

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-1902-15T2

M.B.,

Appellant,

v.

NEW JERSEY DEPARTMENT OF
CHILDREN AND FAMILIES,

Respondent.

Submitted June 19, 2017 – Decided July 10, 2017

Before Judges Fisher and Fasciale.

On appeal from New Jersey Department of
Children and Families.

Maxwell Brothers, appellant pro se.

Christopher S. Porrino, Attorney General,
attorney for respondent (Andrea M. Silkowitz,
Assistant Attorney General, of counsel; Joann
M. Corsetto, Deputy Attorney General, on the
brief.)

PER CURIAM

M.B., the father of a child born in 2004, appeals from an
October 22, 2015 final agency decision by the New Jersey Division
of Child Protection and Permanency (Division) determining,

pursuant to N.J.A.C. 10:129-7.3(c)(3), that an allegation of neglect had not been established. Such a determination allows the Division to maintain a record of its investigation should future interventions become necessary. M.B. requests that we modify the results of the investigation by concluding that the allegations of neglect are unfounded.

On appeal, M.B. argues the following points:

[Point I]

Facts do not support the finding of "not established." A finding of "unfounded" is supported by the facts. The agency has not found ANY facts of the nature of those listed in [N.J.S.A.] 9:6-21, definitions of child abuse and neglect. Agency has acted unreasonably and arbitrarily.

[Point II]

Agency acted arbitrarily, capriciously and unreasonably in relying on the interview of an impaired child whose testimony had additionally been prejudiced and colored by allegers of the neglect. The fact findings are not credible and the agency acted unreasonably and capriciously in its fact finding[s].


[Point III]

Agency policies and procedures are arbitrary, capricious and unreasonable in denying the in-agency appeal of a "not established" finding.

After careful consideration of the record, we are satisfied that M.B.'s arguments lack sufficient merit to warrant discussion in this 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