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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-1971-15T2

PETER SAVOIA,

Plaintiff-Appellant,

v.

HEALING HEARTS and TOWNSHIP
OF OCEAN,

Defendants-Respondents.

Submitted April 25, 2017 – Decided May 16, 2017

Before Judges Reisner and Rothstadt.

On appeal from the Superior Court of New
Jersey, Law Division, Monmouth County, Docket
No. L-4880-14.

Nieschmidt Law Office, attorneys for appellant
(Michael H. Nieschmidt, on the brief).

Schwartz & Posnock, attorneys for respondents
(David A. Schwartz, on the brief).

PER CURIAM

Plaintiff appeals from a December 3, 2015 order dismissing
his tort-based amended complaint (the tort case) against

defendants Healing Hearts and Ocean County, for failure to state a claim. R. 4:6-2(e). We affirm.

We glean from the amended complaint that plaintiff's claims relate to ongoing divorce litigation in which there is a dispute over custody and visitation. In his amended complaint in the tort case, plaintiff asserted that, as part of the divorce case, the Family Part referred defendant and his family to Healing Hearts, a social services agency. Plaintiff asserted that Healing Hearts wrongfully declined to provide reunification services and instead made a referral to the Division of Child Protection and Permanency (Division).¹ Judge Katie A. Gummer dismissed plaintiff's tort claims for failure to file a timely Tort Claims Act notice against Ocean County and Healing Hearts, which plaintiff's complaint alleged was a County "affiliate and/or Department." See N.J.S.A. 59:8-3, -8. The judge dismissed plaintiff's New Jersey Civil Rights Act claim, N.J.S.A. 10:6-2, because Title 9 affords immunity to a person or entity that makes a good faith referral to the Division, N.J.S.A. 9:6-8.13, and because plaintiff did not identify any independent substantive or due process right that defendants allegedly violated.

¹ The complaint did not assert that Healing Hearts made the referral in bad faith, but only that its actions were negligent.

Having reviewed the record in light of the applicable legal standards, we conclude that Judge Gummer's decision was correct, and we affirm for the reasons she stated in her comprehensive opinion issued on December 3, 2015. Plaintiff's appellate arguments are without sufficient merit to warrant further discussion here. 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