

Partner Matheu D. Nunn successfully argued in front of NJ Supreme Court to change how courts decide disputes over relocation of children from NJ following divorce

New Jersey Supreme Court Reverses Itself and Ushers Child Relocation Law into the 21st Century

The New Jersey Supreme Court issued a landmark child-relocation decision today that reversed nearly two decades of its jurisprudence. The decision, Bisbing v. Bisbing, Docket No. A-2-16 (2017), requires divorced parents who seek to relocate from New Jersey with children to establish that the move is in the “children’s best interests.” According to court documents, the new standard established in Bisbing guarantees that the focus remains, at all times, on the child’s best interests. Under the old standard, which the Court established in the 2001 decision of Baures v. Lewis, although children subject to the move were considered, the focus was on whether the move would cause harm to the children.

[Matheu D. Nunn, Esq.](#), a Partner at Einhorn Barbarito, prevailed for Mr. Bisbing at both the New Jersey Appellate Division and Supreme Court. Nunn stated, “The parties in this case agreed that neither party would relocate, which arguably should have resolved the dispute. But the underlying issue resolved by this case – one at the center of all relocation cases – is why a ‘best interests’ standard would be used for all custody determinations other than one that separates parents from their children by hundreds or thousands of miles.” Nunn added, “Fortunately, after many attempts by the matrimonial bar since Baures v. Lewis, I was able to convince the court that the time had come to revisit Baures and apply a ‘best interests’ standard to relocation disputes.”

Nunn concluded, “Although this decision is a slight rebuke of the notion that technology always amounts to progress, as well as on the social science relied upon in Baures, the greater impact is on the rights of parents following a divorce, to remain an integral part of their children’s lives.”