

RECORD IMPOUNDED

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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-4673-16T2

DIVISION OF CHILD PROTECTION
AND PERMANENCY,

Plaintiff-Respondent,

v.

R.E.W.,

Defendant-Appellant,

and

S.M.W.,

Defendant.

IN THE MATTER OF THE
GUARDIANSHIP OF I.M.W.,

A Minor.

Argued April 25, 2018 – Decided May 7, 2018

Before Judges Fuentes, Koblitz and Manahan.

On appeal from Superior Court of New Jersey,
Chancery Division, Family Part, Essex County,
Docket No. FG-07-0125-17.

Meghan K. Gulczynski, Designated Counsel,
argued the cause for appellant (Joseph E.

Krakora, Public Defender, attorney; Meghan K. Gulczynski, on the briefs).

Merav Lichtenstein, Deputy Attorney General, argued the cause for respondent (Gurbir S. Grewal, Attorney General, attorney; Jason W. Rockwell, Assistant Attorney General, of counsel; Merav Lichtenstein, on the brief).

Olivia Belfatto Crisp, Assistant Deputy Public Defender, argued the cause for minor (Joseph E. Krakora, Public Defender, attorney; Olivia Belfatto Crisp, on the brief).

PER CURIAM

Defendant-father R.E.W. (Reid) appeals from a Family Part order dated June 15, 2017, terminating his parental rights to his minor child, I.M.W. (Isabella).¹ The same Judgement of Guardianship also terminated the parental rights of the mother, S.M.W. (Susan), who voluntarily executed an identified surrender of her parental rights to Isabella. We affirm substantially for the reasons set forth in Judge Nora J. Grimbergen's comprehensive and well-reasoned twenty-four-page written opinion issued with the order.

The evidence is outlined in detail in the judge's opinion. A summary will suffice here. Isabella was born in 2014. She was removed from her mother's custody in August 2015 because of a referral received by the Division of Child Protection and Permanency (Division) concerning Susan's inability to care for her

¹ We use fictitious names for clarity and to protect the anonymity of the parties and children.

child due to her homelessness and her arrest for terroristic threats. Reid was incarcerated at the time of Isabella's removal for convictions based on unlawful possession of a firearm and related offenses. Isabella was immediately placed with her current non-relative resource parents, who wish to adopt her. According to the Division's expert psychologist, Isabella is bonded to her resource parents. The Law Guardian agrees with the Division that termination of parental rights is in Isabella's best interests.

Initially, the Division sought to reunify Isabella with her mother. The Division referred Susan for various evaluations and opportunities for drug and psychiatric treatment. Due to her noncompliance with the offered services and Reid's incarceration, a permanency plan for adoption was approved in August 2016. Preceding the plan's approval, the Division contacted individuals known to Susan and Reid for placement of Isabella. None of these potential resources were determined fit for Isabella and were all subsequently ruled out. Additionally, none of these potential caregivers contacted the Division concerning their rule out letter or expressed any interest in challenging the Division's decision.

Reid has a long-standing criminal history. He has been incarcerated since Isabella was four months old. During the pendency of the litigation, the Department of Corrections relocated Reid from penal facility to penal facility, which made

scheduling visitation with Isabella difficult. Nonetheless, the Division was able to schedule monthly visitations for Reid and Isabella until the trial began. During his incarceration, Reid completed a psychological evaluation, which offered no statistically significant findings; and a bonding evaluation with Isabella that determined there was a foundation for a meaningful relationship between Reid and his daughter. Reid also completed various parenting services that were made available to him in prison. Though laudable, these efforts do not prove that Reid is rehabilitated and that he is able to maintain a stable home environment suitable for a young child upon release. Although not dispositive, a parent's "incarceration is a relevant factor in resolving termination of parental rights cases." N.J. Div. of Youth & Family Servs. v. R.G., 217 N.J. 527, 555 (2014).

Judge Grimbergen's comprehensive opinion gave thoughtful attention to the importance of permanency and stability "from the perspective of the child's needs," and found the Division had established by clear and convincing evidence, statutory grounds for termination of defendant's parental rights. Furthermore, the judge found the Division had proven all four prongs of the best interests test, N.J.S.A. 30:4C-15.1(a), which, in the best interest of the children, mandates termination of parental rights. In re Guardianship of K.H.O., 161 N.J. 337, 347-48 (1999).

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, the legal conclusions drawn therefrom are unassailable.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION