

RECORD IMPOUNDED

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SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-0817-21
A-0819-21

NEW JERSEY DIVISION OF
CHILD PROTECTION AND
PERMANENCY,

Plaintiff-Respondent,

v.

C.A.¹ and C.J.,

Defendants-Appellants.

IN THE MATTER OF THE
GUARDIANSHIP OF C.J. and
C.J., minors.

Submitted May 22, 2023 – Decided June 1, 2023

Before Judges Haas and Gooden Brown.

On appeal from the Superior Court of New Jersey,
Chancery Division, Family Part, Somerset County,
Docket No. FG-18-0108-20.

¹ We refer to defendants and the children by initials to protect their privacy. R. 1:38-3(d)(12).

Joseph A. Krakora, Public Defender, attorney for appellant C.A. (Deric Wu, Assistant Deputy Public Defender, on the briefs).

Joseph A. Krakora, Public Defender, attorney for appellant C.J. (Mark E. Kleinman, Designated Counsel, on the briefs).

Matthew J. Platkin, Attorney General, attorney for respondent (Sara M. Gregory, Assistant Attorney General, of counsel; Leah A. Schmidt, Deputy Attorney General, on the brief).

Joseph E. Krakora, Public Defender, Law Guardian, attorney for minors (Meredith Alexis Pollock, Deputy Public Defender, of counsel; David B. Valentin, Assistant Deputy Public Defender, of counsel and on the brief).

PER CURIAM

Defendants C.A. and C.J. are the biological parents of two children, C.J. and C.J. Defendants appeal from the October 28, 2021 judgment of guardianship terminating their parental rights to the children. Defendants contend that 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.

Based on our review of the record and applicable law, we are satisfied that the evidence in favor of the guardianship petition overwhelming supports the

trial court's decision to terminate defendants' parental rights. Accordingly, we affirm substantially for the reasons set forth by the trial court in its comprehensive, fifty-five page written decision rendered on October 28, 2021, and its subsequent written decisions rendered on November 16, 2022, and January 4, 2023.²

We will not recite in detail the history of the Division's interactions with defendants and the children. Instead, we incorporate by reference the factual findings and legal conclusions contained in the trial court's decisions.³ We add the following brief comments.

The guardianship petition was tried before the trial court over the course of multiple days. The Division presented overwhelming evidence that established, by clear and convincing evidence, all four statutory prongs outlined in N.J.S.A. 30:4C-15.1(a). In its thorough decisions, the trial court concluded

² On September 15, 2022, we granted the Division's motion for a limited remand of this matter to the trial court to supplement the record as to the second part of the third prong of N.J.S.A. 30:4C-15.1(a). After taking testimony from the two resource parents, the trial court rendered a supplemental decision on November 16, 2022, and again concluded that the Division had satisfied this portion of the statutory test. On January 4, 2023, the trial court denied C.A.'s motion for reconsideration.

³ The judge who conducted the trial rendered the October 28, 2021 decision, while a different judge presided over the remand proceedings and issued the November 16, 2022 and January 4, 2023 decisions.

that termination of defendants' parental rights was in the children's best interests, and fully explained the basis for each of its determinations.

The scope of our review of a trial court's decision to terminate parental rights is limited. N.J. Div. of Youth & Family Servs. v. F.M., 211 N.J. 420, 448-49 (2012). "Because of the family courts' special jurisdiction and expertise in family matters," we accord deference to the trial court's fact-finding and the conclusions that flow logically from those findings of fact. Cesare v. Cesare, 154 N.J. 394, 413 (1998). We are bound by those 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).

The trial court's opinions track the statutory requirements of N.J.S.A. 30:4C-15.1(a), and are supported by substantial and credible evidence in the record. F.M., 211 N.J. at 448-49. After appraising the record in light of the findings of fact contained in the court's decisions, we find nothing that requires our intervention. The trial court carefully reviewed the relevant evidence and fully explained its reasons in a logical and forthright fashion.


Children like C.J. and C.J., are entitled to a permanent, safe and secure home. We acknowledge "the need for permanency of placements by placing limits on the time for a birth parent to correct conditions in anticipation of

reuniting with the child." N.J. Div. of Youth & Fam. Servs. v. C.S., 367 N.J. Super. 76, 111 (App. Div. 2004). As public policy increasingly focuses on a child's need for permanency, the emphasis has "shifted from protracted efforts for reunification with a birth parent to an expeditious, permanent placement to promote the child's well-being." Ibid. That is because "[a] child cannot be held prisoner of the rights of others, even those of his or her parents. Children have their own rights, including the right to a permanent, safe and stable placement." Ibid.

The question then is "whether the parent can become fit in time to meet the needs of the children." N.J. Div. of Youth & Fam. Servs. v. F.M., 375 N.J. Super. 235, 263 (App. Div. 2005); see also N.J. Div. of Youth & Fam. Servs. v. P.P., 180 N.J. 494, 512 (2004) (indicating that even if a parent is trying to change, a child cannot wait indefinitely). After carefully considering the evidence, the trial court reasonably determined that defendants were unable to parent the children and would not be able to do so for the foreseeable future. Under those circumstances, we agree with the trial court that any further delay of permanent placement would not be in the children's best interests.

Affirmed.

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


CLERK OF THE APPELLATE DIVISION