

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 NOS. A-1051-21
A-2234-21

E.T.,¹

Plaintiff-Respondent,

v.

M.F.M.,

Defendant-Appellant.

Submitted October 11, 2023 – Decided October 18, 2023

Before Judges Haas and Puglisi.

On appeal from the Superior Court of New Jersey,
Chancery Division, Family Part, Middlesex County,
Docket No. FV-12-1205-20.

M.F.M., appellant pro se.

Central Jersey Legal Services, Inc., attorneys for
respondent (Dalya Youssef, on the briefs).

¹ We use initials to protect the identity of victims of domestic violence and to preserve the confidentiality of these proceedings. See R. 1:38-3(d)(9) to (10).

PER CURIAM

In these appeals, calendared back-to-back and consolidated for purposes of this opinion, M.F.M. appeals from a September 16, 2021 Family Part order² denying his motion for a modification of prior custody and child support determinations, and from a March 9, 2022 Family Part order³ directing him "to start paying" the child support and providing that if he missed any payments, the court would issue a bench warrant and suspend his driver's license. We affirm both orders.

M.F.M. and E.T. were formerly in a dating relationship. They have one child, born in 2015. After their relationship ended in 2015, the parties could not agree on issues relating to the care of the child. Beginning in September 2015, the Family Part entered a series of orders concerning these matters. These orders named E.T. as the parent of primary residence, set a parenting time schedule for M.F.M., and established M.F.M.'s child support obligation.

² This order is the only subject of the notice of appeal M.F.M. filed in Docket No. A-1051-21.

³ This order is the only subject of the notice of appeal M.F.M. filed in Docket No. A-2234-21.

Through the years, M.F.M. made a number of allegations against E.T. Among other things, M.F.M. alleged that E.T. attempted to kidnap the child and failed to properly care for the child. The trial court found no basis for any of M.F.M.'s contentions. Nevertheless, M.F.M. filed repeated, and unsuccessful, motions to change custody and to reduce his child support obligation. Eventually, E.T. obtained a Final Restraining Order against M.F.M. pursuant to the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 to -35.

Turning to the orders that are the subject of this consolidated appeal, M.F.M. filed yet another motion to change custody and to reduce his child support obligation. After oral argument, the trial court found that M.F.M. failed to demonstrate that there had been any change of circumstances since the issuance of the prior orders and denied both of M.F.M.'s requests in the September 16, 2021 order.⁴

After M.F.M. failed to make his child support payments, the probation department requested an enforcement hearing. On March 9, 2022, the court issued an order directing M.F.M. "to start paying the support and [that] any

⁴ The court also ordered that all future applications between the parties would be considered under the Family Part's FV docket, rather than the FD docket.

payments missed will result in a Bench Warrant and Driver's License Suspension." M.F.M. filed separate appeals from each of these orders.

On appeal, however, M.F.M. largely ignores the two orders that are the subject of his notices of appeal. Instead, he attempts to revisit prior rulings made by the Family Part, such as its order granting E.T. a Final Restraining Order, and the custody and child support orders it issued years ago. In each appeal, M.F.M. presents the following five identical contentions referencing these prior orders:

- I. [TRIAL] COURT IGNORED THE REAL VICTIMS ON THIS CASE. (NOT RAISED BELOW).
- II. [TRIAL] COURT IGNORED THE FACT THAT THE CHILD WAS KIDNAPPED. (NOT RAISED BELOW).
- III. [TRIAL] COURT IGNORED THE FACT THAT CHILD WAS TAKEN OUT OF THE UNITED STATES USING A FALSIFYING PASSPORT ISSUED BASED ON FALSE INFORMATION AND FALSIFIED BIRTH CERTIFICATE. (NOT RAISED BELOW).
- IV. [TRIAL] COURT IGNORED THE FACT THE CHILD ONGOING NEGLECT. (NOT RAISED BELOW).

V. FINAL RESTRAINING ORDER GRANTED TO
[E.T.]. (NOT RAISED BELOW).⁵

M.F.M. did not file notices of appeal from any of these prior orders and, therefore, he is barred from challenging them at this late date. See R. 2:4-1(a) (stating that "appeals from final judgments of courts . . . shall be filed within [forty-five] days of their entry."). Moreover, "[i]t is a fundamental [principle] of appellate practice that we only have jurisdiction to review orders that have been appealed to us." State v. Rambo, 401 N.J. Super. 506, 520 (App. Div. 2008). Therefore, we must limit our review to the September 16, 2021 and the March 9, 2022 orders listed in M.F.M.'s notices of appeal. See 1266 Apartment Corp. v. New Horizon Deli, Inc., 368 N.J. Super. 456, 459 (App. Div. 2004) ("[O]nly the judgment or orders designated in the notice of appeal . . . are subject to the appeal process and review").

As to the September 16, 2021 and March 9, 2022 orders that are properly before the court, the scope of our review of the Family Part's orders is limited. We owe substantial deference to the Family Part's findings of fact because of that court's special expertise in family matters. Cesare v. Cesare, 154 N.J. 394,

⁵ In his brief in Docket No. A-1051-21, M.F.M. lists a sixth point heading: "Application was submitted on December 29, 2020 totally ignored by the trial court. (Not Raised Below)." In Docket No. A-2234-21, M.F.M.'s sixth point heading simply states: "Child Support (Not Raised Below)."

411-12 (1998). Thus, "[a] reviewing court should uphold the factual findings undergirding the trial court's decision if they are supported by adequate, substantial and credible evidence on the record." MacKinnon v. MacKinnon, 191 N.J. 240, 253-54 (2007) (alteration in original) (quoting N.J. Div. of Youth & Fam. Servs. v. M.M., 189 N.J. 261, 279 (2007)).

While we owe no special deference to the judge's legal conclusions, Manalapan Realty, L.P. v. Twp. Comm. of Manalapan, 140 N.J. 366, 378 (1995), "we 'should not disturb the factual findings and legal conclusions of the trial judge unless . . . convinced that they are so manifestly unsupported by or inconsistent with the competent, relevant and reasonably credible evidence as to offend the interests of justice' or when we determine the court has palpably abused its discretion." Parish v. Parish, 412 N.J. Super. 39, 47 (App. Div. 2010) (quoting Cesare, 154 N.J. at 412). We will reverse the trial court's decision "[o]nly when . . . [its] conclusions are so 'clearly mistaken' or 'wide of the mark' . . . to ensure that there is not a denial of justice." N.J. Div. of Youth & Fam. Servs. v. E.P., 196 N.J. 88, 104 (2008) (quoting N.J. Div. of Youth & Fam. Servs. v. G.L., 191 N.J. 596, 605 (2007)).

Applying these principles, our review of the September 16, 2021 and March 9, 2022 orders reveals nothing "so wide of the mark" that we could

reasonably conclude the orders constituted "a denial of justice." The record amply supports the trial court's factual findings and, in light of those findings, the court's 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