SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-5228-14T1

ANNA CASCIOLE,

Plaintiff-Appellant,

v.

JOSEPH BONAFIGLIA,

Defendant-Respondent.

Submitted January 31, 2017 – Decided February 27, 2017

Before Judges Koblitz and Rothstadt.

On appeal from Superior Court of New Jersey, Chancery Division, Family Part, Atlantic County, Docket No. FD-01-596-13.

Scott J. Capriglione, attorney for appellant.

Respondent has not filed a brief.

PER CURIAM

Plaintiff Anna Casciole appeals from a June 25, 2015 order, entered after a plenary hearing, modifying custody and parenting time and designating defendant Joseph Bonafiglia primary parent of residence (PPR) for their daughter, then four years old. After

reviewing the record in light of the contentions advanced on appeal, we affirm substantially for the reasons expressed in Judge Noah Bronkesh's thorough and well-reasoned written opinion.

Prior to the June 25 order, in May 2014, the parties, who were never married, entered into a consent order agreeing they would share joint physical and legal custody and New Jersey would continue to be the "home state" of their child, although plaintiff resided in Pennsylvania. The consent order remained in place until plaintiff initiated the current proceedings. At the time of the hearing, the parents lived about two hours apart. With the parties' daughter about to turn five in September 2015, making her eligible to attend kindergarten, plaintiff filed a petition that venue be changed to Pennsylvania and that plaintiff be appointed PPR. Defendant filed a cross-motion opposing the venue change and seeking to become the PPR.

Judge Bronkesh held a three-day hearing, after which he made credibility assessments, and detailed fact-findings. He carefully reviewed the statutory custody factors contained in N.J.S.A. 9:2-4 as they applied to those facts. He found, as both parties claimed, that the child becoming school age "constitute[d] a substantial change of circumstance given the distance between the parties' residences." The judge continued joint custody, finding both parents to be fit. Although acknowledging that plaintiff

exercised more parenting time when the child was younger and perhaps was more in tune with the child's needs due to their mother-daughter bond, the judge designated defendant as the PPR due to the greater stability of defendant's home environment and his ability to provide superior educational opportunities for the child. See N.J.S.A. 9:2-4 (7), (8) and (9).

"The scope of appellate review of a trial court's fact-finding function is limited." N.J. Div. of Youth & Family Servs. v. I.Y.A., 400 N.J. Super. 77, 89 (App. Div. 2008). The findings "are binding on appeal when supported by adequate, substantial, credible evidence." Ibid. (quoting Cesare v. Cesare, 154 N.J. 394, 411-12 (1998)). "[B]ecause of the family courts' special jurisdiction and expertise in family matters, appellate courts should accord deference to family court factfinding." N.J. Div. of Youth & Family Servs. v. M.C. III, 201 N.J. 328, 343 (2010) (quoting Cesare, supra, 154 N.J. at 413).

Judge Bronkesh's decision was supported by adequate, substantial, credible evidence. He did not abuse his discretion in making this difficult decision regarding the primary residence of a young child. Plaintiff's argument that we should reverse because no change of circumstances was established, as well as her arguments concerning evidentiary issues, are without sufficient merit to require discussion in a written opinion. R. 2:11-

3(e)(1)(E). We note only that our review of a trial judge's evidentiary rulings requires that substantial deference be granted to the judge's exercise of discretion. DeVito v. Sheeran, 165 N.J. 167, 198 (2000).

Affirmed.