SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2976-16T3

NEW JERSEY DIVISION OF CHILD PROTECTION AND PERMANENCY,

Plaintiff-Respondent,

v.

I.H.,

Defendant-Appellant.

IN THE MATTER OF THE GUARDIANSHIP OF S.A.H.,

a Minor.

Submitted March 6, 2018 – Decided March 29, 2018

Before Judges Yannotti, Mawla and DeAlmeida.

On appeal from Superior Court of New Jersey, Chancery Division, Family Part, Essex County, Docket No. FG-07-0179-16.

Joseph E. Krakora, Public Defender, attorney for appellant (Thomas W. MacLeod, Designated Counsel, on the briefs).

Gurbir S. Grewal, Attorney General, attorney for respondent (Jason W. Rockwell, Assistant

Attorney General, of counsel; Cristina Ramundo, Deputy Attorney General, on the brief).

Joseph E. Krakora, Public Defender, Law Guardian, attorney for minor (Margo E.K. Hirsch, Designated Counsel, on the brief).

PER CURIAM

I.H. appeals from an order entered by the Family Part on March 1, 2017, terminating her parental rights to S.A.H.[1] She argues that the Division of Child Protection and Permanency (Division) did not establish the four prongs of the best interests of the child standard in N.J.S.A. 30:4C-15.1(a). We disagree and affirm.

I.

On June 4, 2012, the Division received a referral that I.H. was eight-months pregnant and homeless. The Division did not investigate the referral because the child had not yet been born; however, a caseworker contacted I.H., and she told the worker she was receiving Social Security Income (SSI) and food stamps, and was enrolled in Medicaid. The following day, I.H. reported to the Division that she lost her bed in the shelter where she had been staying. The Division provided I.H. with a list of shelters and agencies that provide housing assistance.

[1] The trial court's order also terminated the parental rights of N.D., the child's birth father. He has not appealed.

On July 10, 2012, the Division received a referral indicating that earlier that month, I.H. had given birth to S.A.H. at Newark Beth Israel Hospital (NBIH). The child was placed in the hospital's neonatal intensive care unit because she was born premature and had certain medical problems. On July 11, 2012, I.H. asked the Division to provide her with housing assistance.

A caseworker interviewed I.H., and she reported that she had been residing in an apartment, but moved out because of mold. The Division investigated I.H.'s claim and learned that on February 28, 2012, I.H. was evicted from her apartment for non-payment of rent. I.H. told the caseworker she attempted to secure emergency housing, but a welfare agency denied her application because she "caused [her] own homelessness."

I.H. claimed that after S.A.H. was born, she returned to the welfare agency to request housing assistance, but she failed to provide the agency with proof she had given birth. I.H. informed the caseworker she did not have any family members who could help her. She indicated she was residing in a hotel and paying the cost with her SSI benefits and other financial assistance. In July 2012, NBIH cleared S.A.H. for discharge. Thereafter, the Division

removed S.A.H. from I.H.'s custody on an emergency basis and placed her in a non-relative resource home with T.G.[2]

On July 16, 2012, the Division filed a verified complaint and order to show cause in the Family Part seeking care, custody, and supervision of S.A.H. pursuant to N.J.S.A. 9:6-8.21 and N.J.S.A. 30:4C-12. The court granted the Division's application for temporary relief and placed S.A.H. in the Division's custody. I.H. was allowed weekly supervised visits with the child.

Later that month, the Division held a family team meeting, which I.H., N.D., and I.H.'s maternal aunt attended. I.H. reported that the night before, she slept in the restroom of a bus station. She also reported that she had been staying with her cousin but she was not sure if her cousin would allow her to remain there. The caseworker secured a bed for I.H. at a shelter in Montclair. In addition, N.D. informed the caseworker he wanted S.A.H. to live with him and his wife, S.W. A week later, the Division assessed their home.

During August 2012, I.H.'s attendance at weekly visits with S.A.H. was inconsistent. The Division referred I.H. to Family Connections Reunity House for therapeutic supervised visitation, parenting skills classes, and other services. In September 2012,

[2] The emergency removal was undertaken pursuant to the Dodd Act, N.J.S.A. 9:6-8.21 to -8.82.

the Division conducted another family team meeting and developed a plan to reunite S.A.H. with N.D. I.H. agreed to enroll in services at the Division of Vocational Rehabilitation (DVR) and to follow up with a job prospect.

In September 2012, I.H. began services at Reunity House. At a visit there on September 11, 2012, I.H. was unable to hold S.A.H. safely and apparently could not change the child's diaper. It was recommended that she participate in enhanced skills classes on child development. At a visit later in the month, I.H. still could not hold the child properly. On September 29, 2012, I.H. was discharged from the shelter in Montclair. It appears she had been combative with a staff member and refused to attend weekly house meetings.

In October 2012, I.H.'s visits with S.A.H. were inconsistent. At some of the visits, I.H. failed to demonstrate appropriate parenting skills. The Division referred I.H. for individual therapy and counseling with Denise Williams-Johnson, Ph.D. The first session was scheduled for October 2, 2012, but I.H. did not attend. She attended a session two weeks later, but cancelled the sessions scheduled for October 23, 2012, and November 13, 2012, and never returned. She told the caseworker she did not need therapy.

On October 23 and 26, 2012, Jonathan H. Mack, Psy.D. conducted a psychological and neuropsychological evaluation of I.H. During the evaluation, I.H. told Dr. Mack her plan was to have S.A.H. placed with N.D. I.H. admitted she did not have independent housing. Dr. Mack found that I.H. showed poor judgment, and he recommended that S.A.H. not be returned to her custody until she achieved greater stability in her life. Dr. Mack also recommended that I.H. obtain services through the DVR, as well as a speech and language evaluation.

On November 7, 2012, I.H. informed the Division's caseworker that she had leased a one-bedroom apartment at a rent of $600 per month and that she was seeking employment. She requested assistance with furniture. A caseworker later attempted to visit the apartment, but the building appeared abandoned and I.H. did not answer the phone.

On November 14, 2012, a Family Part judge conducted a fact-finding hearing and found by a preponderance of the evidence that I.H. abused or neglected S.A.H. by failing to provide or maintain adequate shelter for her despite having sufficient income to do so. The judge noted that I.H. had been evicted from her apartment in February 2012, and she failed to follow up on the housing resources the Division had recommended in June 2012.

I.H. did not attend the visits with S.A.H. that were scheduled for November 12 and 26, 2012. She attended the visit on November 19, 2012, but again failed to demonstrate proper parenting skills. I.H. arrived late for a visit on December 3, 2012, and it was cancelled. I.H. did not attend the visit scheduled for December 10, 2012. She appeared for the December 17, 2012 visit. The visitation specialist expressed concerns about I.H.'s ability to care for S.A.H.

On January 3, 2013, I.H. met with a caseworker. She acknowledged she had been inconsistent with her visits, and she had not engaged in therapy. She again requested assistance with furniture. The caseworker informed her that the apartment had to be assessed before such assistance could be provided.

On January 7, 2013, I.H. failed to attend a visit with S.A.H. She visited the child on January 22, 2013. A supervisor noted concerns about I.H.'s ability to retain any of the instructions on parenting she had been given. At a visit on January 29, 2013, I.H. required assistance feeding the child.

At that time, the Division's plan was for reunification of S.A.H. with N.D. I.H. agreed to the plan, but asked the Division to consider certain relatives as potential caretakers. She later told the Division not to consider any of the relative resources

she identified because they had unstable and inappropriate living conditions.

In January 2013, I.H. informed the Division she was continuing to seek employment. She completed a program for survival skills for women at Reunity House. She attended visits with S.A.H. in February and March 2013, but continued to demonstrate a lack of parenting skills. In March 2013, I.H. refused all services, claiming the services took time that she needed for herself.

On March 22, 2013, S.A.H. was placed with N.D. and his wife S.W., and the Division arranged for I.H. to have supervised visits with the child at its office. I.H. was late for the first visit. In April 2013, I.H. reported that she had moved into a studio apartment in East Orange, at a monthly rent of $550. She claimed she was waiting to start a job.

In June 2013, a caseworker visited N.D.'s home and noticed that S.A.H. had lost weight. N.D. informed the worker that he had not taken the child to several scheduled medical appointments. The caseworker told N.D. to take the child to a doctor. On June 21, 2013, a pediatrician admitted S.A.H. to NBIH, and the child was diagnosed with a failure to thrive. The Division substantiated N.D. and S.W. for neglect and removed S.A.H. from their home.

On June 27, 2013, the court granted the Division custody of S.A.H. Upon her discharge from the hospital, S.A.H. was again

placed with T.G., where she has remained since. I.H. was granted weekly supervised visitation and she was again referred to Reunity House. I.H. claimed she had housing and she was going to begin working the following week. I.H. agreed to attend parenting classes, but she refused other services. I.H. visited S.A.H. in July 2013; however, in August 2013, her visits were sporadic.

On September 25, 2013, the judge conducted a permanency hearing and approved the Division's plan for termination of I.H.'s and N.D.'s parental rights to S.A.H. followed by adoption. T.G. provided the court with a letter stating she was committed to adopting the child. On October 16, 2013, the Division filed its complaint for guardianship.

In January 2014, I.H. reported to the Division that she was employed. She said she was living with her paramour J.M.-A. in a one-bedroom apartment. In February 2014, I.H. gave birth to another child, S.A. The Division provided I.H. with parenting aide services and assisted her in finding daycare for the newborn child so that she could return to work. In March 2014, T.G. signed an acknowledgement indicating she had received a fact sheet pertaining to adoption and Kinship Legal Guardianship (KLG).

In April 2014, Catholic Charities recommended intensive, in-home parenting services, and began to provide services. I.H. began supervised visits with S.A.H. at Tri-City Peoples Corp. (Tri-

City). She also began a program on in-home parenting skills, but her attendance at that program was sporadic. As of June 4, 2014, I.H. had not returned to work. She chose not to work full time so that she could continue to receive SSI. In July 2014, I.H. began working at a retail store, but the store terminated her employment in September 2014.

Between June and December 2014, forty-seven visits were scheduled for I.H and S.A.H. at Tri-City. She failed to attend twelve visits and was late for twenty-four visits. In addition, during these visits, I.H. did not demonstrate appropriate parenting skills. In December 2014, Tri-City terminated I.H. from its visitation program. Catholic Charities reported that between January and February 2015, I.H. did not attend half of her scheduled sessions there.

By February 2015, I.H. was no longer residing with J.M.-A. She was not employed, and she was receiving SSI. In May 2015, I.H. was evicted from an apartment for non-payment of rent. The Division referred I.H. to Babyland Family Services, Inc. for supervised visits, which began in March 2015. She attended two of four visits in June 2015.

In July 2015, I.H. informed the Division she was living with a former neighbor, but claimed she did not know the neighbor's address. Later that month, I.H. reported to the Division that she

was homeless. That month, she only attended three out of five visits. In August 2015, the Division referred I.H. to Family Connections for individual therapy. By September 2015, I.H. still had not completed an application for temporary rental assistance.

On September 23, 2015, T.G. wrote to the court. She stated she had become fearful of S.A.H.'s family members, but after discussing the matter with her family, she was committed to adoption and would not change her mind again. In October 2015, I.H. attended two of four scheduled visits.

As of November 2015, she had attended only one of six scheduled therapy sessions at Family Connections. Her case was closed due to a lack of attendance. In November 2015, I.H. attended two of four scheduled visits. The Division learned that I.H. had been evicted from her apartment and again was homeless. The Division conducted an emergency removal of S.A., and J.M.-A. agreed to take custody of the child.

In March 2016, I.H. was suspended from Family Intervention Services, Inc., which had attempted to provide her with services for parent support and home management skills. The caseworker enrolled I.H. in another program at Sierra House, but she was later discharged from that program. In September 2016, the Division learned that I.H. had given birth to another child and was homeless.

II.

Beginning in October 2016, Judge Linda Lordi Cavanaugh conducted a trial on the Division's guardianship complaint. N.D. did not appear for the trial.

The Division presented testimony from Peter DeNigris, Psy.D., who had performed a bonding evaluation of S.A.H. and T.G. Dr. DeNigris did not perform a bonding evaluation of I.H. and S.A.H. because I.H. failed to appear. Dr. DeNigris testified that S.A.H. had a healthy bond with T.G., and that the child would achieve permanency if adopted by her. Dr. DeNigris said S.A.H. would be harmed if removed from T.G., and no other adults were committed to the child, which exacerbates the harm.

The Division's caseworker, Nyesha Johnson, also testified. She described the Division's involvement with I.H. and the children, and the services the Division had provided. She stated that I.H. failed to complete services, and she did not have stable housing, which was required for reunification.

Johnson noted that neither I.H. nor N.D. had identified any relatives as possible caretakers and no relatives had come forward to offer themselves for placement. She said the Division explained the differences between adoption and KLG to T.G. Johnson stated that I.H. had identified a family friend as a possible placement,

but neither I.H. nor her friend ever asked the Division to consider the friend as a placement.

The Law Guardian presented testimony from Elizabeth Smith, Psy.D. who performed a psychological evaluation of I.H. She said that I.H. demonstrates poor judgment. In addition, I.H. has borderline intellectual functioning with poor "executive functioning," which is the ability to plan and follow through.

Dr. Smith testified that I.H. is not able to care for a child and does not exhibit the organization, timeliness, and planning that parenting requires. She noted that S.A.H. is a special needs child with Attention Deficit Hyperactivity Disorder, and she requires a lot of structure and organization that I.H. cannot provide.

Dr. Smith also performed a bonding evaluation of S.A.H. and I.H., and a bonding evaluation of S.A.H. and T.G. She said S.A.H. did not have a strong and enduring bond with I.H., but the child had developed a bond with T.G., who had become her psychological parent. Dr. Smith stated that the child would be harmed if removed from T.G.

Dr. Smith testified that I.H.'s judgments are so poor she could not give the child the kind of love and attention that would mitigate the loss of her primary attachment figure. She further testified that in her opinion, termination of parental rights was

appropriate and her opinion would not change even if T.G. was no longer willing to adopt S.A.H. She stated that neither I.H. nor N.D. had the ability to parent the child safely. I.H. did not testify and she did not call any witnesses.

On February 28, 2017, Judge Cavanaugh filed a thorough and comprehensive eighty-page written opinion finding that the Division had established with clear and convincing evidence all four prongs of the test for termination of parental rights in N.J.S.A. 30:4C-15.1(a). The judge entered an order terminating I.H.'s and N.D.'s parental rights to S.A.H. This appeal followed.

III.

On appeal, I.H. argues that the judge erred by granting the Division's application for the termination of her parental rights. She contends that there is insufficient evidence to support the court's findings of fact.

A parent has a constitutional right to rear his or her child, but that right is not absolute. N.J. Div. of Youth & Family Servs. v. F.M., 211 N.J. 420, 447 (2012) (citation omitted). The parent's right is "tempered by the State's parens patriae responsibility to protect children whose vulnerable lives or psychological well-being may have been harmed or may be seriously endangered by a neglectful or abusive parent." Ibid. (citations omitted).

Therefore, N.J.S.A. 30:4C-15.1(a) authorizes the Division to seek the termination of parental rights in the "best interests of the child" when four criteria are established. "The four criteria enumerated in the best interests standard are not discrete and separate; they relate to and overlap with one another to provide a comprehensive standard that identifies a child's best interests." In re Guardianship of K.H.O., 161 N.J. 337, 348 (1999). The Division must establish the criteria in N.J.S.A. 30:4C-15.1(a) by clear and convincing evidence. In re Guardianship of K.L.F., 129 N.J. 32, 38 (1992) (citing In re J.C., 129 N.J. 1, 10-11 (1992)).

The scope of our review in an appeal from an order terminating parental rights is limited. N.J. Div. of Youth & Family Servs. v. G.L., 191 N.J. 596, 605 (2007) (citing In re Guardianship of J.N.H., 172 N.J. 440, 472 (2002)). "Appellate courts must defer to a trial judge's findings of fact if supported by adequate, substantial, and credible evidence in the record." Ibid. (citing In re Guardianship of J.T., 269 N.J. Super. 172, 188 (App. Div. 1993)). Furthermore, factual findings of the Family Part "are entitled to considerable deference." D.W. v. R.W., 212 N.J. 232, 245 (2012) (citing Cesare v. Cesare, 154 N.J. 394, 413 (1998)).

IV.

On appeal, I.H. argues that the judge erred by finding that prong one has been established. She contends the harms that the judge identified in her decision are not sufficient to satisfy prong one. We disagree.

Prong one of the test for termination of parental rights requires the Division to establish that the child's "safety, health, or development has been or will continue to be endangered by the parental relationship." N.J.S.A. 30:4C-15.1(a)(1). Although prong one may be established by a "particularly egregious single harm," this prong also may be shown by "the effect of harms arising from the parent-child relationship over time on the child's health and development." K.H.O., 161 N.J. at 348.

Moreover, under prong one, harm is not limited to physical abuse or neglect. In re Guardianship of R., 155 N.J. Super. 186, 194 (App. Div. 1997). "A parent's withdrawal of that solicitude, nurture, and care for an extended period of time is in itself a harm that endangers the health and development of the child." In re Guardianship of D.M.H., 161 N.J. 365, 379 (1999) (quoting K.H.O., 161 N.J. at 352-54). The lack of a permanent, safe and stable home also is harm for purposes of the first prong. Id. at 383.

Here, the judge determined that the Division had established prong one with clear and convincing evidence. The judge found that I.H. was unable to maintain stable housing since the child was born, and I.H. has never had custody of the child. The judge pointed out that I.H. has never provided for the child financially, and she has never been responsible for her daily needs. The judge noted that I.H. has consistently exhibited immature and irresponsible reasoning.

The judge observed that I.H. told Dr. Smith she has no flaws and did not require services. The judge also observed that I.H. has been "routinely inconsistent with services," which the Division provided to help her effectively parent S.A.H. The judge found that "at best," I.H. was inconsistent with visitation.

We are convinced there is sufficient credible evidence in the record to support the judge's finding that S.A.H.'s safety, health, and development have been harmed by her relationship with I.H. The judge's finding is supported by evidence of I.H.'s persistent failure to maintain stable housing, her inability to capably parent the child, her failure to attend and complete services that would have allowed her to regain custody, and the child's lengthy placement with her resource parent.

I.H. argues, however, that her failure to maintain stable housing was likely the result of poverty. The record does not

support that argument. The evidence clearly and convincingly established that I.H. had sufficient funds to secure and maintain stable housing. In the relevant time, I.H. was receiving SSI benefits of more than $700 per month.

Furthermore, at times, I.H. maintained part-time employment. In addition, she received food stamps and she was enrolled in Medicaid. I.H. also was eligible for housing subsidies. Therefore, the record supports the judge's finding that I.H. failed to maintain stable housing despite having sufficient funds to do so.

I.H. also argues that the judge erred by citing her psychological problems as support for her findings on prong one. She contends her psychological issues are not a bar to reunification. The record shows, however, that the child was not returned to I.H. because she was not capable of providing the child with a safe and stable home. I.H.'s psychological issues may have been a factor, but they were not the only factor in her inability to parent the child safely.

I.H. further argues that S.A.H. was not harmed by her failure to take full advantage of services, but the record shows that I.H. failed to take the necessary steps that would have allowed S.A.H. to be returned to her care. Consequently, S.A.H. remained in foster care almost her entire life, and in that time, formed a bond with T.G., who became her psychological parent.

It is well-established that a child may be harmed if a child forms a bond with a resource parent due to a parent's prolonged inattention, and the bond cannot be severed without causing the child to suffer harm. N.J. Div. of Youth & Family Servs. v. B.G.S., 291 N.J. Super. 582, 592 (App. Div. 1996) (citing J.C. 129 N.J. at 18). That is precisely what occurred here.

V.

On appeal, I.H. argues the judge erred by finding that the Division established prong two with clear and convincing evidence. She contends the record does not support the judge's finding that she could not maintain stable housing. She asserts that, to the contrary, she did have stable housing at times.

She further argues that the judge erred by finding that she did not receive the necessary mental health treatment. She contends the record does not support Dr. Smith's opinion that she had a "very severe" personality disorder which makes it difficult for her to appreciate the needs of her child, to make good judgments, and to benefit from treatment. She claims she has benefitted from some services.

Prong two of the best interests of the child standard requires the Division to show that "the parent is unwilling or unable to eliminate the harm facing the child or is unable or unwilling to provide a safe and stable home for the child and the delay of

permanent placement will add to the harm." N.J.S.A. 30:4C-15.1(a)(2). Prong two also states, "[s]uch harm may include evidence that separating the child from his resource family parents would cause serious and enduring emotional or psychological harm to the child." Ibid.

The focus of the second prong is whether the parent has cured and overcome the initial harm that endangered the child and whether the parent is able to prevent recurrent harm to the child. K.H.O., 161 N.J. at 348; N.J. Div. of Youth & Family Servs. v. A.W., 103 N.J. 591, 607 (1986). The court must determine whether the parent has become fit, or can become fit and remain fit, to safely parent the child. J.C., 129 N.J. at 10 (citing A.W., 103 N.J. at 607).

Where a court finds that a parent has shown no improvement and there is little hope of improvement in the future, the State may not add to the harm by delaying permanency for the child. N.J. Div. of Youth & Family Servs. v. M.M., 189 N.J. 261, 283–85 (2007). If parental unfitness is the concern, the child's need for permanency is paramount. B.G.S., 291 N.J. Super. at 593.

There is sufficient credible evidence in the record to support the judge's finding that I.H. was unable or unwilling to eliminate the harm to the child from the parental relationship. As we have explained, the record shows that I.H. consistently failed to maintain stable housing, despite having the funds to do so.

I.H. also failed to complete the services the Division provided to improve her parenting skills. She refused to attend therapy and counseling, insisting that she did not require these services. She was provided supervised visitation, but her visits were sporadic at best. She was discharged from various programs for non-attendance.

Thus, the Division presented clear and convincing evidence which established that I.H. was unable or unwilling to eliminate the harm to the child resulting from the parental relationship. Consequently, the child could not be reunited with I.H., and she remained in placement with her resource parent for almost her entire life. The judge correctly found that this is the sort of "parental dereliction and irresponsibility" that establishes prong two. See K.H.O., 161 N.J. at 353.

VI.

In addition, I.H. argues the Division failed to establish prong three by clear and convincing evidence. We disagree.

To establish the third prong of the best interests of the child standard, the Division must show that it made reasonable efforts to help the parent correct the circumstances, which led to the child's placement in foster care and that it considered alternatives to termination of parental rights. N.J.S.A. 30:4C-15.1(a)(3).

On appeal, I.H. does not argue that the Division failed to make reasonable efforts to address the circumstances that led to the child's removal. Indeed, there is no basis for such an argument. The record shows that the Division provided I.H. with an extensive array of services. She failed to avail herself of the opportunities provided to correct the circumstances that led to the child's removal from her care.

I.H. argues that the judge erred by finding there is no alternative to the termination of her parental rights. She contends the Division did not consider placement of S.A.H. with a family friend.

At trial, Johnson testified that I.H. had identified her friend as a possible placement for S.A.H., but I.H.'s friend never asked to be assessed as a placement for S.A.H. In addition, I.H. did not ask the Division to consider her friend as a possible placement. The record therefore supports the judge's finding that neither I.H. nor her friend followed up with the Division on the possible placement.

I.H. also argues there is insufficient evidence to show that T.G. understood the differences between adoption and KLG. Again, we disagree. KLG is not a viable option if adoption is both feasible and likely. See N.J. Div. of Youth & Family Servs. v. P.P., 180 N.J. 494, 508 (2004). Here, the judge found that T.G.

was committed to adopting S.A.H., as shown by the letter written to the court and by Johnson's testimony.

The judge noted that T.G. briefly wavered in her commitment to adopt the child, but T.G. explained this was because she feared S.A.H.'s family. Thus, the record shows adoption was feasible and likely. Moreover, T.G. signed the fact sheet explaining adoption and KLG. There is no indication that T.G. did not understand the difference between adoption and KLG. Therefore, KLG was not a legally acceptable alternative to termination of I.H.'s parental rights.

I.H. further argues that the judge did not consider another alternative to termination of parental rights, specifically her reunification with the child. To the contrary, the judge obviously considered this alternative and found that reunification of S.A.H. with I.H. was not acceptable.

Here, the judge accepted the expert testimony, which established that I.H. was not capable of safely parenting S.A.H. The record also shows that S.A.H. would suffer substantial harm if removed from T.G., and adoption of the child would provide her with the permanency she requires. Thus, the evidence clearly and convincingly established that reunification of the child with I.H. is not an alternative to termination of I.H.'s parental rights.

VII.

On appeal, I.H. argues that the judge erred by relying upon the expert opinions of Dr. DeNigris and Dr. Smith as support for her conclusion that the Division established prong four. Again, we disagree.

Under the fourth prong of the best interests of the child standard, the Division must establish that termination of parental rights will not do more harm than good to the child. N.J.S.A. 30:4C-15.1(4). In considering this prong, the child's need for permanency and stability is essential. K.H.O, 161 N.J. at 357.

As we have explained, Dr. Smith testified that S.A.H. has a strong bond with T.G., who the child views as her psychological parent. Dr. Smith explained that S.A.H. is a special needs child, and she requires more structure and guidance than children without such needs. S.A.H. also needs a parent who can provide her with stability and predictability.

Dr. Smith further testified that S.A.H. is "profoundly attached" to T.G. She said removing S.A.H. from T.G.'s care would cause the child severe and enduring harm, which I.H. is incapable of mitigating. Dr. Smith observed that I.H. was both unable and unwilling to improve her parenting skills. She also opined that it is highly unlikely that I.H. will be able to improve her ability to parent if given more time to do so.

In addition, Dr. DeNigris testified that there was a healthy bond between S.A.H. and T.G., which is essential to a child's social and emotional development. Dr. DeNigris said S.A.H. could achieve permanency with T.G. and benefit from the stability, security, attachment, and trust that would accrue if adopted.

Thus, there is sufficient credible evidence in the record to support the judge's determination that termination of I.H.'s parental rights to S.A.H. would not do more harm than good. The judge found that both Dr. DeNigris and Dr. Smith had presented credible testimony, which was supported by their evaluations.

As Judge Cavanaugh noted in her decision, Dr. Smith and Dr. DeNigris were uniformly of the view that removing S.A.H. from T.G.'s care would cause S.A.H. substantial harm, which I.H. could not mitigate. Their expert testimony was unrebutted. As the judge determined, T.G. "has provided [S.A.H.] with the stability, love and support that her biological parents have been unable or unwilling to provide to her."

We have considered I.H.'s other contentions on appeal and find that they lack sufficient merit to warrant discussion. R. 2:11-3(e)(1)(E).

Affirmed.