with NF, she testified that NF had kept G.A. from her and that during the 2020 school year G.A. stayed with NF for three or four months. The court then asked whether NM was sure G.A. had

not lived with NF to attend school in Deptford during the 2022-2023 school year, citing P-1. She then testified that G.A. was not in Deptford for very long.

On cross-examination, NF asked NM how he could have enrolled G.A. in school in Deptford without documentation from Hillside and a signature from NM. She then admitted she had consented to G.A.'s enrolling at Deptford, which in turn meant that G.A. would have resided with NF (particularly considering the geographical distance between Hillside and Deptford of about eighty-five miles), but on the condition that it was only for a year. NM's contradictory statements on what should be a straightforward (but material) issue impact on her credibility. Although otherwise credible witnesses can forget or confuse certain time periods and dates, NM's contradictory testimony exceeded an understandable lapse in memory. NM's failure to recall whether G.A. had resided with NF for almost an entire school year just three years ago is inconceivable, and her false accusations of NF's alleged forgery is unacceptable and underscores NM's lack of credibility.

Third, the court finds NM fabricated conversations with G.A. concerning his relationship with NF and an instance of verbal abuse by NF during the summer of 2025. NM relayed a discussion in which G.A. had accused NF of making verbally abusive statements and asked her to testify in court concerning all the times NF had abused him. She also alleged that G.A. had said he did not wish to see or visit NF and that NF was speaking poorly about her. The manner in which NM testified

appeared contrived and her statements exaggerated and far-fetched. Nonetheless, the court decided to have a follow-up *in camera* interview with G.A. on October 22, 2025, to see whether he had changed his preferences and ask about the alleged instance over the summer. G.A. credibly stated that the instance had not occurred, and that his preference remained the same.

The court therefore finds NM to be less credible.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

I. BACKGROUND

G.A. was born on March 27, 2010, and is the biological child of G.T. and M.A. The parties separated prior to G.A.'s birth, and NM has been the primary custodial parent for most of G.A.'s life. NF resides in Deptford, New Jersey, and NM resides in Hillside, New Jersey. Deptford and Hillside are approximately eighty-five miles apart, and traveling between the two towns takes about ninety minutes by car.

NF filed an application on May 19, 2010, to establish child support and parenting time. The court ordered a weekly payment of $121 and awarded NF parenting time every other Sunday from 10 a.m. to 6 p.m. On March 10, 2015, the court awarded NF parenting time every Saturday and ordered the parties to arrange an increase in NF's parenting time. After 2015, NF's parenting time began to increase, with NF taking G.A. for some weekends, summer vacations for two to three months at a time, birthdays and school holidays.

In March of 2020, G.A. was attending school in Hillside remotely due to the COVID-19 pandemic. At that time, G.A. was struggling with his schoolwork and had been held back a grade. NF suggested to NM that G.A. stay with him so that he could help G.A. work on his schooling. NM consented. G.A. primarily resided with NF for the rest of 2020 and was able to remain enrolled in the Hillside school system while living in Deptford because he was attending school remotely.

During the summer of 2021, G.A. continued to live primarily with NF, with periodic weeklong visits with NM, who was recovering from surgery. G.A. remained with NF for the 2021 school year and continued to attend school virtually through the Hillside school district.

At the start of the 2022 school year, G.A. returned to in-person classes at Hillside. When G.A.'s grades began to slip again, NF suggested to NM that G.A. come live with him in Deptford and attend school at Deptford for the 2022 school year. NM agreed and signed G.A. out of Hillside, allowing NF to enroll G.A. at Deptford starting November 2022. G.A. remained in Deptford with NF until August 2023, when NM demanded that NF return G.A. to her and threatened to call the police if NF did not comply.

NF credibly testified that NM's threats to him were precipitous and unwarranted. Because of NM's conduct and to avoid any future conflicts, NF decided to forgo parenting time with G.A. until NM felt comfortable again, leading

to two years without in-person contact between him and G.A. During this time, NF and G.A. continued to communicate frequently through the phone and through texts.

II. A BEST INTEREST ANALYSIS FAVORS AWARDING NF PRIMARY RESIDENTIAL CUSTODY OF G.A.

The court's function is to decide the best interests of the child. The laws of New Jersey governing custody of children are set forth by statue in N.J.S.A. 9:2-4. The Legislature has declared that "it is the public policy of this State to assure minor children of frequent and continuing contact with both parents after the parents have separated or dissolved their [relationship] and that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing." Id. The law further directs that in custody proceedings, the rights of both parents are equal, and the court's focus shall be on the best interests of the child. Id. "The paramount consideration in a custody determination is the safety, happiness, physical, mental and moral welfare of the child." Kinsella v. Kinsella, 150 N.J. 276, 317 (1997); Beck v. Beck, 86 N.J. 480, 496 (1981). Today, it is presupposed that involvement by both parents is in the child's best interests.

The court considers the following nonexclusive statutory factors in deciding the best interests of the child:

> [1] the parents' ability to agree, communicate, and cooperate in matters relating to the child; [2] the parents' willingness to accept custody and any history of unwillingness to allow parenting time not based on substantiated abuse; [3] the interaction and relationship of

> the child with its parents and siblings; [4] the history of domestic violence, if any; [5] the safety of the child and the safety of either parent from physical abuse by the other parent; [6] the preference of the child when of sufficient age and capacity to reason so as to form 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 geographical proximity of the parents' homes; [12] the extent and quality of the time spent with the child prior to or subsequent to the separation; [13] the parents' employment responsibilities; [14] and the age and number of the children.

N.J.S.A. § 9:2-4(c); Bisbing v. Bisbing, 230 N.J. 309, 331-32 (2017).

The court addresses each of the "best interest" factors as follows.

Factor 1: The parties' ability to agree, communicate and cooperate in matters relating to the child

Factor 1 weighs in favor of awarding NF primary residential custody of G.A.

Both parties readily admitted that, overall, communication and cooperation between them is poor. NF did not wish to address this factor too deeply and emphasized his willingness to work with NM to best support G.A.'s needs.

NM testified that she did not like to communicate with NF, to the point that she requested the court to handle all communications between the parties.[2] She stated that NF is a liar who is trying to get a million dollars from G.A. and that she is scared of him. NM could not, however, substantiate these statements.

[2] The court informed NM that it cannot serve an intermediary for communications between the parties.

Additionally, NM appears to want to move very far away from NF, despite knowing NF has been exercising his parenting time and wishes to have custody of G.A. These intentions further suggest NM's unwillingness to communicate and cooperate with NF on matters concerning G.A. because of her anger toward NF.

Overall, the court is concerned with NM's admitted unwillingness to communicate with NF and how that mindset would continue to impact NF's ability to see G.A. if NM continued to have primary residential custody. The court is more confident that if NF had such custody, communication and cooperation would improve between the parties – or, at least, NF would give NM the opportunity that NM apparently has not given NF for proper communication concerning G.A.'s well-being.

Factor 2: The parties' willingness to accept custody and any history of unwillingness to allow parenting time/visitation not based on substantiated abuse

Factor 2 weighs slightly in favor of awarding NF primary residential custody of G.A.

Both parties here are clearly willing to accept custody. NF has filed an application seeking custody, and NM has opposed it. Both parties have timely appeared in court for all proceedings, and in listening to both parties testify, the court has no reason to doubt either party's genuine love and desire to care for G.A.

With respect to the unwillingness to allow parenting time not based on substantiated abuse, the court notes that NF has generally not been able to exercise his parenting time since August 2023. NF cited a few issues between the parties following the summer of 2023 and testified that NM has created some difficulty for him in seeing G.A. or taking him for overnight visits. At the time, no updated parenting time order was in place, and the parties were unable to reach a parenting time agreement that differed from the March 10, 2015 order. The court asked NF why he did not file an application to amend the order and address parenting time before filing this lawsuit. NF testified that he wanted to try to keep everything out of court and that he was concerned with picking up G.A. as NM had warned him that she would call the police and tell them he had kidnapped G.A. The court does not conclude that NM interfered with NF's in-person parenting time because NF did not file an application prior to the current application and because the record is unclear whether NM would have prevented NF from exercising weekend parenting time under the prior order notwithstanding her demand in 2023 that NF return G.A. to her primary custody – particularly because NM had previously cooperated with NF's weekend, holiday and summer parenting time.

The court does, however, find based on its interview with G.A. that NM has made telephonic communications between NF and G.A. more difficult at times, to the point where she has sometimes actively interfered with them. G.A. also credibly

stated that NM consistently makes disparaging statements to G.A. concerning NF. NM's conduct is unwarranted. The court is further concerned that NM's current animosity toward NF, likely resulting from his seeking primary residential custody of G.A., undermines the likelihood that NM will fully cooperate with NF's parenting time if she retains primary residential custody of G.A. and NF continues to exercise parenting time as he now does under this court's March 28, 2025 order. In fact, NM made what the court finds to be a baseless allegation against NF that he had verbally abused G.A. last summer.

The court has no reason to doubt that NF on the other hand would comply with orders scheduling parenting time for NM if he retains primary residential custody of G.A. This factor therefore weighs at least slightly in NF's favor.

Factor 3: The interaction and relationship of the child with his parents and his siblings

Factor 3 weighs in favor of awarding NF primary residential custody of G.A.

On the whole, G.A. appears to have a healthy enough relationship with and cares for both parties. For most of his life, G.A. has primarily resided with NM. NM testified to positive interactions with G.A., citing fond memories and good communication. During G.A.'s *in camera* interview in May of 2025, he spoke fondly of his mother and stated that he cares about NM a lot.

G.A. shared that, at times, NM would talk in front of others poorly about NF or refer in front of others to past arguments between G.A. and her. G.A. stated that

these interactions make being around NM uncomfortable at times. On the whole, G.A. noted NM's undue negativity as a problematic factor in residing primarily with her.

G.A. spoke positively about his interactions with NF and feeling gravitated toward the wisdom his father can offer at this stage of G.A.'s life. G.A. brought up his respect for his father, specifically noting that NF makes a point to never speak poorly about NM. While G.A. cares for both parties a lot, he expressed that he wished to live with NF full time, with frequent parenting time with NM as well.

The court conducted a follow-up interview with G.A. in October 2025 following trial to inquire how his summer parenting time with NF went and whether his preferences had changed. G.A. spoke to the court in a positive manner about the activities and interactions he had had with his father and reaffirmed his preference to live with NF. G.A. emphatically and credibly denied suffering any verbal or other abuse at NF's hands.

With respect to G.A.'s interactions with his siblings, NF has a daughter who resides at home while she is attending college. NF testified that she and G.A. have a healthy relationship with good communication. NM has two older daughters. One lives with NF while she attends college, and the other recently moved out of NF's home to live with her boyfriend.

NM also has a ten-year-old son named A.A. who resides with her. While NM spoke fondly of this relationship, it does not impact factor three. A.A. appears to look up to G.A., but NM did not establish through her testimony or otherwise G.A. and A.A. had a particularly strong relationship that would impact custody. G.A. appears to be more of a caretaker at times for A.A. to help NM and is not particularly attached to A.A.

Although the existence of sibling relationships with G.A. is neutral, G.A.'s interactions with NF are more positive than with NM. Factor 3 therefore weighs in favor of awarding NF primary residential custody of G.A.

Factor 4: The history of domestic violence, if any

Factor 4 is inapplicable and therefore neutral because the parties have no proven history of domestic violence between them.[3]

Factor 5: The safety of the child and the safety of either party from physical abuse by the other party

Factor 5 is neutral because no credible evidence exists of any safety concerns or abuse by any of the parties here.

As mentioned above, NM alleged NF physically and mentally abused G.A. She alleged that G.A. called her during the summer of 2025 while staying with NF

[3] NM alleged that NF hit her in the face five years ago. NF disputes this allegation. NM offered no proof by way of a final restraining order, criminal conviction or otherwise to substantiate the allegation. Again, the court finds NM generally to be less credible than NF.

and said that NF had called him a dog. NM, however, offered no proof of this allegation by DCPP finding or otherwise. Moreover, when the court asked G.A. about his time with NF last summer, he denied any such issues and reaffirmed that he had a good summer with NF and still wanted to live with him. The court does not find NM's allegation credible based on NF's and G.A.'s credible testimony/statements disputing these claims, along with NM's general lack of credibility in this proceeding.

Factor 6: The preference of the child when of sufficient age and capacity to reason so as to form an intelligent decision

Factor 6 weighs in favor of awarding NF primary residential custody of G.A.

With respect to custody disputes, courts generally favor interviewing a child of sufficient capacity who wishes to express their views:

> The age of the child certainly affects the quantum of weight that [their] preference should be accorded, but unless the trial judge expressly finds as a result of its interview either that the child lacks capacity to form an intelligent preference or that the child does not wish to express a preference, the child should be afforded the opportunity to make [their] views known. We would think that any child of school age, absent the express findings we have indicated, should have that opportunity and that the judge would be assisted thereby.

Lavene v. Lavene, 148 N.J. Super. 267, 272 (App. Div. 1977).

G.A. struck the court as a serious, straightforward, confident and honest individual. His answers to the court's questions were concise and, it appeared,

devoid of any influence by either parent. G.A.'s statements to the court in October 2025 were in line with those he made in May 2025. Of note, G.A. did not attempt to "up the ante" this time around but merely reiterated what he had previously told the court and answered the court's additional questions in matter-of-fact fashion. At fifteen years old and with an apparent level of maturity, G.A. is of an age where his preferences carry greater significance, as he is capable of forming and expressing a reasoned opinion about his living arrangements. While the court recognizes that adolescents can still be impressionable, G.A.'s views are entitled to meaningful consideration.

G.A. spoke positively of his quality time with NF, including this past summer. He stated that he would prefer to live with NF both times the court interviewed him. G.A.'s attitude toward NM showed that while he does care for her and love her, he would still prefer to live with his father. As stated above, at least part of this desire stems from NM's negativity in general and, in particular, toward NF.

Factor 7: The needs of the child

Factor 7 is neutral because G.A. does not have any special needs or needs particular to this custody dispute that are not addressed elsewhere in the best interest's analysis herein.

Factor 7 is broadly worded and may be largely subsumed in the court's analysis of the other best-interest factors. The court, however, may look to any

particularized needs of the child at issue for which its analysis may not otherwise account. While NF mentioned the possible need for counseling/therapy (and should, along with NM, explore that need if he deems appropriate), for purposes of the court's decision herein, NF did not develop that testimony nor present any prior efforts or plan going forward to secure such services. On the whole, the parties presented no evidence concerning the child's needs that are not otherwise addressed herein.

Factor 8: The stability of the home environment offered

Factor 8 is neutral because neither party testified to any concern in either party's home environment.

Factor 8 does not center around which party has the bigger home or the best amenities. A stable home environment is one that is consistent, safe (physically and emotionally) and secure. As examples, uncertainty of where a party lives or will continue to live for the foreseeable future may cause concern on the home's stability as may the presence of individuals whom the child does not know or who causes problems in the home.

NF has resided in south New Jersey for the last ten years, with seven years in Bellmawr and the past three years in Deptford. He lives with his wife, daughter and one of NM's daughters in a 2.5-bedroom townhouse. NF describes the residential

area as pretty safe and as a circle apartment complex where the school bus picks G.A. up and drops him off.

NM lives in a three-bedroom, two-bathroom house in Hillside, New Jersey. She testified that she will be moving out of the house soon and is unsure as to where she will end up afterwards. NM mentioned possibly moving to Boston or Canada. The court informed NM that, pursuant to N.J.S.A. 9:2-2, neither party may relocate or take the child out of the state without the consent of the other, unless the court, upon cause shown, shall otherwise order.

Both parties stated they were unfamiliar with the other's home environment and therefore could not offer any testimony on the issue. This court does not have any concerns with either home, so this factor is neutral.

Factor 9: The quality and continuity of the child's education

Factor 9 weighs slightly in favor of awarding NF primary residential custody of G.A.

G.A. has attended Hillside in person and virtually, and Deptford in person. While there is no clear evidence of a real change in his progress at either school or that one school is better overall or specifically for G.A. than the other, the court finds NF was more detailed in his testimony about steps he had taken in furthering G.A.'s education, particularly for most of 2020-2023 when NM allowed G.A. to live with him prior to demanding G.A.'s return. Although the court does not find that NM

was remiss in furthering G.A.'s education, the court did not see that same level of detail and insight from NM.

Factor 10: The fitness of the parties

Factor 10 is neutral because both parents appear to be fit. A parent is considered unfit if his conduct has a "substantial adverse effect" on the child. N.J.S.A. 9:2-4(c). The court does not find that either party presented any substantial evidence of the other's unfitness.

The record contains no indication NF would be unfit as G.A.'s primary residential custodian. The record contains no evidence of any substance abuse or findings of neglect or abuse at any time toward G.A. NF has competently cared for all of G.A.'s needs inside and outside NF's household. Despite a period after the summer of 2023 when NF did not see G.A., he made sure to speak to G.A. at least weekly by phone and texted him throughout the week.

The record contains no indication NM would be an unfit parent to G.A. either. The record contains no evidence of any substance abuse or findings of neglect or abuse toward G.A. or any of her other children. NM has clearly provided G.A. with a safe and loving home. The court therefore finds this factor to be neutral.

Factor 11: The geographical proximity of the parties' homes

Factor 11 is neutral. The parties reside an hour and a half apart from each other. Regardless of whom the court awards primary custody to, the parties will be

at a substantial distance such that the parent of alternate residence will likely exercise most or all of their parenting time on the weekends, holidays or in the summer. That said, the distance between the parties is not particularly significant so as to preclude meaningful parenting time for the parent of alternate residence. The court therefore finds this factor to be neutral.

Factor 12: The extent and quality of the time spent with the child prior to or subsequent to the separation

Factor 12 weighs in favor of NM's retaining primary residential custody of G.A.

G.A. has resided primarily with NM since his birth on March 27, 2010. Until five years ago, NF appears to have mostly seen G.A. only occasionally on the weekends. While this time did increase in 2015, and while G.A. resided primarily with NF for most of 2020-2023, NM has spent more time with G.A. overall. The court finds that the quality of time with both parents has been positive, albeit G.A. has expressed a level of negativity with NM as already accounted for in the court's analysis concerning Factor 3, above.

Factor 13: The parents' employment responsibilities

Factor 13 is neutral.

Factor 13 is not an inquiry of which party is more financially or otherwise successful in their career. Nor does the court seek to penalize a party for being employed, working hard or working nontraditional hours. The court reviews this

factor to see whether any party's employment responsibilities may materially impact their ability to care for the child at issue.

NF works for Rowan University in the Public Safety Department, as a security officer. He works Monday to Friday from 3 p.m. to 11 p.m., forty hours a week. He will occasionally work weekends when there are school events and they need extra help, but these shifts are based on seniority and are not frequent.

NM is currently unemployed but intends to work again. She previously worked at Overlook Medical Center where she would travel and take care of people in their homes.

Neither party's schedule will prevent them from caring for G.A. Although NF works evenings, such schedules are not uncommon and do not preclude parents from being primary caretakers. Notably, there are other members of NF's household present while NF works. This factor is therefore neutral.

Factor 14: The age and number of children

Factor 14 is neutral because G.A.'s age itself does not present any unique considerations here not otherwise discussed above. G.A. is the only child at issue in this case.

CUSTODY DETERMINATIONS

Residential Custody

Having considered the nonexclusive, statutory best interest factors and the overall best interests of G.A., the court awards NF primary residential custody of G.A.

With the exception of Factor 12, all of the best interest factors that were not neutral weighed in NF's favor. While in certain instances these factors weighed only slightly in NF's favor and do not suggest NM is in any way incapable or that G.A. could not thrive in her continued primary residential custody, the factors overall tipped the scale in NF's favor as the party with whom G.A. should primarily reside. They indicate a strong familiar bond and connection to G.A., a hallmark of stability in the home and awareness of G.A.'s needs.

The court also finds that NM is maintaining a negative environment that is not beneficial to G.A., particularly as NM continues to direct animosity toward NF in G.A.'s presence – a dynamic that is never healthy. NM's attempt to mislead the court with respect to NF's more recent involvement in G.A.'s life, including with respect to G.A.'s residing with NF in 2020-2023 and the baseless allegations of abuse toward G.A., as well as NM's express refusal to communicate with NF, concern the court with respect to successful co-parenting moving forward. The court finds that NF is

entitled to an opportunity to become G.A.'s primary caretaker and to create more positive co-parenting for G.A.'s overall betterment.

Lastly, while not dispositive, the court considered G.A.'s preference. As a mature fifteen-year-old, G.A. is entitled to have a say in this matter. G.A. unequivocally prefers to reside primarily with NF.

This change in residential custody will take effect on January 2, 2026, unless the parties otherwise agree in writing that another date would better suit G.A.'s change in school – for example, due to the end of the marking period in either school. Failing such agreement, NF will pick up G.A. from NM at noon on January 2, 2026.

Parenting Time/Visitation

NM shall have parenting time with G.A. to the extent practicable considering the parties' distance. The schedule going forward shall be every other weekend from Friday after school (picking up G.A. from school when it ends) or starting 3 p.m. on Fridays when G.A. does not have school (picking up G.A. from NF's house, but curbside, not getting out of the car), to Sundays at 6 p.m., dropping of G.A. curbside to NF's house. NM shall be responsible for both pick-ups and drop-offs for the weekend parenting time as NF has been while G.A. was under NM's primary custody. If NM cannot pick up G.A. from school or at 3 p.m. because of any later-acquired work schedule, then NM may pick another consistent time up to 8 p.m. on Friday to pick up G.A. NM shall notify NF in writing of any such additional time.

The parties shall also alternate weeks in the summer, starting noon the first Saturday after school gets out for the year, with NM having the first week, and ending the Saturday before school begins. For the summer weeks, the parent receiving G.A. for the upcoming week shall pick him up from the other parent at noon on Saturday.

The court's holiday parenting schedule (provided herewith and posted on eCourts) shall also govern, effective January 2, 2026, and shall take precedence over the regular schedule set forth herein. NM shall be responsible for pick-up and drop-off on the holidays or other special days set forth in the schedule (e.g., Mother's Day) on which she has G.A.

The court will leave to the parties the task of accounting for any visitation/parenting time issues not specifically accounted for herein. For example, the parties should discuss telephone/videoconferencing time between NM and G.A. but also noting that G.A. is of an age where he has more of an idea of his schedule and when he will be free to call NM. As a matter of courtesy and sound planning, NM should also communicate to NF sufficiently in advance of holidays on which she would have G.A. under the holiday parenting schedule of any such time she is unable or does not wish to exercise. If these or any other issues not dealt within herein arise, the parties may file an application to set more specific parameters.

Child Support

Because of the change in custody, NF's child support obligation will terminate effective January 2, 2026. NF should continue to pay child support through the courts until January 2, 2026. Any existing arrears as of January 2, 2026 will be enforced. The court requests that Probation not release any monies on hold or collected until January 2, 2026 at which point Probation can determine whether to release such funds to NM (if there are arrears owed) or NF (if arrears are in the negative).

In NF's February 25, 2025 Certification accompanying his Cross-Application, NF requested that the court award him child support if the court changed custody. Effective January 2, 2026, NM will pay NF child support at the rate of $85 per week, plus $10/week in arrears (if any) until fully satisfied. This award is based on the same data the court recently used in increasing NF's child support award during the trial, except the court credits NM with 77 overnights per year based on the above parenting time schedule.

Legal Custody

NF and NM will continue to share legal custody of G.A. Legal custody is the authority and responsibility for making major (not "minor") decisions regarding the child's welfare. Pascale v. Pascale, 140 N.J. 583 (1995). In most cases, a fit parent has the right to at least shared legal custody. At least part of that rationale stems

from a parent's fundamental right to raise their child, including having input on major decisions concerning the child. See N.J.S.A. 9:2-4 ("The Legislature finds and declares that it is in the public policy of this State to assure minor children of frequent and continuing contact with both parents after the parents have separated or dissolved their marriage and that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy.").

Although the parties have not communicated well to date, communication can be improved with time and with some parameters the court will set below.

Communication Protocols

Effective communication between NF and NM will be particularly critical considering the parties' significant distances and the communication issues that have arisen thus far. The court also needs to have the clearest evidence of the parties' compliance with its orders so it can determine whether the parties are acting in good faith and minimize disputed facts in connection with any future proceedings. The best method to do so is by requiring the parties to communicate primarily, if not exclusively, in writing. The parties shall immediately download AppClose and shall ensure they do not block each other on their cell phones as they will need to link their accounts.

The parties shall communicate through AppClose concerning parenting time/visitation, including but not limited to any requests to confirm or modify the

schedule and to notify the other parties of inevitable delays in traveling to the exchange location (although the parties should plan diligently to avoid delays), and memorializing any violation of the accompanying order. The parties may even wish to "check in" through AppClose at the exchange location once they are present. Because they share legal custody, NF and NM should communicate through AppClose concerning issues pertaining to G.A.'s schooling and health including notifications of any significant events and the exchange of information concerning G.A.'s healthcare providers.

Any party wishing to bring any communications to the court's attention at a hearing should generate and provide a transcript of the parties' communications through AppClose as transcripts are easier to follow than printouts of screenshots. The court expects the parties to adhere strictly to this requirement as it is for the parties' protection and will assist the court with a thorough and orderly disposition of the matter. Lastly, the Court Rules require that any communications not in English be translated by a certified translator. The parties may wish to consider using available online translation tools to minimize expenses associated with such translation.