

## RECORD IMPOUNDED

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APPROVAL OF THE APPELLATE DIVISION**

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-1202-16T1

NEW JERSEY DIVISION OF CHILD  
PROTECTION AND PERMANENCY,

Plaintiff-Respondent,

v.

M.G.,

Defendant-Appellant,

and

C.G.,

Defendant.

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IN THE MATTER OF M.G. II,  
IA.G., IS.G., J.G., and  
T.G.,

Minors.

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Submitted October 31, 2017 – Decided January 2, 2018

Before Judges Fisher and Sumners.

On appeal from Superior Court of New Jersey,  
Chancery Division, Family Part, Hudson County,  
Docket No. FN-09-0321-15.

Joseph E. Krakora, Public Defender, attorney for appellant (Janet A. Allegro, Designated Counsel, on the brief).

Christopher S. Porrino, Attorney General, attorney for respondent (Andrea M. Silkowitz, Assistant Attorney General, of counsel; Julie B. Colonna, Deputy Attorney General, on the brief).

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

Joseph E. Krakora, Public Defender, Law Guardian, attorney for minors IA.G., IS.G, J.G., and T.G. (David Valentin, Assistant Deputy Public Defender, on the brief).

#### PER CURIAM

The Division of Child Protection and Permanency (the Division) filed this Title 9 action charging defendant M.G. with abuse and neglect of two of his four children on two separate occasions. The Division alleged defendant placed the children, ages one and six at the time, at risk of substantial harm when he was supervising them at home while his wife went to the store, and after admittedly ingesting alcohol, cocaine and Xanax, he lost consciousness in his bathroom following a sexual act of self-gratification with a tie around his neck. The Division alleged four months later, defendant violated a court order prohibiting him from unsupervised visits with his children and requiring him to receive services for substance abuse along with mental health

treatment, by giving his six-year-old son a motorcycle ride when he had failed to take advantage of the services.<sup>1</sup>

Following a fact-finding hearing, Judge Bernadette N. DeCastro issued an order and written decision, determining that defendant's conduct on both occasions constituted abuse and neglect under N.J.S.A. 9:6-8.21(c)(4)(b).

On appeal, defendant argues that the evidence presented against him by the Division was insufficient; there was no reliable proof that his actions rose to the level of reckless disregard for his children's safety; or that he put his children in imminent danger.

We disagree, and affirm substantially for the reasons stated by Judge DeCastro in her well-reasoned written decision. She based her factual determinations on substantial evidence she found credible and, for that reason, we must defer to those determinations. Cesare v. Cesare, 154 N.J. 394, 411-13 (1998); N.J. Div. of Youth & Family Servs. v. H.B., 375 N.J. Super. 148, 172 (App. Div. 2005). Finding no principled reason for second-guessing the judge's findings or the conclusions drawn from those findings, we conclude there is insufficient merit in defendant's


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<sup>1</sup> This incident also resulted in a finding of abuse and neglect against C.G., defendant's wife, who allowed the unsupervised visit. She chose not to appeal.

arguments 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