**RECORD IMPOUNDED**



SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2856-15T4
A-2857-15T4

NEW JERSEY DIVISION OF
CHILD PROTECTION AND
PERMANENCY,

Plaintiff-Respondent,

v.

E.B. and N.B.,

Defendants-Appellants.

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IN THE MATTER OF THE
GUARDIANSHIP OF
N.P.B. and A.B.,
Minors.

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Submitted September 12, 2017 – Remanded September 22, 2017
Resubmitted November 29, 2017 – Decided December 15, 2017

Before Judges Fisher and Moynihan.

On appeal from Superior Court of New Jersey, Chancery Division, Family Part, Bergen County, Docket No. FG-02-0040-15.

Joseph E. Krakora, Public Defender, attorney for appellant E.B. (Dianne Glenn, Designated Counsel, on the brief).

Joseph E. Krakora, Public Defender, attorney for appellant N.B. (Susan M. Markenstein, Designated Counsel, on the brief).

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

Joseph E. Krakora, Public Defender, Law Guardian, attorney for minors (Karen Ann Lodeserto, Designated Counsel, on the brief).

PER CURIAM

Although we agreed with the trial judge's findings that the evidence clearly and convincingly established the first three of the four factors required to be proved before parental rights are terminated in this guardianship case, see N.J.S.A. 30:4C-15.1(a)(1) to (3), we remanded and retained jurisdiction for the judge to consider evidence relating to the fourth prong – whether termination of parental rights will not do more harm than good, N.J.S.A. 30:4C-15.1(a)(4); see also N.J. Div. of Youth & Family Servs. v. A.W., 103 N.J. 591, 604-11 (1986).

In our earlier opinion, N.J. Div. of Child Prot. and Permanency v. E.B., No. A-2856-15, N.J. Div. of Child Prot. and Permanency v. N.B., No. A-2857-15 (consolidated) (App. Div. Sept. 22, 2017) (slip op. at 5 n.3, 10), we noted that Dr. Miller, the Division's[1] expert witness who conducted psychological evaluations

[1] New Jersey Division of Child Protection and Permanency.

of all four members of the nuclear family and bonding evaluations, found both boys — Nathan and Alfred — were bonded to each of their parents, and "opined the boys would have 'a significant emotional reaction' if they perceived they would never see their parents again if termination was ordered, and that it would 'probably not be good' if they were barred forever from having contact with their parents" — a scenario deemed "improbable" by Dr. Miller. In light of a Division caseworker's contact sheet that related the boys' uncle — part of the resource family considered as an option to adopt the boys — said he would not allow them to have any contact with their natural parents until they were eighteen years old, id. at 10, we remanded the case for the judge to consider that

> and any other related evidence in the existing record, found pertinent and admissible, in determining whether termination would do more harm than good. . . . We note[d] that the contact sheets contain[ed] embedded hearsay, including the uncle's statement to the caseworker about his intention to prevent the boys from seeing their natural parents. We [left] it to the trial judge to determine whether or to what extent he [required] additional testimony, evidence or argument to determine the admissibility or weight of such evidence.
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> [Id. at 11 (footnote omitted).]

We directed the trial judge to supplement his findings and conclusions, including those related to the admissibility of evidence, and to provide us with an amplified decision. Ibid.

The trial judge retired and Judge William R. DeLorenzo reviewed the pertinent exhibits and trial transcripts, heard oral argument and conducted an evidentiary hearing at which the uncle — who said he would deny contact between the boys and their natural parents — testified. Judge DeLorenzo, in a thorough and well-reasoned written opinion, balanced the boys' bonds with their natural parents and the resource parents who expressed interest in adopting them, the harm that might be suffered if those bonds were broken, how the boys' reaction to termination would be addressed, and the abilities of the resource parents and the natural parents to address the boys' needs. He concluded that termination of the natural parents' rights would not do more harm than good. We affirm substantially for the reasons he expressed in his thoughtful written decision.

The judge found that the boys' uncle credibly testified that he would allow visitation between the boys and their parents post-adoption, unless the boys experienced "significant stress." He contrasted the respective bonds between the boys and both sets of parents, finding a secure bond with the resource parents and an insecure one with the natural parents; and contrasted the readiness

of both sets of parents to care for the boys. He concluded the resource parents — who already provided "a stable, loving environment for the children," and were, unlike the natural parents, "attuned" to their special needs — would provide permanency which the boys needed and deserved. See In re Guardianship of K.H.O., 161 N.J. 337, 357 (1999) (recognizing a child's need for permanency and stability is a "central factor" in termination of parental rights cases).

These findings, together with those made by the trial judge, were supported by credible, clear and convincing evidence, and are entitled to our deference. N.J. Div. of Youth and Family Servs. v. F.M., 211 N.J. 420, 447-49 (2012); Cesare v. Cesare, 154 N.J. 394, 411-13 (1998).

Affirmed.