

RECORD IMPOUNDED

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SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-4456-16T1

NEW JERSEY DIVISION OF CHILD
PROTECTION AND PERMANENCY,

Plaintiff-Respondent,

v.

C.C.,

Defendant-Appellant,

and

D.C.,

Defendant.

IN THE MATTER OF THE GUARDIANSHIP
OF D.R.C.-C.,

A Minor.

Submitted March 22, 2018 – Decided March 27, 2018

Before Judges Haas and Rothstadt.

On appeal from Superior Court of New Jersey,
Chancery Division, Family Part, Burlington
County, Docket No. FG-03-0043-15.

Joseph E. Krakora, Public Defender, attorney
for appellant (Durrell Wachtler Ciccia,
Designated Counsel, on the brief).

Gubir S. Grewal, Attorney General, attorney for respondent (Melissa H. Raksa, Assistant Attorney General, of counsel; Nicholas Logothetis, Deputy Attorney General, on the brief).

Joseph E. Krakora, Public Defender, Law Guardian, attorney for minor (Nancy P. Fratz, Assistant Deputy Public Defender, on the brief).

PER CURIAM

Defendant C.C.¹ appeals from the Family Part's June 2, 2017 judgment of guardianship terminating her parental rights to her son, Danny, born in January 2014.² Defendant contends that the Division of Child Protection and Permanency (Division) failed to prove each prong of N.J.S.A. 30:4C-15.1(a) by clear and convincing evidence. The Law Guardian supports the termination on appeal as it did before the trial court.

Based on our review of the record and applicable law, we are satisfied that the evidence in favor of the guardianship petition overwhelmingly supports the decision to terminate defendant's parental rights. Accordingly, we affirm substantially for the

¹ Pursuant to Rule 1:38-3(d), we use initials and fictitious names to protect the confidentiality of the participants in these proceedings.

² The child's father, D.C., voluntarily surrendered his parental rights to Danny's current resource parents. Therefore, D.C. is not a party to this appeal.

reasons set forth in Judge Patricia Richmond's comprehensive oral decision rendered on June 2, 2017.

We will not recite in detail the history of the Division's involvement with defendant. Instead, we incorporate by reference Judge Richmond's factual findings and legal conclusions. We add only the following comments.

Danny has been in the Division's custody since he was released from the hospital following his birth. In the three years that followed, the Division provided multiple opportunities for defendant to reunify with her child and address her long-standing mental health issues. None of these interventions proved successful because defendant did not participate in services. After October 2015, defendant only visited with Danny on one occasion.³ The Division investigated each individual defendant proffered as a possible caregiver for Danny, but none of them proved suitable. Since March 2016, Danny has been living in his current resource home, and his resource parents wish to adopt him.

The Division's expert psychologist, Dr. Linda Jeffrey, conducted a bonding evaluation of Danny and his resource parents. Dr. Jeffrey concluded that Danny was positively attached to the resource parents and would be at risk of suffering severe and

³ This visit took place on January 31, 2017.

enduring harm if separated from them. Defendant refused to undergo a psychological evaluation, or participate in a bonding evaluation with Danny. Defendant did not attend the trial in person, and her attorney called no witnesses.

In her oral opinion, Judge Richmond reviewed the evidence presented and thereafter concluded that (1) the Division had proven all four prongs of the best interests test by clear and convincing evidence, N.J.S.A. 30:4C-15.1(a); and (2) termination of defendant's parental rights was in Danny's best interests. In 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, 413 (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 Judge Richmond's factual findings are fully supported by the record and, in light of those facts, her legal conclusions are unassailable. We therefore affirm substantially for the reasons that the judge expressed in her well-reasoned opinion.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION