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-3425-16T4

NEW JERSEY DIVISION OF CHILD PROTECTION AND PERMANENCY,

Plaintiff-Respondent,

v.

M.C.,

Defendant-Appellant,

and

C.D. and D.N.,

Defendants.

IN THE MATTER OF M.D. and N.C.,

Minors.

Submitted March 20, 2018 – Decided March 29, 2018

Before Judges Fisher and Sumners.

On appeal from Superior Court of New Jersey, Chancery Division, Family Part, Camden County, Docket No. FN-04-0400-16.

Joseph E. Krakora, Public Defender, attorney for appellant (Robyn A. Veasey, Deputy Public Defender, of counsel and on the brief; Kimmo

Z. H. Abbasi, Designated Counsel, on the brief).

Gurbir S. Grewal, Attorney General, attorney for respondent (Melissa H. Raksa, Assistant Attorney General, of counsel; William T. Harvey, Jr., Deputy Attorney General, on the brief).

Joseph E. Krakora, Public Defender, Law Guardian, attorney for minor N.C. (Danielle Ruiz, Designated Counsel, on the brief).

PER CURIAM

C.D. (Carolyn) is the mother of M.D. (Molly), who was born in 2001. In 2015, plaintiff Division of Child Protection and Permanency became involved with this family[1] upon receiving a referral that Molly, then fourteen years old, had been impregnated by defendant M.C. (defendant). Consequently, the Division commenced this Title Nine action against both Carolyn and defendant. In March 2017, the trial judge conducted a fact-finding hearing; at its conclusion, the judge found that Molly was abused or neglected within the meaning of N.J.S.A. 9:6-8.21(c). In appealing, defendant argues he is not subject to Title Nine, claiming he was not a "parent or guardian" of Molly as defined by N.J.S.A. 9:6-8.21(a). Because that definition includes, among others, a "paramour of a parent" as well as any person "who has

[1] Carolyn was pregnant at the time of the referral; her second child, N.C., was born in 2016.

assumed responsibility for the care, custody, or control of a child" – and the factual record supported a finding that defendant fit both descriptions – we find insufficient merit in defendant's argument to warrant further discussion in a written opinion. R. 2:11-3(e)(1)(E). We add only the following.

Two witnesses were called to testify at the fact-finding hearing: a DNA expert employed by the State Police and a Division caseworker. The evidence demonstrated by a preponderance that defendant impregnated Molly and that defendant and Carolyn had a relationship sufficient to permit a conclusion he was both a "paramour of a parent" and, at times, "assumed responsibility" of Molly. Indeed, the evidence, which included the Division's records, revealed that defendant was alone in the home with Molly when he had sexual relations with her. The judge, in answering whether defendant fell within the parameters of N.J.S.A. 9:6-8.21(a), rhetorically asked: "what was [defendant] doing in the home if he wasn't living there, or staying there?" The judge also observed there was evidence that defendant "stayed overnight" in the home "on occasions." This evidence supported a finding not only that defendant was Carolyn's "paramour" but also that he had, on occasion, "assumed responsibility" of the child.

Affirmed.

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

CLERK OF THE APPELLATE DIVISION