SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1328-16T2

NEW JERSEY DIVISION OF CHILD PROTECTION AND PERMANENCY,

Plaintiff-Respondent,

v.

L.G.,

Defendant-Appellant.

IN THE MATTER OF THE GUARDIANSHIP OF A.L.G., a minor.

Submitted October 4, 2017 – Decided October 24, 2017

Before Judges Koblitz, Manahan and Suter.

On appeal from Superior Court of New Jersey, Chancery Division, Family Part, Essex County, Docket No. FG-07-0182-16.

Joseph E. Krakora, Public Defender, attorney for appellant (Daniel DiLella, Designated Counsel, on the briefs).

Christopher S. Porrino, Attorney General, attorney for respondent (Andrea M. Silkowitz, Assistant Attorney General, of counsel; Alan R. Blankstein, Deputy Attorney General, on the brief).

Joseph E. Krakora, Public Defender, Law Guardian, attorney for minor (Linda Vele Alexander, Designated Counsel, on the brief).

PER CURIAM

Defendant L.G. appeals from a Family Part order dated November 15, 2016, terminating her parental rights to her daughter A.L.G. (Ann)[1], who was six years old at the time of the guardianship trial.[2] We affirm, substantially for the reasons stated by Judge David Katz in his written opinion issued with the order.

The evidence is outlined in detail in the judge's opinion. A summary will suffice here. Ann was born in 2010. She was removed from defendant in May 2015 due to defendant's inability to care for her child due to her drug involvement. Defendant admitted at that time that she had relapsed and was again using heroin. Ann was immediately placed with her current resource parent, who wishes to adopt her. According to the Division's expert psychologist, Ann is bonded to her resource parent and wishes to be adopted by her. The Law Guardian agrees with the Division that termination of parental rights is in Ann's best interests.

[1] Pursuant to Rule 1:38-3(d)(12), we use initials and fictitious names to protect the privacy of the family.

[2] The child's father did not present himself as a placement nor cooperate with the Division of Child Protection and Permanency (Division). He defaulted, his parental rights were terminated, and he does not appeal.

Defendant had three older children. One died, another child was an adult at the time of trial, and defendant's parental rights to a third child had been involuntarily terminated and the child adopted. The Division was relieved from the obligation to make reasonable efforts to provide services to defendant, pursuant to N.J.S.A. 30:4C-11.2, based on this prior involuntary termination of parental rights. Nonetheless, the Division did offer defendant various evaluations and opportunities for drug and psychiatric treatment. The Division also evaluated individuals known to defendant for placement who were ruled out. Defendant refused to cooperate with a bonding evaluation and had not visited Ann for more than six months at the time of trial. When she did participate in visits, she was frequently not engaged with her daughter. She had slurred speech and great difficulty staying awake during some visits. Although recommended for in-patient treatment, defendant was not willing to avail herself of that option. She tested positive for both prescription drugs not prescribed to her, as well as illegal substances, dozens of times after Ann was removed from her custody.

In his comprehensive opinion, Judge Katz found that the Division had proven by clear and convincing evidence all four prongs of the best interests test, N.J.S.A. 30:4C-15.1(a), and that termination of defendant's parental rights was in the child's

best interests. On this appeal, our review of the trial judge's decision is limited. We defer to his expertise as a Family Part judge, Cesare v. Cesare, 154 N.J. 394, 412 (1998), and we are bound by his factual findings so long as they are supported by sufficient credible evidence. N.J. Div. of Youth & Family Servs. v. M.M., 189 N.J. 261, 279 (2007) (citing In re Guardianship of J.T., 269 N.J. Super. 172, 188 (App. Div. 1993)). After reviewing the record, we conclude that the trial judge's factual findings are fully supported by the record and, in light of those facts, his legal conclusions are unassailable.

Defendant contends that the trial judge erred in his findings with regard to all four prongs of the best interests test and admitted evidence improperly. Those arguments are without sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E).

Affirmed.