

RECORD IMPOUNDED

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SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2182-16T3
A-2183-16T3

NEW JERSEY DIVISION OF
CHILD PROTECTION AND
PERMANENCY,

Plaintiff-Respondent,

v.

D.D. and T.L.G.,

Defendants-Appellants.

IN THE MATTER OF THE
GUARDIANSHIP OF J.A.J.,

Minor.

Submitted October 10, 2017 – Decided October 18, 2017

Before Judges Sabatino and Whipple.

On appeal from Superior Court of New Jersey,
Chancery Division, Family Part, Camden County,
Docket No. FG-04-0153-16.

Joseph E. Krakora, Public Defender, attorney
for appellant D.D. (Theodore J. Baker,
Designated Counsel, on the brief).

Joseph E. Krakora, Public Defender, attorney for appellant T.L.J., (Eric Storjohann, Designated Counsel, on the briefs).

Christopher S. Porrino, Attorney General, attorney for respondent (Melissa Dutton Schaffer, Assistant Attorney General, of counsel; Jennifer A. Lochel, Deputy Attorney General, on the brief).

Joseph E. Krakora, Public Defender, Law Guardian, attorney for minor (Corey H. Cassar, Designated Counsel, on the brief).

PER CURIAM

In these consolidated matters, defendants D.D. (the mother) and T.L.J. (the father) appeal from a November 9, 2016 Family Part order terminating their parental rights to J.A.J. We affirm substantially for the reasons set forth in Judge Francine Axelrad's comprehensive and well-reasoned decision issued with the order.

The evidence is set forth in detail in the judge's opinion. A summary will suffice here. The mother suffers from mental health and substance abuse issues and has an extensive history with the Division of Child Protection and Permanency (the Division). On June 10, 2014, shortly after the birth of J.A.J., the Division removed her from the mother's custody and filed a complaint seeking care, custody, and supervision.

At that time, the father was incarcerated. Throughout this litigation, the Division offered the father and mother a multitude of services that they did not complete. Despite being a condition

of reunification with J.A.J., neither the father nor the mother was able to secure safe and suitable housing.

The Division filed a complaint for guardianship of J.A.J. on April 12, 2016. The Division's expert, Dr. Linda Jeffrey, diagnosed the mother with parent-child relationship problems, adjustment disorders, schizophrenia, unspecified other substance-related disorders, tobacco use disorder, cannabis use disorder, and other specified personality disorders. Dr. Jeffrey opined "[the mother] is not prepared to provide a minimal level of safe parenting for her daughter" and "[J.A.J.] would be likely to be placed at risk for harm if placed in the care of [the mother]."

Dr. Jeffrey found it unlikely that the father was prepared to provide a stable, safe, and secure parenting environment for J.A.J. Furthermore, Dr. Jeffrey concluded J.A.J. was securely attached to the resource mother and severance would likely place the child at risk for serious and enduring harm. She recommended J.A.J. not be placed in the care of the mother or the father "where she is likely to be placed at risk of harm."

The guardianship trial began on October 13, 2016. Neither parent appeared at the first day of trial. The Division presented Dr. Jeffrey as its expert witness who testified she diagnosed the mother with mental health issues, including schizophrenia. In particular, Dr. Jeffrey testified about the dangers a person

diagnosed with schizophrenia posed to a child. Furthermore, she testified that neither parent was likely to develop the parenting skills needed to raise a child. Moreover, she stated J.A.J. would likely suffer harm if removed from the resource mother.

The trial concluded on October 31, 2016, and again, neither parent appeared. The Division caseworker testified about her efforts to assist the father in finding low-income housing, advising him to contact her if needed, and referring him for treatment, which he did not attend.


On November 9, 2016, the trial court terminated the father's and mother's parental rights, finding the Division satisfied each prong of N.J.S.A. 30:4C-15.1. Throughout the trial, neither parent presented any evidence or witnesses, and neither parent testified.

Judge Axelrad's November 9, 2016 opinion, delivered from the bench, 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 the statutory grounds for termination of defendants' parental rights. Furthermore, the judge found the Division had proven all four prongs of the best interests test, N.J.S.A. 30:40C-15.1(a), which, in the best interest of the child, mandates termination of parental rights. In re Guardianship of K.H.O., 161 N.J. 337, 347-48 (1999). In this appeal, our review of the 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)). We conclude the factual findings by the judge are fully supported by the record and 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