

# 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-3323-20

NEW JERSEY DIVISION  
OF CHILD PROTECTION  
AND PERMANENCY,

Plaintiff-Respondent,

v.

B.J.S. and R.S.,

Defendants,

and

E.J.C.,

Defendant-Appellant.

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IN THE MATTER OF THE  
GUARDIANSHIP OF  
A.J.C. and D.M.S.<sup>1</sup>, minors.

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Argued October 20, 2022 – Decided October 31, 2022

Before Judges Haas and Mitterhoff.

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<sup>1</sup> D.M.S. is not a party to this appeal.

On appeal from the Superior Court of New Jersey,  
Chancery Division, Family Part, Morris County,  
Docket No. FG-14-0018-19.

T. Gary Mitchell argued the cause for appellant (Joseph E. Krakora, Public Defender, attorney; T. Gary Mitchell, of counsel and on the briefs).

Jessica A. Prentice, Deputy Attorney General, argued the cause for respondent (Matthew J. Platkin, Attorney General, attorney; Melissa H. Raksa, Assistant Attorney General, of counsel; Jessica A. Prentice, on the brief).

Jennifer M. Sullivan, Assistant Deputy Public Defender, argued the cause for minor (Joseph E. Krakora, Public Defender, Law Guardian, attorney; Jennifer M. Sullivan, of counsel and on the brief).

#### PER CURIAM

Defendant E.J.C.<sup>2</sup> is the biological father of A.J.C. Defendant appeals from the June 29, 2021 judgment of guardianship terminating his parental rights to the child. Defendant contends the Division of Child Protection and Permanency (Division) failed to prove each prong of N.J.S.A. 30:4C-15.1(a) by clear and convincing evidence. The Law Guardian supports the termination on appeal as it did before the trial court.

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<sup>2</sup> We refer to defendant and the child by initials to protect their privacy. R. 1:38-3(d)(12).

Based on our review of the record and applicable law, we are satisfied that the evidence in favor of the guardianship petition overwhelmingly supports the decision to terminate defendant's parental rights. Accordingly, we affirm substantially for the reasons set forth by Judge Michael Paul Wright in his thorough oral decision rendered on June 11, 2021.

We will not recite in detail the history of the Division's interactions with defendant and A.J.C. Instead, we incorporate by reference the factual findings and legal conclusions contained in Judge Wright's decision. We add the following brief comments.

The guardianship petition was tried before Judge Wright over the course of four days. The Division presented overwhelming evidence of defendant's parental unfitness and established, by clear and convincing evidence, all four statutory prongs outlined in N.J.S.A. 30:4C-15.1(a). In his thoughtful opinion, Judge Wright concluded that termination of defendant's parental rights was in the child's best interests, and fully explained the basis for each of his determinations. In this appeal, our review of the judge's decision is limited. We defer to his expertise as a Family Court judge, Cesare v. Cesare, 154 N.J. 394, 413 (1998), and we are bound by his factual findings so long as they are

supported by sufficient credible evidence. N.J. Div. of Youth & Fam. Servs. v. M.M., 189 N.J. 261, 279 (2007).

Applying these principles, we conclude that Judge Wright's factual findings are fully supported by the record and, in light of those facts, his legal conclusions are unassailable.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION