

RECORD IMPOUNDED

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SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1777-16T2

NEW JERSEY DIVISION OF CHILD
PROTECTION AND PERMANENCY,

Plaintiff-Respondent,

v.

S.R.,

Defendant-Appellant.

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

Submitted December 12, 2017 — Decided January 16, 2018

Before Judges Reisner and Gilson.

On appeal from Superior Court of New Jersey,
Chancery Division, Family Part, Ocean County,
Docket No. FG-15-0023-16.

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

Christopher S. Porrino, Attorney General,
attorney for respondent (Melissa H. Raksa,
Assistant Attorney General, of counsel;
Melvina D. Fennell, Deputy Attorney General,
on the brief).

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

PER CURIAM

S.R., a mother, appeals from a December 19, 2016 judgment terminating her parental rights to her son and granting guardianship of the child to the Division of Child Protection and Permanency (Division) with the plan that the child be adopted. The child's law guardian and the Division urge that we affirm the judgment and allow the adoption to proceed. Having reviewed the record in light of the applicable law, we affirm for the reasons explained by Judge Joseph L. Foster in his comprehensive opinion read into the record on December 19, 2016.

The facts and evidence are detailed in Judge Foster's opinion, which he rendered after a three-day trial. Accordingly, we need only summarize some of the relevant facts. The child was born in November 2009, and for the first four years of his life he lived primarily with his mother and his older sister. The father, who is no longer in a relationship with the mother and who had not lived with the child for several years, gave an identified surrender of his parental rights in 2016.

In April 2014, the child told a daycare worker that his backside hurt. The worker examined the child and discovered that he had extensive bruises on his buttocks. The Division was

notified and a Division worker also examined the child and observed numerous black and blue marks on the child's buttocks. The child told the worker that his mother hit him with a belt. Thereafter, the child was taken to the hospital for further examination and the mother was notified.

The mother denied hitting the child and claimed that the child might have been hit by her live-in boyfriend. She acknowledged, however, that she saw the bruises the night before, but did not take the child to a hospital or a doctor.

The Division removed the child from the mother's custody and placed him with a foster family. The child has been in the care of the Division since the court approved the emergent removal in June 2014. In July 2015, the child was placed in his current foster home, and the foster mother wants to adopt the child.

The Division's initial plan was to reunite the mother and the child. Thus, following the child's removal, the Division provided the mother with various services, including family preservation counseling. A counselor who worked with the mother advised the Division that she was just going through the motions of counseling, was not changing her behavior, and was not connecting with or meeting the emotional needs of her son.

The Division also arranged for psychological evaluations of the mother. The psychologist, who performed two separate

evaluations of the mother, opined that she was not meeting the needs of her child, was not capable of independently caring for her child, and, despite receiving various services, was not likely to develop such skills in the foreseeable future.

After the mother made little progress with her various services, the Division changed the plan for the child. In October 2015, the Division filed a complaint for guardianship seeking termination of the mother's parental rights followed by adoption of the child.

A guardianship trial was conducted in December 2016. The Division presented testimony from two workers and an expert in psychology and child bonding. The Division also submitted numerous documents into evidence. The mother testified and called a psychological expert to testify on her behalf.

Based on the testimony and evidence, Judge Foster made detailed findings. He credited the testimony of the Division workers and the Division's expert. In contrast, he found the mother's testimony incredible. Judge Foster was also not persuaded by the mother's expert. Indeed, Judge Foster expressly rejected significant parts of the testimony and opinions offered by the mother's expert.

Judge Foster then addressed the four prongs of the best interests of the child test. N.J.S.A. 30:4C-15.1(a). Applying

his factual findings to the law, Judge Foster found that the Division had proven each of the four prongs by clear and convincing evidence. Consequently, the judge terminated the mother's parental rights and granted the Division guardianship of the child.

On this appeal, the mother argues that the trial court erred in finding each of the four prongs under the best interests test. She takes particular exception to the trial court's finding that she caused harm to her child.

The mother's arguments are without sufficient merit to warrant a detailed discussion in a written opinion. R. 2:11-3(e)(1)(E). Judge Foster found that the mother was the person who inflicted the injuries to the child. In making that finding, the judge found the mother's testimony to be incredible. The judge also found that the child repeatedly and consistently stated that his mother hit him with a belt, which was supported by other evidence. Judge Foster also found that the mother failed to care for or address the abuse that the child suffered.

Turning to the second prong, Judge Foster found that the mother was unable or unwilling to eliminate the harm facing her son. In that regard, Judge Foster noted that even the mother's own expert testified that the mother did not have a strong bond with the child and was not ready to reunite with the child. Judge Foster went on to find that the Division had provided reasonable

services to the mother, but that she had not made significant progress through those services.

Finally, relying on the testimony of the Division's expert, Judge Foster found that the bond between the mother and her son was weak, the bond between the child and the foster mother was strong, and that termination of the mother's parental rights would not do more harm than good. Each of those findings is supported by substantial credible evidence. N.J. Div. of Youth & Family Servs. v. F.M., 211 N.J. 420, 448 (2012). Judge Foster also correctly summarized the law and correctly applied his factual findings to the law.

Affirmed.

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


CLERK OF THE APPELLATE DIVISION