

**NOT FOR PUBLICATION WITHOUT THE  
APPROVAL OF THE APPELLATE DIVISION**

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-3854-21**

AVA SATZ,

Plaintiff-Respondent,

v.

ALLEN SATZ,

Defendant-Appellant.

---

Argued July 18, 2023 – Decided August 18, 2023

Before Judges Whipple, Gummer and Susswein.

On appeal from the Superior Court of New Jersey,  
Chancery Division, Family Part, Bergen County,  
Docket No. FM-02-2630-18.

Allen Satz, appellant, argued the cause pro se.

Patricia L. Burris argued the cause for respondent  
(Aron & Solomon, PA, attorneys; Marion B. Solomon  
and Patricia L. Burris, on the brief).

PER CURIAM

This appeal arises in the context of a divorce action, although the dispute in the present matter is not between plaintiff, Ava Satz, and defendant, Allen Satz, but rather between defendant and the court-appointed guardian ad litem (GAL), Marion B. Solomon, an attorney-at-law.<sup>1</sup> Defendant appeals from a July 28, 2022 Family Part order directing him to pay his share of the GAL's fees. After carefully reviewing the record in light of the arguments of the parties and the applicable legal principles, we affirm.

## I.

Plaintiff and defendant married in February 2006 and have four children together, born between February 2007 and May 2015. Plaintiff filed a complaint for divorce in June 2018. On December 2, 2019, a Family Part judge appointed Solomon as GAL pursuant to Rule 5:8B with instructions "to represent the best interests of the parties' minor children" and with the understanding that "the services of the [GAL] shall be provided to the [c]ourt on behalf of the children." The order set the GAL's hourly rate at \$400, established a \$4,000 retainer, and required the parties to share equally in payment of her fees.

---

<sup>1</sup> We heard argument in this appeal back-to-back with another appeal brought by defendant. Because the present appeal involves different issues and even different parties in interest, we have not consolidated the appeals and instead issue separate opinions.

On October 6, 2020, plaintiff and defendant entered into a marital settlement agreement (MSA), which incorporated a final judgment fixing custody and parenting time (the final judgment). The MSA includes a provision pertaining to the use of a parent coordinator or GAL. That provision explains that Solomon had recommended the parties use a parent coordinator to resolve future parenting disputes. The parties agreed to continue utilizing Solomon as GAL if and when any disputes arose during the one-year period following the entry of the final judgment. The parties also agreed to revisit the provision after the one-year period elapsed to determine whether to continue utilizing a parent coordinator or GAL.

On June 30, 2021, another Family Part judge reappointed Solomon as the GAL after receiving information concerning the children. The judge specified that Solomon's fees were to be paid in accordance with the previous appointment order.

On April 26, 2022, defendant filed a lawsuit against Solomon alleging she had defamed him by telling lies to the Family Part judge.<sup>2</sup> He claimed that

---

<sup>2</sup> That civil matter is not before us in this appeal. We note that at argument, self-represented defendant claimed this appeal was from an order dismissing that lawsuit. That is incorrect. The present appeal is from a Family Part order directing defendant to pay his share of the GAL's fees in the underlying Family

Solomon was trying to take his children away from him, ignored complaints one child had made about plaintiff, and refused to "take[] action against [plaintiff]."

On May 16, 2022, Solomon notified the Family Part judge that in light of the lawsuit, she could not continue to serve as the GAL for the children. The judge entered an order on June 2, 2022 relieving Solomon as GAL.

On June 10, 2022, Solomon submitted a certification of services to the court and parties as required by Rule 5:8B(d). In that certification, Solomon represented her fees and costs totaled \$51,022.50. She detailed that defendant had paid a total of \$13,929.85 and that plaintiff had paid a total of \$20,681.45. Solomon also noted that defendant had paid nothing since March 22, 2021. Because the fees and costs were allocated between the parents equally, Solomon certified that defendant had an outstanding balance of \$11,581.40 and plaintiff had an outstanding balance of \$4,829.80.

Plaintiff offered no objection to the GAL's certification. Defendant, however, submitted a response on June 21, 2022, urging the court to deny Solomon's fee claim on the grounds that she had lied to the court and defamed him.

---

Part matrimonial litigation. We offer no opinion with respect to defendant's lawsuit against the GAL.

On June 30, 2022, the judge, ruling on the papers submitted, entered an order directing defendant to pay his outstanding balance of \$11,581.40 and plaintiff to pay her outstanding balance of \$4,829.80 within ninety days. The judge thereafter scheduled a hearing for July 28, 2022 to supplement the record.

At the motion hearing, the judge acknowledged she had entered the June 30, 2022 order based on the papers and had not afforded defendant an opportunity for oral argument to address the issues raised in his opposition to the GAL's certification. Defendant objected to paying for the GAL's services, arguing that he "paid for [a GAL] to follow the Court Rules of 5B. Those were not followed and, so, I'm asking why I have to pay for that?"

The judge explained in her oral ruling that as a result of the parties' parenting-time issues, "it became very clear. . . that the children needed to have a GAL in light of the fact that . . . the parents were at complete odds with each other to the point where [the court] needed to get [a psychiatrist] involved to do a [b]est [i]nterest [e]valuation." The trial court had previously found it necessary to continue the appointment of the GAL for the best interest of the children during proceedings spanning over a year. The judge noted that it is within the court's discretion to appoint a GAL, and "[j]ust because [defendant] do[es]n't want her and . . . do[es]n't like her[,] doesn't mean that she gets

removed." The judge further emphasized, "the parents don't have to agree to a GAL. The ultimate decision is whether or not the [c]ourt . . . has good cause to have a GAL in place."

As to defendant's opposition to the GAL's certification of services, the judge determined that defendant had not provided anything to dispute the amount of the fees billed or the fees still outstanding. The judge found that the GAL had followed the court rules and acted appropriately. She explained that "just because [defendant] didn't agree with some of the positions that were taken does not mean that [he] could choose not to pay the GAL."

Accordingly, the judge entered an order on July 28, 2022, awarding Solomon the GAL fees she had requested and affirming the June 30, 2022 order. This appeal follows.

Defendant raises eight points in his initial and reply briefs. Six of the points have to do with the GAL's performance of her duties, including claims that Solomon lied to the court, ignored complaints from the children and other material facts, and violated privacy laws. The remaining two points claim the trial court ignored provisions of the MSA pertaining to the appointment of a GAL and ignored complaints made against the GAL.

## II.

Our review of Family Part orders is limited. Cesare v. Cesare, 154 N.J. 394, 412 (1998). Reviewing courts "accord particular deference to the Family Part because of its 'special jurisdiction and expertise' in family matters." Harte v. Hand, 433 N.J. Super. 457, 461 (App. Div. 2013) (quoting Cesare, 154 N.J. at 412). Generally, "findings by the trial court are binding on appeal when supported by adequate, substantial, credible evidence." Cesare, 154 N.J. at 411–12 (citing Rova Farms Resort, Inc. v. Invs. Ins. Co. of Am., 65 N.J. 474, 484 (1974)). Courts will not disturb the factual findings and legal conclusions that flow from them unless convinced they are "so manifestly unsupported by or inconsistent with the competent, relevant and reasonably credible evidence as to offend the interests of justice." Ricci v. Ricci, 448 N.J. Super. 546, 564 (App. Div. 2017) (quoting Elrom v. Elrom, 439 N.J. Super. 424, 433 (App. Div. 2015)).

We also "accord great deference to discretionary decisions of Family Part judges." Milne v. Goldenberg, 428 N.J. Super. 184, 197 (App. Div. 2012) (citing Donnelly v. Donnelly, 405 N.J. Super. 117, 127 (App. Div. 2009)). "Discretionary determinations, supported by the record, are examined to discern whether an abuse of reasoned discretion has occurred." Ricci, 448 N.J. Super.

at 564 (citing Gac v. Gac, 186 N.J. 535, 547 (2006)). An abuse of discretion occurs when a trial court makes "findings inconsistent with or unsupported by competent evidence," utilizes "irrelevant or inappropriate factors," or "fail[s] to consider controlling legal principles." Elrom, 439 N.J. Super. at 434 (internal citations omitted). An abuse of discretion can also be found if the court "fails to take into consideration all relevant factors[,] and when its decision reflects a clear error in judgment." State v. C.W., 449 N.J. Super. 231, 255 (App. Div. 2017) (quoting State v. Baynes, 148 N.J. 434, 444 (1997)).

Reviewing courts do not accord special deference to the Family Part's interpretation of the law, D.W. v. R.W., 212 N.J. 232, 245 (2012), and review legal determinations de novo, Ricci, 448 N.J. Super. at 565.

### III.

Rule 5:8B(a) provides that "[i]n all cases in which custody or parenting time/visitation is an issue, a [GAL] may be appointed by court order to represent the best interests of the child or children." That rule "is grounded in the Legislature's adoption of N.J.S.A. 9:2-4(c), which permits a court, 'for good cause and upon its own motion . . . [to] appoint a [GAL] or an attorney or both to represent the minor child's interests[,] and affirms the Family Part's obligation to protect children enmeshed in parental disputes." Milne, 428 N.J.



Super. at 199–200 (alterations in original). "Once appointed, the GAL provides 'services . . . to the court on behalf of the child . . . [and] acts as an independent fact finder, investigator and evaluator as to what furthers the best interests of the child.'" Id. at 200 (alteration and omissions in original) (quoting In re M.R., 135 N.J. 155, 173 (1994)).

N.J.S.A. 9:2-4(c) further furnishes the court with "the authority to award a counsel fee to the [GAL] . . . and to assess that cost between the parties to the litigation." N.J.S.A. 9:2-4(c). A GAL is entitled to compensation for services at an hourly rate "fixed in the initial appointing order." R. 5:8B(d). The GAL must "submit informational monthly statements to the parties . . . [and] a certification of services at the conclusion of the matter, on notice to the parties, who will thereafter be afforded the right to respond prior to the court fixing the final fee." Ibid. Finally, the trial court has "the power and discretion to fix a retainer in the appointing order and to allocate final payment of the [GAL] fee between the parties." Ibid. We review a Family Part judge's order appointing a GAL and allocating GAL fees for an abuse of discretion. See D.H. v. D.K., 251 N.J. Super. 558, 565–66 (App. Div. 1991).

The record shows that during the time that Solomon served as GAL for the Satz children, she performed numerous tasks, including: interviewing the

parties, children, and others; drafting reports and letters to the court; responding to motions; dealing with mental health professionals; making court appearances for case management conferences; and communicating with the parties regarding evaluations, parenting disputes, and other issues as they arose.

As the Family Part judge aptly noted, defendant's opposition to the fee award focuses on the substantive recommendations Solomon made—with which he disagreed—as well as his allegation that Solomon had lied to the court and was biased against him and in favor of plaintiff. Defendant does not dispute the hours Solomon worked, as represented in her certification.

The Family Part judge concluded that defendant could not refuse to pay the GAL's fees just because he disagreed with her recommendations. We agree and emphasize that by the terms of the appointment order, the GAL reported to the court, not to the parties. So too, the GAL was duty-bound to represent and safeguard the interests of the children, not either parent.

In sum, we see no abuse of discretion in the trial court's appointments of Solomon as GAL to represent the interests of the children. Nor did the Family Part judge abuse her discretion in awarding GAL fees and allocating them between the parties. To the extent we have not specifically addressed any

argument raised by defendant, it is because the argument lacks sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E).

Affirmed.

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



CLERK OF THE APPELLATE DIVISION