

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-2568-15T1

M.P.,

Plaintiff-Respondent,

v.

E.S.,

Defendant-Appellant.

Submitted September 12, 2017 – Decided September 21, 2017
Before Judges Fisher and Sumners.

On appeal from the Superior Court of New
Jersey, Chancery Division, Family Part, Bergen
County, Docket No. FD-02-1125-10.

E.S., appellant pro se.

M.P., respondent pro se.

PER CURIAM

Plaintiff M.P. (Margaret, a fictitious name) filed this family court action to resolve custody, visitation, and child-support disputes concerning the parties' only child, who is now seven years old. Eventually, the proceedings resulted in an order that called for defendant E.S. (Edward, also a fictitious name)

and the child to engage in reunification therapy. The propriety of that order, however, is not before us.

Instead, Edward's appeal concerns a later ruling – the denial of his family court motion which sought relief from an earlier protective order that limited the use and dissemination of Bergen Family Center's custody-parenting-time report. Edward requested that the protective order's limitations on the report's use and dissemination be expanded so he might consider whether to pursue his grievances with the Bergen Family Center and some of its representatives in another forum.¹ In urging the motion's denial, Margaret asserted the child's and her right to keep confidential those things they expressed to the evaluators.

The motion judge denied relief for reasons expressed in a cogent written opinion appended to the December 22, 2015 order under review. The judge correctly observed and relied upon the fact that the report's purpose was limited and that the parties openly engaged in the evaluation process with the understanding that the report would remain confidential and be used or

¹ In his trial court motion, Edward only identified his intention to bring the matter to the attention of "the appropriate governing agency, including the New Jersey State Board of Social Workers and the New Jersey State Board of Psychological Examiners." In his brief here, Edward evinces an intent "to sue the psychologist who wrote a negative report against [him] and committed unethical behavior, and to sue the Director of Bergen Family Center."

disseminated only insofar as it aided the court's disposition of the parties' custody and parenting-time disputes. Consequently, the judge found unwarranted Edward's request for relief from the protective order.

In appealing the December 22, 2015 order, Edward argues:

I. TRIAL COURT EGREGIOUSLY ABUSED DISCRETION BY DENYING [HIS] APPLICATION TO LIFT PROTECTIVE ORDER ON BERGEN FAMILY CENTER WHICH VIOLATED [HIS] RIGHTS, AND IN WHICH [HE] WANTS TO PURSUE CLAIMS AGAINST BERGEN FAMILY CENTER FOR UNETHICAL BEHAVIOR, SINCE THERE IS NO COMPELLING STATE INTEREST, THERE IS NO INVASION OF PRIVACY, NO HARASSMENT, TO IMPOSE SUCH PROTECTIVE ORDER IN THIS MATTER FOR GOOD CAUSE. R. 5:3-2(b) & R. 5:3-3(g).

II. TRIAL JUDGE ABUSED DISCRETION BY NOT INCLUDING RELEVANT FINDINGS OF FACT SUPPORTED BY RELEVANT CONCLUSIONS OF LAW PURSUANT TO R. 1:7-4 IN DENYING [EDWARD'S] APPLICATION TO LIFT PROTECTIVE ORDER.

III. TRIAL JUDGE ABUSED DISCRETION ON GROUNDS THAT COURT ISSUED PROTECTIVE ORDER ON AN EVALUATION BASED ON A FALSE ALLEGATION OF ABUSE MADE BY [MARGARET] AND/OR [HER] ATTORNEY, AND SAID FALSE ALLEGATION IS A "BAD FAITH" ACT, ENTITLING [MARGARET] TO NO RELIEF.

We find insufficient merit in Edward's Points II and III to warrant further discussion in a written opinion, R. 2:11-3(e)(1)(E), adding only as to Point II that, despite its brevity, the motion judge's written decision more than adequately complied with Rule 1:7-4(a).

We also reject Edward's Point I because we view his request for relief from the protective order to be premature. Only until the commencement of an administrative proceeding or civil lawsuit will it be appropriate to entertain such a request; the present controversy hasn't yet ripened into something justiciable.

If, at some future time, Edward should timely commence a lawsuit or an administrative proceeding that addresses the alleged wrongful or unethical conduct, he may seek relief from the protective order in that particular forum. Only in the context of such a proceeding will the relationship between the alleged misconduct or wrongdoing and the report itself become sufficiently crystalized to allow that forum to consider whether it would be appropriate to permit some additional use or dissemination of the report. Whatever forum is called upon to resolve an application for relief from the protective order should, of course, give full consideration to the reasons for confidentiality in the first place, as well as Margaret's and the child's competing interests.

In summary, we conclude that Edward prematurely sought relief from the protective order and, for that reason alone, we affirm the order under review without opining on the other reasons asserted by Margaret in seeking a rejection of Edward's arguments.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION