

RECORD IMPOUNDED

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SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1608-20

NEW JERSEY DIVISION
OF CHILD PROTECTION
AND PERMANENCY,

Plaintiff-Respondent,

v.

Z.R.,

Defendant-Appellant,

and

J.M.,

Defendant.

IN THE MATTER OF THE
GUARDIANSHIP OF
J.R., minor.

Argued January 4, 2022 – Decided February 14, 2022

Before Judges Fisher and DeAlmeida.

On appeal from the Superior Court of New Jersey, Chancery Division, Family Part, Monmouth County, Docket No. FG-13-0035-20.

Ryan T. Clark, Designated Counsel, argued the cause for appellant (Joseph E. Krakora, Public Defender, attorney; Ryan T. Clark, on the briefs).

Meaghan Goulding, Deputy Attorney General, argued the cause for respondent (Andrew J. Bruck, Acting Attorney General, attorney; Melissa H. Raksa, Assistant Attorney General, of counsel; Meaghan Goulding, on the brief).

Louise M. Cho, Assistant Deputy Public Defender, argued the cause for minor (Joseph E. Krakora, Public Defender, Law Guardian, attorney; Meredith Alexis Pollock, Deputy Public Defender, of counsel; Louise M. Cho, of counsel and on the brief).

PER CURIAM

Defendant Z.R. appeals from the January 28, 2021 order of the Family Part terminating her parental rights to her son J.R.¹ After a six-day trial, Judge Teresa Kondrup-Coyle issued a thirty-three-page written opinion finding that the Division of Child Protection and Permanency (Division) had satisfied all four prongs of the best interests of the child test set forth in N.J.S.A. 30:4C-15.1(a), justifying termination of Z.R.'s parental rights. We affirm.

¹ We identify the parties and their son by initials to protect confidential information in the record. R. 1:38-3(d)(12).

Judge Kondrup-Coyle's opinion reviewed the evidence in great detail. A summary will suffice here. Z.R. has a history of untreated substance abuse and mental health issues. She has been known to the Division since she was a child, having been removed from her mother's custody after her mother's arrest for drug possession.

J.R. is Z.R.'s fourth child. The three older children are not in the care or custody of Z.R., who accumulated seventeen referrals to government agencies relating to the welfare of her children prior to J.R.'s birth. Those referrals concerned substance abuse, domestic violence, lack of food in the home, mental health concerns, homelessness, and medical neglect. The Division established one neglect allegation against Z.R. when it determined she was residing with her children in a home without utilities and that one child lacked medical insurance. The status of Z.R.'s older children are not before the court.

After becoming aware that Z.R. was pregnant, the Division contacted local hospitals. Each hospital was instructed to contact the Division if Z.R. gave birth in their facility. Shortly thereafter, the Division was notified of J.R.'s birth and

the fact that the newborn's meconium tested positive for buprenorphine and opiates. Z.R. admitted that she did not have a prescription for the substances.²

Shortly after J.R.'s birth, the trial court granted the Division care and supervision of J.R. and ordered Z.R., who had custody of the child, to comply with Division services. During a substance abuse evaluation, J.R. tested positive for unprescribed Suboxone. The Division implemented a safety protection plan requiring Z.R. to be supervised when with the child, although she was provided periodic opportunities for unsupervised parenting time.

In the months that followed, Z.R. failed to comply with substance abuse treatment recommendations. She tested positive for illegal substances, including Oxycodone, and Oxymorphone. After Z.R. tested positive for cocaine, her unsupervised parenting time with J.R. was rescinded.

In August 2018, the ceiling in Z.R.'s home caved in. She moved with the child into the home of a friend. The Division conducted an emergency removal of J.R. from Z.R.'s custody because she could not identify a suitable person to supervise her, and Z.R.'s friend frustrated the Division's attempts to assess the suitability of her home for the child.

² The child's father, defendant J.M., did not appeal the termination of his parental rights to J.R.

As a result, J.R. was placed in a resource home. At that time, it was determined that J.R. had not been taken to a pediatrician in five months and had missed two rounds of immunizations. After one day in his first resource home, J.R. was placed in a second resource home. The Division's goal was reunification of Z.R. and her son.

A short time later, Z.R. was evicted. She was also sentenced to probation for a criminal conviction. Twice Z.R. underwent a substance abuse evaluation. In both instances, Z.R. was recommended for substance abuse treatment programs. She failed to comply with either recommendation and subsequently refused to provide a urine sample. In December 2018, Z.R. failed to appear for a substance abuse evaluation and later admitted she continued to abuse opioids.

Z.R. self-enrolled in a substance abuse treatment program in February 2019. However, within a month she was reported to be non-compliant with treatment due to poor attendance and positive urine screens. The next month she self-enrolled in another substance abuse treatment program. She left that program against medical advice a week later.

In the following months, Z.R. failed to attend eight appointments for substance abuse evaluations. A psychological evaluation of Z.R. resulted in a recommendation for inpatient detoxification, followed by inpatient substance

abuse treatment. Z.R. did not comply with those recommendations. The evaluator also recommended Z.R. have only supervised visits with J.R.

Initially, Z.R. consistently appeared for supervised visits. She interacted appropriately with J.R. on each occasion. However, between July 2019 and October 2019, she visited J.R. only once. The YMCA, which was conducting the supervised visits, ceased visitation services for Z.R. because of three unexcused absences in a six-week period. During this time, the court changed J.R.'s permanency goal to termination of parental rights followed by adoption.

Z.R. continued her pattern of non-compliance with substance abuse treatment recommendations. She was noted to be homeless and staying with various family members and friends. In February 2020, Z.R. was incarcerated in the county jail. After her release the following month, the Division initiated video visitation with J.R. due to restrictions related to the Covid-19 pandemic. In-person visits were reinstated in August 2020.

J.R.'s resource home placement was changed several times. In January 2019, J.R. was removed from his resource home due to child abuse and neglect allegations against his resource parents. He was placed in a new resource home. In November 2019, J.R. was placed in another resource home because his prior resource parents were unable to commit to caring for him for the long-term. In

June 2020, J.R. was moved to another resource home as his prior resource parents were not committed to his long-term care. At the time of trial, J.R. was reported to be doing well in his new placement with licensed resource parents who are committed to adopting him.

The trial court found credible expert testimony that the benefit of terminating Z.R.'s parental rights to permit J.R.'s adoption would outweigh any harm visited on the child by the severing of parental ties. The court found that Z.R. continues to engage in substance abuse, has not participated in recommended treatment programs or mental health treatment, did not take advantage of the numerous services offered to her by the Division, and is unwilling or unable to care for J.R. due to "prolonged drug addiction and housing instability."

The court found that Z.R.'s behavior placed J.R.'s safety, health, and development at risk. In addition, the court found that J.R. is flourishing in his resource home, with resource parents who are committed to adopting him. While the court recognized that Z.R. behaves appropriately during her visits with J.R. and that the child is bonded to her, it found that despite Z.R.'s affection for her child she is unable or unwilling to overcome her drug addiction and to make realistic and suitable arrangements for the housing and care of J.R.

Before us Z.R. argues that: (1) the trial court's findings were incomplete and inadequate; (2) undisputed facts, including her history of positive visits with J.R., establish that she is able to eliminate any alleged future harm from the parental relationship; (3) there is insufficient evidence to support the trial court's finding that the Division made reasonable efforts to provide services to Z.R. to assist with her reunification with J.R.; (4) the trial court's conclusion that termination of Z.R.'s parental rights will not do more harm than good to the child is not supported by the record; (5) the trial court overlooked the fact that Z.R.'s lack of access to technology during the Covid-19 pandemic prevented her from successfully completing services offered by the Division; and (6) the record does not support the trial court's conclusion that adoption is the appropriate goal for J.R., given his placement with five resources families, four of which withdrew their intentions to adopt the child. J.M.'s law guardian supports the trial court's decision.

Our review of Judge Kondrup-Coyle's decision is limited and deferential. We will not disturb a trial judge's factual findings so long as they are supported by substantial credible evidence. See N.J. Div. of Youth & Family Servs. v. R.G., 217 N.J. 527, 552 (2014). We defer to the judge's evaluation of witness credibility and to her expertise in family court matters. Id. at 552-53.

After carefully reviewing the record in light of the applicable precedents, we conclude that substantial credible evidence supports Judge Kondrup-Coyle's decision. There is no basis for us to disturb her well-reasoned determination that the Division has established by clear and convincing evidence that termination of Z.R.'s parental rights was warranted. We therefore affirm the January 28, 2021 order for the reasons stated in the judge's comprehensive written opinion. Z.R.'s arguments are without sufficient merit to warrant further 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