

**RECORD IMPOUNDED**

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This opinion shall not "constitute precedent or be binding upon any court."  
Although it is posted on the internet, this opinion is binding only on the  
parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-3418-16T1

NEW JERSEY DIVISION OF CHILD  
PROTECTION AND PERMANENCY,

Plaintiff-Respondent,

v.

V.R.,

Defendant-Appellant.

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IN THE KINSHIP MATTER OF  
J.R., a Minor.

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Submitted May 22, 2018 – Decided May 29, 2018

Before Judges Fasciale, Summers and Moynihan.

On appeal from Superior Court of New Jersey,  
Chancery Division, Family Part, Bergen County,  
Docket No. FL-02-0028-17.

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

Gurbir S. Grewal, Attorney General, attorney  
for respondent (Jason W. Rockwell, Assistant  
Attorney General, of counsel; Mehnaz Rahim,  
Deputy Attorney General, on the brief).

Joseph E. Krakora, Public Defender, Law Guardian, attorney for minor (David B. Valentin, Assistant Deputy Public Defender, on the brief).

PER CURIAM

Defendant V.R. (the mother) appeals from an order awarding kinship legal guardianship (KLG) of her son (the child)<sup>1</sup> to his paternal uncle. Judge Jane Gallina-Mecca entered the order and rendered a forty-eight page written decision after conducting a comprehensive hearing. The focus of the appeal pertains to that part of the order in which the judge ordered supervised visitation. We affirm.

The mother argues that the judge thwarted her visitation rights by imposing supervised visitation; there is insufficient evidential support to warrant supervised visitation; and that she was otherwise fit to have unsupervised visitation with the child. The Division of Child Protection and Permanency (the Division) contends that there exists ample support for the judge's visitation ruling, and the law guardian emphasizes that the mother has made these objections to the supervised visitation for the first time on appeal.

We defer to a judge's factual findings and credibility determinations. N.J. Div. of Youth & Family Servs. v. M.M., 189

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<sup>1</sup> The child was born in 2000.

N.J. 261, 293 (2007). "A reviewing court should uphold the factual findings undergirding the trial [judge]'s decision if they are supported by 'adequate, substantial and credible evidence' on the record." Id. at 279 (quoting In re Guardianship of J.T., 269 N.J. Super. 172, 188 (App. Div. 1993)). "Because of the family courts' special jurisdiction and expertise in family matters, appellate courts should accord deference to [the judge's] fact[-]finding." Cesare v. Cesare, 154 N.J. 394, 413 (1998); accord N.J. Div. of Youth & Family Servs. v. M.C. III, 201 N.J. 328, 343 (2010). We have no reason to disturb the judge's findings.

After a judge awards KLG, parents retain visitation rights. N.J.S.A. 3B:12A-4(a)(4). But they do so "as determined by the [judge]." Ibid. Here, there is sufficient evidence in the record to support the judge's findings that the mother suffers from untreated chronic and severe mental illness, she exhibited no commitment to psychiatric treatment, and that she lacked insight into the child's substantial special needs, all of which supported supervised visitation, which was regular and liberal. The uncontested opinion testimony from the Division's expert, who the judge found credible, was that leaving the mother and the child unsupervised could contribute to a "[s]hared [p]sychotic [d]isorder." The expert explained that this would lead to exacerbating the mental issues of both individuals.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION