

RECORD IMPOUNDED

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SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-4968-15T2

NEW JERSEY DIVISION OF CHILD
PROTECTION AND PERMANENCY,

Plaintiff-Respondent,

v.

A.J.,

Defendant-Appellant.

IN THE MATTER OF THE GUARDIANSHIP
OF K.J. and L.M., minors.

Argued March 7, 2017 – Decided March 20, 2017

Before Judges Koblitz and Summers.

On appeal from Superior Court of New Jersey,
Chancery Division, Family Part, Ocean County,
Docket No. FG-15-59-15.

Joseph D. Sams, Designated Counsel, argued the
cause for appellant (Joseph E. Krakora, Public
Defender, attorney; Mr. Sams, on the brief).

Melvina Fennell, Deputy Attorney General,
argued the cause for respondent (Christopher
S. Porrino, Attorney General, attorney;
Melissa Dutton Schaffer, Assistant Attorney

General, of counsel; Ms. Fennell, on the brief).

Linda Vele Alexander, Designated Counsel, argued the cause for minors (Joseph E. Krakora, Public Defender, Law Guardian, attorney; Ms. Alexander, on the brief).

PER CURIAM

Defendant A.J. appeals from a Family Part order dated June 29, 2016, terminating his parental rights to his two sons: K.J., born in 2012 and L.M., born in 2014. The Law Guardian supports termination. We affirm, substantially for the reasons stated by Judge Therese A. Cunningham in her thorough written opinion issued with the order.

The evidence is outlined in detail in the judge's opinion. A summary will suffice here. Defendant, who did not appear at trial, appeals from the termination of his rights to his two sons, aged two and four at the time of trial. The children have been living with the maternal grandparents. The boys' mother gave an identified surrender to her parents, who wish to adopt the children. Defendant was repeatedly violent towards the mother, at least once in the presence of the older son. He was convicted criminally of aggravated assault against her. The mother was involved with illegal drugs.

Defendant did not comply with court-ordered services and advised the Division of Child Protection and Permanency (Division)

that he did not wish to exercise visitation with either child until he had completed services and could visit unsupervised. As a result, he has not had contact with his son K.J. since his removal in October 2013. He never saw his younger son and refused to comply with paternity testing, denying he was the father of the younger boy. He finally complied with the sixteenth scheduled appointment, where the paternity test confirmed he is L.M.'s biological father.

Defendant never complied with a bonding evaluation, although it was rescheduled four times. The Division's expert found that K.J., who has special needs, is securely bonded to his maternal grandparents. L.M., who was too young at the time of the evaluation to form a permanent bond, was also on his way to developing a strong bond with his caretakers. The Division's expert opined that severing those bonds would be "catastrophic" for the children.

In her comprehensive twenty-two page written opinion, Judge Cunningham found that the Division had proven 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 children's best interests. On this appeal, our review of the trial judge's decision is limited. We defer to her expertise as a Family Part judge, Cesare v. Cesare, 154 N.J. 394, 412 (1998), and we are

bound by her 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, her legal conclusions are unassailable.

Defendant contends that the trial court erred in admitting into evidence some of the Division's records, including copies of letters advising defendant of appointments. Defendant also asserts that the trial court erred in finding that he harmed the children, and in finding that the Division provided him with reasonable services. Defendant claims that the Division violated its "fiduciary duty" to defendant by not advising him how important it was for him to visit his children. We note that throughout the proceedings defendant was represented by counsel to advise him. His arguments are without sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E).

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION