

RECORD IMPOUNDED

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SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-4770-15T1

NEW JERSEY DIVISION OF CHILD
PROTECTION AND PERMANENCY,

Plaintiff-Respondent,

v.

D.J.,

Defendant-Appellant.

IN THE MATTER OF THE GUARDIANSHIP
OF K.J., a minor.

Submitted May 2, 2017 – Decided May 18, 2017

Before Judges Koblitiz, Rothstadt and Sumners.

On appeal from Superior Court of New Jersey,
Chancery Division, Family Part, Ocean County,
Docket No. FG-15-10-15.

Joseph E. Krakora, Public Defender, attorney
for appellant (Joseph F. Kunicki, Designated
Counsel, on the brief).

Christopher S. Porrino, Attorney General,
attorney for respondent (Melissa Dutton-
Schaffer, Assistant Attorney General, of
counsel; Daniel Pierre, Deputy Attorney
General, on the brief).

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

PER CURIAM

Defendant D.J. appeals from a June 23, 2016 Family Part order terminating his parental rights to his son K.J., who was five years old at the time of the guardianship trial. We affirm, substantially for the reasons stated by Judge Therese A. Cunningham in her thirty-one page written opinion issued with the order.

The evidence is outlined in detail in the judge's opinion. A summary will suffice here. K.J. was born in 2011 to a mother who was addicted to drugs and who passed away in 2015. The newborn had withdrawal symptoms at birth, and was transferred to a specialized children's hospital where he stayed for approximately six weeks. D.J. initially denied paternity until a paternity test administered when K.J. was two and one-half years old demonstrated he was in fact the father. Defendant was incarcerated at times during the litigation and only complied sporadically with scheduled dates for evaluations and court hearings. He was present for the third and final trial day only, explaining he had been confused about the first two dates.

Defendant has a lengthy criminal and domestic violence history. He was confrontational and hostile toward the Division workers. He did not visit his son regularly. At the time of


trial, defendant had only seen his son twice during the prior year, once for the bonding evaluation. The bonding evaluator found defendant's bond with his son was "weak." Defendant did not have a stable home or job. The Division placed K.J. with relatives, but the placement did not work out. At the time of trial, K.J. was in his sixth placement, and this placement had lasted for two years. His resource parents wished to adopt him and the Division's expert opined that a secure bond was forming between them and K.J. at the time of the bonding evaluation.

In her comprehensive opinion, Judge Cunningham found that the Division had proven all four prongs of the best interests test, N.J.S.A. 30:4C-15.1(a), and that termination of defendant's parental rights was in the child's best interests. On this appeal, our review of the trial 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, 269 (2007) (citing In re Guardianship of J.T., 269 N.J. Super. 172, 188 (App. Div. 1993)). After reviewing the record, we conclude that the trial judge's factual findings are fully supported by the record and, in light of those facts, her legal conclusions are unassailable.

Defendant contends that the trial judge erred in her analysis because he never specifically harmed K.J. "directly," did not produce positive drug tests for two years, and attended some services. Those arguments are without sufficient merit to warrant discussion in a written 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