

RECORD IMPOUNDED

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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-0396-17T1

NEW JERSEY DIVISION OF CHILD
PROTECTION AND PERMANENCY,

Plaintiff-Respondent,

v.

L.H.,

Defendant-Appellant.

IN THE MATTER OF THE GUARDIANSHIP
OF J.H., a Minor.

Submitted May 22, 2018 – Decided May 29, 2018

Before Judges Fasciale and Sumners.

On appeal from Superior Court of New Jersey,
Chancery Division, Family Part, Essex County,
Docket No. FG-07-0162-17.

Joseph E. Krakora, Public Defender, attorney
for appellant (Amy M. Williams, Designated
Counsel, on the brief).

Gurbir S. Grewal, Attorney General, attorney
for respondent (Jason W. Rockwell, Assistant
Attorney General, of counsel; Amy L.
Bernstein, Deputy Attorney General, on the
brief).

Joseph E. Krakora, Public Defender, Law Guardian, attorney for minor (Noel C. Devlin, Assistant Deputy Public Defender, of counsel and on the brief).

PER CURIAM

L.H. (the mother) appeals from a September 6, 2017 judgment of guardianship terminating her parental rights of J.H. (the child), born November 2011. L.H. argues that the Division of Child Protection and Permanency (the Division) failed to prove all four prongs of the best interests of the child test under N.J.S.A. 30:4C-15.1(a) by clear and convincing evidence.

The Division's involvement with the mother began shortly after the child's birth. The Division received referrals regarding the mother's substance abuse, and provided services. The Division terminated its involvement in 2014 after the mother tested negative for illegal substances. In October 2015, the Division received a referral that the mother was transported to a hospital after falling unconscious in a street when she ingested an illegal substance. The child was with the mother at the time of the incident. The Division performed an emergency removal of the child that day, and subsequently retained temporary custody.

Following the removal, the Division provided the mother with several services, including substance abuse programs and parenting groups. The mother failed to consistently attend both services,

and was subsequently removed from the substance abuse programs. The mother also failed several drug tests for the year preceding the trial. The Division attempted to place the child with other family members prior to terminating the mother's parental rights, but was unsuccessful in finding a suitable individual. At trial, the Division's expert testified that the mother's involvement would do further harm to the child. The judge found the Division's expert credible, and determined that the Division satisfied all four prongs of the best interests of the child test by clear and convincing evidence.

We defer to the judge's factual findings and credibility determinations, N.J. Div. of Youth & Family Servs. v. M.M., 189 N.J. 261, 293 (2007), and conclude that the mother's arguments are without sufficient merit to warrant discussion in a written opinion, R. 2:11-3(e)(1)(E). We affirm substantially for the reasons set forth by Judge James R. Paganelli in his thorough and well-reasoned decision.

Affirmed.

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


CLERK OF THE APPELLATE DIVISION