

RECORD IMPOUNDED

**NOT FOR PUBLICATION WITHOUT THE
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-1418-21

NEW JERSEY DIVISION
OF CHILD PROTECTION
AND PERMANENCY,

Plaintiff-Respondent,

v.

A.C.,¹

Defendant-Appellant,

and

O.C. (deceased),

Defendant.

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

Submitted May 8, 2023 – Decided May 16, 2023

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

Before Judges Haas and Mitterhoff.

On appeal from the Superior Court of New Jersey,
Chancery Division, Family Part, Union County, Docket
No. FG-20-0025-19.

Joseph E. Krakora, Public Defender, attorney for
appellant (Catherine Wilkes, Assistant Deputy Public
Defender, of counsel and on the brief).

Matthew J. Platkin, Attorney General, attorney for
respondent (Donna Arons, Assistant Attorney General,
of counsel; Amy Melissa Young, Deputy Attorney
General, on the brief).

Joseph E. Krakora, Public Defender, Law Guardian,
attorney for minors A.C., L.C. and J.C. (Meredith
Alexis Pollock, Deputy Public Defender, of counsel;
Noel C. Devlin, Assistant Deputy Public Defender, of
counsel and on the brief).

PER CURIAM

Defendant is the biological parent of A.C., L.C., and J.C. Defendant appeals from the December 15, 2021 judgment of guardianship terminating her parental rights to the children. Defendant contends 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 overwhelmingly supports the

decision to terminate defendant's parental rights. Accordingly, we affirm substantially for the reasons set forth by Judge Marc R. Brown in his thorough oral decision rendered on December 15, 2021, which also incorporated portions of the judge's equally comprehensive written decision issued at an earlier stage of the proceedings on May 8, 2020.

We will not recite in detail the history of the Division's interactions with defendant and the three children involved in this case.² Instead, we incorporate by reference the factual findings and legal conclusions contained in Judge Brown's decisions. We add the following comments.

The guardianship petition was tried before Judge Brown over the course of multiple days between 2019 and 2021. The Division presented overwhelming evidence that established, by clear and convincing evidence, all four statutory prongs set forth in N.J.S.A. 30:4C-15.1(a). In his thoughtful findings of fact and conclusions of law, Judge Brown concluded that termination of defendant's parental rights was in the children's best interests, and fully explained the basis for each of his determinations.

² The trial court terminated defendant's parental rights to a fourth child, O.C., on May 8, 2020. Defendant has not appealed that determination.

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 further obliged to defer to the trial judge's credibility determinations and the judge's "'feel of the case' based upon the opportunity of the judge to see and hear the witnesses." N.J. Div. of Youth & Family Servs. v. A.R.G., 361 N.J. Super. 46, 78 (App. Div. 2003).

Judge Brown'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 judge's decisions, we find nothing that requires our intervention. Judge Brown carefully reviewed the relevant evidence and fully explained his reasons in a logical and forthright fashion.

Children like A.C., L.C., and J.C. 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, Judge Brown reasonably determined that defendant was unable to parent the three children and would not be able to do so for the foreseeable future. Under those circumstances, we agree with the judge 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