# RECORD IMPOUNDED



SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1643-15T4
A-1644-15T4

NEW JERSEY DIVISION OF CHILD PROTECTION AND PERMANENCY,

Plaintiff-Respondent,

v.

L.J.W. and S.W.,

Defendants-Appellants,

and

M.H. and J.J.W., Sr.,

Defendants.

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IN THE MATTER OF THE GUARDIANSHIP OF J.D.W., J.E.J., J.J.W., JR., and N.T.J.,

Minors.

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Submitted November 14, 2017 – Decided December 27, 2017

Before Judges Yannotti, Leone and Mawla.

On appeal from Superior Court of New Jersey, Chancery Division, Family Part, Mercer County, Docket No. FG-11-0021-15.

Joseph E. Krakora, Public Defender, attorney for appellant L.J.W. (Gilbert G. Miller, Designated Counsel, and on the briefs).

Joseph E. Krakora, Public Defender, attorney for appellant S.W. (Eric J. Meehan, Designated Counsel, on the briefs).

Christopher S. Porrino, Attorney General, attorney for respondent (Melissa H. Raksa, Assistant Attorney General, of counsel; John W. Tolleris, Deputy Attorney General, on the brief).

Joseph E. Krakora, Public Defender, Law Guardian, attorney for minors (Lisa M. Black, Designated Counsel, on the brief).

PER CURIAM

L.J.W. and S.W. appeal from judgments entered by the Family Part, which terminated L.J.W. and S.W.'s parental rights to J.E.J., and L.J.W.'s parental rights to three other children, N.T.J., J.D.W., and J.J.W., Jr. [1] The appeals have been consolidated. For the reasons that follow, we affirm.

I.

L.J.W. had five children: N.T.J. (born July 2004), J.S.J. (born April 2006), J.E.J. (born October 2007), J.D.W. (born November 2009), and J.J.W., Jr. (born May 2011). N.T.J.'s biological father is M.H. S.W. is J.E.J.'s biological father, and J.J.W., Sr. is the biological father of J.D.W. and J.J.W.,

[1] The judgments also terminated the parental rights of J.J.W., Sr. to J.D.W. and J.J.W., Jr., and the parental rights of M.H. to N.T.J. These parties have not appealed.

Jr. In July 2011, J.S.J. died after ingesting methadone while in the care of her godmother.

The Division of Child Protection and Permanency (Division)[2] first became involved with L.J.W. and her children in 2006. L.J.W. initially declined services, but thereafter the Division provided L.J.W. and the children with an array of services. The Division removed the children from L.J.W.'s care in September 2011, after J.S.J.'s death, but they were returned to L.J.W.'s care in February 2012.

In October 2012, the trial court granted the Division's application for care and supervision of the children, due to the Division's continuing concerns about the children's safety and well-being. The Division provided additional services to the family.

In February 2013, the Division again removed the children from L.J.W.'s care. The Division placed J.E.J., J.D.W., and J.J.W., Jr. in a foster home. N.T.J. was placed in a separate resource home, and later transferred to a relative resource home.

In September 2014, the trial court conducted a hearing and approved the Division's permanency plan, which called for the

[2] Until 2012, the Division was known as the Division of Youth and Family Services. L. 2012, c. 16, effective June 29, 2012.

termination of parental rights followed by foster home adoption. After the hearing, L.J.W. executed an identified surrender of her parental rights to N.T.J. so that M.V. could adopt the child.

In November 2014, the Division filed its guardianship complaint, and thereafter Judge Peter E. Warshaw, Jr. conducted a trial on the matter. At the trial, the Division presented testimony from caseworker John Marciniak, Edwige Paul of the Children's Home Society of New Jersey (CHS), and psychologist Dr. Alan Lee. The Law Guardian presented testimony from psychologist Dr. Barry Katz. L.D.W. testified, as did S.W. and his sister.

After the trial concluded, J.J.W., Sr. executed an identified surrender of his parental rights to J.D.W. and J.J.W., Jr. so that they could be adopted by their foster parent. In addition, the Division informed the judge that L.J.W.'s identified surrender of her parental rights to N.T.J. had failed.

On October 15, 2015, Judge Warshaw placed an oral opinion on the record, finding that the Division had established the criteria in N.J.S.A. 30:4C-15.1(a) for the termination of S.W. and L.J.W.'s parental rights to J.E.J., and for the termination of L.J.W.'s parental rights to J.D.W., and J.J.W., Jr. The judge

memorialized his findings in a judgment dated October 15, 2015. The judgment also terminated J.J.W., Sr.'s parental rights to J.D.W. and J.J.W., Jr., and M.H.'s parental rights to N.T.J.

On October 22, 2015, the judge conducted a hearing and approved the Division's permanency plan for the termination of L.J.W.'s parental rights to N.T.J. followed by select home adoption. The judge allowed the parties to supplement the record, and continued the trial as to N.T.J. Caseworker Marciniak, Dr. Lee, and L.J.W. provided additional testimony.

On December 2, 2015, Judge Warshaw placed an oral decision on the record. The judge found the Division had presented clear and convincing evidence establishing the criteria for termination of L.J.W.'s parental rights to N.T.J.

On December 2, 2015, the judge entered a judgment that terminated L.J.W.'s parental rights to N.T.J. S.W.'s appeal (A-1643-15) and L.J.W.'s appeal (A-1644-15) followed.

II.

On appeal, L.J.W. and S.W. argue that the trial judge erred by entering the judgments terminating their parental rights. They maintain the record does not support the judge's findings that the Division established the criteria for termination of the parental rights to their children.

A parent has a constitutional right to rear his or her child, but that right is not absolute. N.J. Div. of Youth & Fam. Servs. v. F.M., 211 N.J. 420, 447 (2012) (citations omitted). The parent's right is "tempered by the State's parens patriae responsibility to protect children whose vulnerable lives or psychological well-being may have been harmed or may be seriously endangered by a neglectful or abusive parent." Ibid.

Therefore, the Division is authorized by N.J.S.A. 30:4C-15.1(a) to seek the termination of parental rights in "the best interests of the child" when

> (1) [t]he child's safety, health, or development has been or will continue to be endangered by the parental relationship;
>
> (2) [t]he parent is unwilling or unable to eliminate the harm facing the child or is unable or unwilling to provide a safe and stable home for the child and the delay of permanent placement will add to the harm. Such harm may include evidence that separating the child from his resource family parents would cause serious and enduring emotional or psychological harm to the child;
>
> (3) [t]he [D]ivision has made reasonable efforts to provide services to help the parent correct the circumstances which led to the child's placement outside the home and the court has considered alternatives to termination of parental rights; and
>
> (4) [t]ermination of parental rights will not do more harm than good.

"The four criteria enumerated in the best interests standard are not discrete and separate; they relate to and overlap with one another to provide a comprehensive standard that identifies a child's best interests." In re Guardianship of K.H.O., 161 N.J. 337, 348 (1999). The Division must establish the criteria in N.J.S.A. 30:4C-15.1(a) by clear and convincing evidence. In re Guardianship of K.L.F., 129 N.J. 32, 38 (1992) (citing In re J.C., 129 N.J. 1, 10-11 (1992)).

The scope of our review in an appeal from an order terminating parental rights is limited. N.J. Div. of Youth & Fam. Servs. v. G.L., 191 N.J. 596, 605 (2007) (citing In re Guardianship of J.N.H., 172 N.J. 440, 472 (2002)). "Appellate courts must defer to a trial judge's findings of fact if supported by adequate, substantial, and credible evidence in the record." Ibid. (citing In re Guardianship of J.T., 269 N.J. Super. 172, 188 (App. Div. 1993)). Furthermore, factual findings of the Family Part "are entitled to considerable deference." D.W. v. R.W., 212 N.J. 232, 245 (2012) (citing Cesare v. Cesare, 154 N.J. 394, 413 (1998)).

III.

We turn first to L.J.W.'s appeal. She argues the trial judge erred by finding that the Division established the four prongs of the best interests standard in N.J.S.A. 30:4C-15.1(a).

A. Prong One

L.J.W. argues that the Division failed to present any evidence showing that she inflicted serious harm on the children. She asserts that, to the contrary, the record shows that over the years, her interactions with the children have been positive, warm, and nurturing. L.J.W. asserts that she did not miss any scheduled visits with the children, and their reactions to her during those visits were "joyful and affectionate."

In his decision, Judge Warshaw recognized that L.J.W. has many positive qualities and loved her children. The judge found, however, for "a combination of reasons" addressed by Dr. Lee and Dr. Katz, and "fully demonstrated by her inability to respond to multiple services," that L.J.W. was "absolutely incapable of ensuring the safety, health and development of the three children."

Judge Warshaw noted that the Division's records showed that L.J.W. had "actually endangered" the children's safety, health and development through the years. The judge noted since 2009, the Division had offered L.J.W. numerous services, including substance abuse treatment, domestic violence counseling, mental health services, home visits, and assistance with housing and daycare.

The Division also assisted L.J.W. with budgeting, furniture, transportation assistance, home therapeutic services, housing, and daycare. The judge found that despite these many services, L.J.W.'s parenting capability had not improved.

The judge stated that the Division's "extensive involvement" with the family through the years, "along with [L.J.W.'s] failure to truly respond in a positive way," demonstrated that the children had been harmed by their relationship with her. The judge observed that there may not have been a single, readily identifiable harm that would justify termination of parental rights, but L.J.W. had consistently failed to address her problems appropriately. The judge determined that until L.J.W. addressed her problems, the children remain "at great risk of harm."

We are convinced that there is sufficient credible evidence in the record to support the judge's findings. Moreover, the judge's conclusion is consistent with New Jersey Division of Youth and Family Services v. P.P., 180 N.J. 494, 506-07 (2004), where the Court noted that prong one of the best interests standard may be established by evidence showing that a child has been subjected to an accumulation of harms. As Judge Warshaw found, L.J.W. subjected her children to an accumulation of harms.

These harms included: exposing the children to a home with domestic violence; failing to adequately supervise the children; placing the children in the care of her mother, who she claimed abused her; and failing to provide a safe and stable home, which resulted in the children's removal and placement in foster care. The children were also exposed to L.J.W.'s persistent use of marijuana. The judge determined that until L.J.W. addressed her problems, the children remain "at great risk of harm."

B. Prong Two

L.J.W. argues that the record does not support the judge's finding that she is unwilling and unable to eliminate any perceived harm to the children. She therefore contends the evidence does not support the judge's determination that the Division established prong two of the best interests test.

Here, Judge Warshaw found that although L.J.W. had "enjoyed some success with services," she was unable to maintain her parenting skills or appropriately care for the children in a way that ensured or promoted their well-being. The judge stated that L.J.W. had "made a sincere effort" and "received . . . many services," but she "cannot stop creating or continuing the problems which put the children at risk in the first place."

Judge Warshaw noted that Dr. Lee and Dr. Katz had determined that despite the many services provided to her,

L.J.W. had not improved her parenting ability and that "no reasonable prognosticator would believe she can." The judge stated that "[r]isk factors identified years ago remain risk factors today." The judge found that L.J.W. had been unable to provide the children with a safe and stable home, and she continued to focus "inappropriately" on her own needs.

The judge also noted that L.J.W. had some positive interactions with the children during her visits with them. The judge found, however, that these interactions did not change his conclusion that L.J.W. is unwilling or unable to eliminate the harm to the children. The judge pointed out that L.J.W.'s visits had "occurred in a tightly controlled environment" and at times during the visits, L.J.W. had difficulty managing the children.

On appeal, L.J.W. argues that many of her difficulties resulted from her reaction to J.S.J.'s tragic death and her "brutal victimization" by her "romantic partners." L.J.W. contends there were "hurdles" that she could have addressed through counseling. She notes that Ms. Paul, her treating clinician at CHS, had testified that she was optimistic L.J.W. could eventually be a safe and effective parent.

We are convinced, however, that the trial judge did not err by accepting and relying upon the opinions of Dr. Lee and Dr. Katz, who testified that L.J.W. was not capable of providing the

children with a safe and stable home and would not be able to do so in the foreseeable future. We conclude that the record supports the judge's finding that the Division established prong two of the best interests test with clear and convincing evidence.

C. Prong Three

L.J.W. concedes that the Division provided her with numerous services. She nevertheless argues that the Division failed to advise B.P., the foster parent for J.E.J., J.D.W., and J.J.W., Jr., that kinship legal guardianship (KLG) was an alternative to adoption and failed to explain how KLG functions. L.J.W. notes that B.P. had committed to adopt the three children, but she claims B.P. did not have an adequate understanding of KLG as a potential alternative to adoption. Again, we disagree.

KLG "is not intended as an equally available alternative to termination [of parental rights] that must be considered in order to satisfy the third [prong] of N.J.S.A. 30:4C-15.1." N.J. Div. of Youth & Fam. Servs. v. R.G., 217 N.J. 527, 558 (2014) (quoting N.J. Div. of Youth & Fam. Servs. v. S.V., 362 N.J. Super. 76, 88 (App. Div. 2003)) (alteration in original). To the contrary, the Legislature has established statutory

prerequisites that must be met before a court may establish a KLG. N.J.S.A. 3B:12A-6(d).

One such prerequisite is a finding by the court that "adoption of the child is neither feasible nor likely." N.J.S.A. 3B:12A-6(d)(3). "[W]hen the permanency provided by adoption is available, [KLG] cannot be used as a defense to termination of parental rights." R.G., 217 N.J. at 558-59 (quoting P.P., 180 N.J. at 513) (alteration in original).

Here, the record shows that adoption is feasible and likely. Indeed, as L.J.W. concedes, B.P. has indicated she will adopt J.E.J., J.D.W., and J.J.W., Jr. Judge Warshaw stated that B.P. is "steadfastly committed to adopting" these three children. L.J.W. cites no evidence that would support a contrary finding.

Thus, KLG is not a valid alternative to termination of L.J.W.'s parental rights to J.E.J., J.D.W., and J.J.W., Jr. Moreover, L.J.W. presented no evidence showing that the Division failed to inform B.P. that KLG was an option or advise B.P. about KLG. In this regard, the Division notes that B.P. has been involved in KLGs with two other children in her home. Therefore, B.P. was well aware of what KLG entails.

D. Prong Four

L.J.W. argues that the judge erred by finding that the Division had established the fourth prong of the best interests test. She argues that the judge erred by finding that termination of her parental rights to the four children would not do more harm than good.

1. As to J.E.J., J.D.W., and J.J.W., Jr.

Here, Judge Warshaw relied on Dr. Lee and Dr. Katz's opinions and determined that J.E.J., J.D.W., and J.J.W., Jr. "would suffer a substantially greater harm from [a] permanent[] disrupt[ion] [of] their relationships with [B.P.], than from the termination of their ties to [L.J.W.]" The judge noted that L.J.W.'s relationships with these three children had "been limited almost exclusively to supervised visits," which she and the children apparently enjoyed.

However, as noted previously, the judge found that during these visits, L.J.W. sometimes had considerable difficulty managing the children. The judge stated that L.J.W. "does not and has not nurtured these children on a daily basis." The judge concluded that although L.J.W. "put forth a real effort, a significant effort, . . . she simply [cannot] do what . . . she needs to do and . . . under no conceivable circumstances . . . would termination of parental rights do more harm than good."

On appeal, L.J.W. argues that although B.P. stated that she intended to adopt J.E.J., J.D.W., and J.J.W., Jr., there is a possibility she will not do so. L.J.W. asserts that Ms. Paul testified L.J.W. has a strong bond with these three children. L.J.W. therefore contends that termination of her parental rights poses a risk of harm to these children, which would be exacerbated because N.T.J. has been placed in a separate resource home. We find no merit in these arguments.

L.J.W.'s assertion that B.P. may not adopt the children is not based on any evidence in the record. Moreover, while Ms. Paul had some positive observations about L.J.W.'s interactions with J.E.J., J.D.W., and J.J.W., Jr. during the supervised visits, the trial judge determined that Ms. Paul's observations did not warrant rejection of Dr. Lee and Dr. Katz's opinions that termination of L.J.W.'s parental rights would be in the children's best interests.

Dr. Lee testified that these three children had ambivalent and insecure attachments to L.J.W., and there was a low risk that they would suffer severe and enduring harm if her parental rights to them are terminated. Dr. Lee further testified that these children had significant and positive bonds with B.P. They would suffer significant and enduring harm if removed from B.P., which L.J.W. could not ameliorate.

Dr. Katz offered substantially similar testimony. He stated that these three children would not suffer severe or enduring harm from the termination of their relationships with L.J.W. He testified that there would be "minimal impact" on J.J.W., Jr., and "at most a potential adjustment period," for J.E.J. and J.D.W. Dr. Katz said B.P. could address any such difficulties.

Dr. Katz further testified that the children's attachment to their foster mother was "not a hundred percent secure," but it was "the only secure attachment that they currently have." He stated that if these children are removed and returned to L.J.W., they would exhibit "severe acting out behaviors," which L.J.W. "has been at a loss to deal with" throughout the years.

Dr. Katz opined that returning these three children to L.J.W. was "a recipe for severe problems and [a] high risk to the children." He stated that there were no services that could be put in place to lessen the harm of removal from their foster mother.

We are convinced there is sufficient credible evidence in the record to support Judge Warshaw's finding that termination of L.J.W.'s parental rights to J.E.J., J.D.W., and J.J.W., Jr. would not do more harm than good. Thus, the record supports the judge's finding that the Division established the fourth prong as to these three children.

2. Regarding N.T.J.

L.J.W. further argues that the record does not support the trial court's finding that the Division established prong four as to N.T.J. She notes that her identified surrender of parental rights failed, and N.T.J. has expressed opposition to any adoption. According to L.J.W., N.T.J. stated that she preferred to return to her mother if her mother "could get better."

L.J.W. asserts that because N.T.J. has certain behavioral and psychological problems, she may not be placed with foster parents who would be willing to adopt her. She contends there is a danger N.T.J. will be placed in a succession of temporary resource homes that may be located a distance from her siblings. She contends the record is clear that termination of her parental rights would do more harm than good. Again, we disagree.

Here, Judge Warshaw found that termination of L.J.W.'s parental rights to N.T.J. would not do more harm than good. The judge noted that Dr. Lee testified that the failed surrender did not change his conclusion that L.J.W. was not fit to parent. The judge pointed out that L.J.W.'s prognosis for significant and lasting change remains poor.

The judge also noted that N.T.J. has a limited bond with her mother, and there was a low risk that she would suffer

severe or enduring psychological harm if L.J.W.'s parental rights were terminated. The judge found that it would be inappropriate to order the Division to provide L.J.W. additional services because despite her good intentions and many prior services, L.J.W. cannot provide a safe and stable home for N.T.J. The judge stated that to "begin services towards that end" would be "unimaginably cruel." It would create a "false hope in a child whose life already lacks permanency and stability."

The judge's findings are fully supported by the record. Dr. Lee testified that the unsuccessful surrender did not render L.J.W. a fit parent, and the failed surrender did not mean that the attachment between L.J.W. and N.T.J. had improved. Dr. Lee stated that N.T.J. had an ambivalent and insecure attachment to L.J.W., and N.T.J. remained at the same risk of harm from the parental relationship notwithstanding the failed surrender.

Dr. Lee further testified that based on her history, L.J.W.'s prognosis for lasting change remains poor, and it is unlikely additional services would improve her parenting deficiencies. He noted that L.J.W.'s problems are prominent and long-standing. He said returning N.T.J. to L.J.W.'s care would expose the child to additional harm. He opined that the termination of L.J.W.'s parental rights to N.T.J. was in the

child's best interests.

Therefore, the record fully supports Judge Warshaw's finding that notwithstanding the failed surrender, termination of L.J.W.'s parental rights to N.T.J. would not do more harm than good. The judge properly found that N.T.J.'s need for permanency outweighs other considerations, and continuation of the child's parental relationship with L.J.W. would do more harm than good.

Accordingly, we affirm the trial court's judgments terminating L.J.W.'s parental rights to N.T.J., J.E.J., J.D.W., and J.J.W., Jr.

IV.

We turn to S.W.'s appeal. He argues that the Division failed to establish the four prongs of the best interests test. He therefore argues that the court erred by terminating his parental rights to J.E.J. We cannot agree.

Judge Warshaw noted that at the time of his decision in October 2015, J.E.J. was eight years old, and she had a limited and superficial relationship with S.W. The judge pointed out that in April 2007, when L.J.W. was pregnant with J.E.J., L.J.W. and S.W. were living together in Georgia. They were no longer together in October 2007, when J.E.J. was born.

L.J.W. relocated to New York and had limited contact with

S.W. During 2011 and 2012, S.W. was incarcerated in Georgia. He was released in November 2012 and remained in Georgia until the spring of 2013. J.E.J. had been placed in a resource home in February 2013, after the Division removed her from L.J.W.'s care. S.W. first saw J.E.J. in June 2014. The judge noted that S.W. was inconsistent with his visits with the child. He also had a history of failing to appear in court, for services, and for evaluations.

The judge concluded that the Division had established that J.E.J.'s safety, health, and development had been endangered by her relationship with S.W. The judge stated that for all intents and purposes, S.W. had "done nothing for [J.E.J.] and he knows nothing about her." The judge said there were many reasons for S.W.'s lack of involvement, including his distance and incarceration, but "it all adds up to no relationship." Moreover, S.W. left the child in L.J.W.'s "incapable hands."

The judge also found that there was no prospect that S.W. will change. He noted that Dr. Katz testified that while J.E.J. had enjoyed some pleasant interactions with S.W., the child had an insecure attachment to her father. Dr. Katz stated that S.W. failed to do what was necessary to develop the capacity to parent J.E.J. Dr. Katz also took note of S.W.'s history of domestic violence and anger management problems. He noted that

S.W.'s substance abuse has not been remediated.

The judge further found that S.W. was unwilling or unable to eliminate the harm facing the child, or provide her with a safe and stable home. The judge noted that J.E.J. would suffer serious and enduring emotional or psychological harm if removed from B.P., her resource parent. The judge found that S.W. is "absolutely incapable of minimizing the trauma associated with" terminating the relationship between J.E.J. and her foster parent and the "lengthy bond" that presently exists between them.

In addition, the judge found that the Division provided clear and convincing evidence showing that it made reasonable efforts to provide services to correct the circumstances that led to the child's placement outside the home, and the Division had considered alternatives to the termination of S.W.'s parental rights. The judge observed that S.W. had little to do with J.E.J. since she was born, and he was absent for most of the litigation in this matter.

The judge noted that the Division did not know where S.W. lived and he did nothing to locate the child or "be a father." The judge found that it is "highly unlikely" services would have made a difference. The judge stated that S.W. never put himself in a position to effectively parent the child. He "never became

fully engaged."

The judge also determined that the Division had considered alternatives to the termination of S.W.'s parental rights. He stated that B.P. had unequivocally committed to adopting J.E.J. Therefore, KLG was not an option. The judge noted that S.W.'s sister had testified and she appeared forthright and sincere, but she had never met the child and did not offer herself as a caretaker during the court proceedings.

In addition, the judge found that the Division had established termination of S.W.'s parental rights would not do more harm than good. The judge pointed out that Dr. Katz had testified that there was a significant risk J.E.J. would suffer severe and enduring psychological or emotional harm if her relationship with B.P. were severed. Dr. Katz further testified S.W. was not able to parent J.E.J. at that time and he would not be able to do so in the foreseeable future. Dr. Katz opined that termination of S.W.'s parental rights would not result in any severe or enduring harm to J.E.J.

The judge found Dr. Katz's testimony persuasive and concluded that there was no evidence that J.E.J. could be returned to S.W. "without endangering [her] health and safety." The judge concluded that "[t]he relationship with the resource parent is truly the relationship which best meets the best

interest of this child, [and it] would be a terrible thing to disrupt that relationship." The judge added that "there would be truly no benefit which could be found by way of reunification."

A. Prong One

On appeal, S.W. argues that the evidence does not support the judge's finding that J.E.J.'s safety, health, or development had been or would continue to be endangered by his relationship with her. He argues that it was not his own choices but, rather, the actions of L.J.W. and the Division that kept him out of J.E.J.'s life. He asserts it is undisputed that L.J.W. left him and that there is no evidence to contradict his assertion that he attempted to find L.J.W. and J.E.J. during his visits to New Jersey.

S.W. contends that the Division had "multiple opportunities" to notify him of the proceedings, and that he contacted the Division when he learned about J.E.J.'s whereabouts. He also contends there is no evidence to support L.J.W.'s claim that she left him due to domestic violence.

We reject these arguments because they are not supported by the record. At trial, S.W. admitted that L.J.W. left him because of domestic violence. He also admitted that L.J.W. gave him a telephone number, but he never attempted to use that number to remain in contact. S.W. presented no evidence showing the

Division should have known of his whereabouts or how to reach him.

In any event, the judge's finding that J.E.J. was harmed by her relationship with S.W. is amply supported by evidence of S.W.'s conduct after he became involved in the case. As the judge noted in his decision, S.W. failed to take the appropriate steps to prepare himself to parent J.E.J., by refusing to engage in even the most basic services offered by the Division.

S.W. presented no evidence showing he could provide the child with a safe and stable home. Thus, there is substantial credible evidence in the record to support Judge Warshaw's finding that the Division had proven, clearly and convincingly, that J.E.J.'s safety, health, and development had been and would continue to be endangered by her relationship with S.W.

B. Prong Two

Next, S.W. argues that the Division failed to present clear and convincing evidence on prong two of the best interests test. He asserts that there is no evidence to support the court's finding that he is unable or unwilling to provide J.E.J. a safe and stable home.

S.W. contends the Division failed to assess his home in New Jersey, never presented any evidence about his finances, and did not review his child-care arrangements. He asserts he "uprooted

his entire life" to return from Georgia. He claims he offered two relative placements immediately, and showed he was "willing and able" to become an important part of his daughter's life.

These arguments lack sufficient merit to warrant discussion. R. 2:11-3(e)(1)(E). We note, however, that there is sufficient credible evidence in the record to support Judge Warshaw's finding that S.W. failed to take the actions necessary to provide J.E.J. with a safe and stable home.

The record also supports the judge's finding that J.E.J. would suffer serious and enduring emotional or psychological harm if she is removed from her resource parent and returned to S.W. Thus, there is sufficient credible evidence in the record to support the judge's finding that the Division had met its burden of proof on prong two.

C. Prong Three

S.W. argues that the Division failed to offer him appropriate services. He asserts that the Division scheduled the substance abuse, psychological, and bonding evaluations solely for the purpose of providing it with evidence for the guardianship trial. S.W. further argues that the Division failed to "promptly and fairly" assess his sister as an alternative placement.

We note, however, that the scheduled evaluations were

necessary so that the Division could assess the services that S.W. required to capably parent J.E.J. In addition, the trial judge provided sound reasons for concluding that S.W.'s sister was not an appropriate alternative placement. As the judge noted in his decision, during the litigation, S.W.'s sister never made an attempt to obtain custody of J.E.J., and she has never met the child.

We are convinced that the record fully supports the judge's finding that the Division met its evidentiary burden on prong three. S.W.'s arguments regarding this prong lack sufficient merit to warrant further discussion. R. 2:11-3(e)(1)(E).

D Prong Four

S.W. argues that the record does not support the judge's finding that termination of his parental rights would not do more harm than good. S.W. contends the judge erred by relying upon Dr. Katz's testimony because Dr. Katz was unaware of the "missing" services that allegedly would have nurtured his bond with J.E.J. S.W. contends Dr. Katz was unable to determine accurately the impact of severing his relationship with the child.

We conclude, however, that there was ample support in the record for the judge's findings on prong four. S.W. presented no expert testimony or other evidence to counter Dr. Katz's

opinions. S.W.'s assumption that "missing" services would have helped him foster a bond with the child is pure speculation.

Moreover, the record supports the trial judge's finding that J.E.J. would suffer serious or enduring emotional and psychological harm if she is removed from her foster parent and siblings, and S.W. cannot ameliorate this harm. In addition, the record supports the judge's determination that J.E.J. would suffer no severe or enduring harm if her relationship with S.W. is terminated.

We are convinced there is sufficient credible evidence in the record to support the trial judge's determination that the termination of S.W.'s parental rights to J.E.J. would not do more harm than good, and termination of S.W.'s parental rights would be in the child's best interests.

Accordingly, we affirm the judgment terminating S.W.'s parental rights to J.E.J.

Affirmed in A-1643-15 and in A-1644-15.