SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-3796-21

E.K.,

Plaintiff-Respondent,

v.

B.S.,

Defendant-Appellant.

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Argued February 7, 2024 – Decided June 28, 2024

Before Judges Accurso, Vernoia and Walcott-Henderson.

On appeal from the Superior Court of New Jersey, Chancery Division, Family Part, Camden County, Docket No. FD-04-1215-21.

Andrew M. Shaw argued the case for appellant (Shaw Divorce & Family Law LLC, attorneys; Andrew M. Shaw, on the briefs).

Yoninah R. Orenstein argued the cause for respondent (Flaster Greenberg, PC, attorneys; Yoninah R. Orenstein, on the brief).

PER CURIAM

In this non-dissolution matter, defendant-mother B.S.[1] appeals from a June 28, 2022 Family Part order awarding her and plaintiff-father, E.K., joint legal and physical custody of their infant daughter, Eden, following a plenary hearing. Defendant contends the court erred by failing to properly engage in a best interests analysis under N.J.S.A. 9:2-4(c) include a statement of reasons for its decision, and by improperly executing plaintiff's proposed form of order, which was materially different from the court's oral decision. We disagree and affirm.

I.

Eden was born in April 2020. Her parents never married but were engaged and living together before separating when Eden was thirteen months old. Shortly after the separation, defendant filed a custody and parenting time application and a temporary restraining order (TRO)[2] against plaintiff under the Prevention of Domestic Violence Act N.J.S.A. 2C:25-17 to -35. On the same day, plaintiff filed an emergent application for custody and parenting time of

[1] We utilize initials and pseudonyms to protect the confidentiality of the parties and their child. R. 1:38-3(d)(3).

[2] The TRO temporarily granted defendant sole physical custody of the minor child, but defendant voluntarily dismissed it two days later.

Eden by way of an order to show cause. The court denied the order to show cause as non-emergent and scheduled oral argument on the parties' respective custody and parenting time applications, which would later be decided after a plenary hearing.

Pending the upcoming custody hearing, the parties continued to experience problems in co-parenting and executed three consent orders temporarily establishing interim parenting time schedules.[3] The May 2021 consent order gave plaintiff custody of Eden in two-week blocks as follows:

> In Week 1, [plaintiff] shall have parenting time on either Tuesday evening at 5:30 [p.m.] to Thursday morning daycare drop-off. If [plaintiff] is off the day after these weekday overnights, he shall keep [Eden] through the day and return her at 6:00 [p.m.] that evening. [Plaintiff] shall then have parenting time from Friday at 5:30 [p.m.] to Sunday at 6:00 [p.m.] In Week 2, [plaintiff] shall have parenting time beginning at 5:30 [p.m.] on Tuesday through Thursday morning, where he shall drop [Eden] off at daycare. In the event that [plaintiff] is not working on that Thursday, he may keep [Eden] for the day and return her to [defendant] Thursday evening at 6:00 [p.m.]

[3] The parties entered into the first consent order in May 2021, the second consent order in June 2021, and the third consent order in July 2021. Only the May 2021 and July 2021 consent orders established parenting time schedules. The June 2021 consent order was an acknowledgment of pending litigation and the interim parenting time schedule set forth in the May 2021 order.

The consent order further provided that the parties were to keep Eden in her current daycare center.[4] The parties also agreed to equally share childcare and unreimbursed medical expenses and attend at least twelve counseling sessions together.

The parties continued to discuss proposals to resolve the custody issues to no avail. The parties appeared before the court for oral argument on their respective pending parenting and custody motions. The court briefly heard argument but relisted the matter for a plenary hearing following a 120-day period of discovery. In the meantime, the court issued the third consent order continuing joint physical and legal custody and a temporary 50/50 shared parenting time schedule pending the plenary hearing. Specifically, the July 2021 consent order granted the parties parenting time in "two-week blocks using a 2-2-5-5 schedule," as follows:

> [Defendant] shall have [Eden] overnight on Mondays and Tuesdays, commencing on Monday afternoons when [defendant] picks up [Eden] from daycare. [Plaintiff] shall have [Eden] overnight on Wednesdays and Thursdays, commencing on Wednesday afternoons

[4] From October 2020 through December 2020, Eden was enrolled in daycare three days a week. In January 2021, after defendant's work demands increased and she could no longer work from home and watch the child at the same time, the parties enrolled Eden in daycare five days a week. During this period of full-time daycare, plaintiff performed all drop-offs and defendant handled all pick-ups.

> when [plaintiff] picks up [Eden] from daycare. The parties shall then alternate the weekends from Friday through Monday, commencing Friday afternoons when each party picks up [Eden] from daycare and ending on Monday mornings when each party drops [Eden] off at daycare.

The matter proceeded to the previously scheduled plenary hearing which occurred over a two-day period. At the plenary hearing, each party testified, as did plaintiff's father, plaintiff's supervisor, and an employee from Eden's daycare. We highlight only those areas of the testimony and evidence necessary to provide context for our decision.

Plaintiff testified that when Eden was born, he and defendant split parenting responsibilities equally for the first thirteen months. Immediately following their separation, he sought a parenting schedule that would allow him to continue equally sharing custody of and responsibilities involving Eden. As to Eden's daycare, which became a key issue, plaintiff testified he and defendant had "jointly" decided to enroll Eden in daycare while they were still living together. Regarding the location of the daycare center, plaintiff testified they had selected the location of the daycare center because it was central, stating "it [was] like a midway point" between their respective addresses, which made it easy to drop off Eden on his way to work and "wasn't too far from [defendant] where she could pick her up in the afternoons." Plaintiff also testified Eden was

initially enrolled in daycare three days a week, and the schedule changed when defendant's work demands increased and she could no longer work from home and watch the child at the same time. It was only then they had decided to enroll Eden in daycare five days a week with plaintiff performing all drop-offs and defendant all pick-ups.

Plaintiff also testified that prior to the plenary hearing, he and defendant had discussed and defendant agreed to share joint physical and legal custody of Eden, which he was willing to accept. According to plaintiff, however, by the time his attorney memorialized defendant's proposed schedule in a draft order, defendant had changed her mind. Plaintiff testified the 50/50 schedule "worked great," and Eden had been "flourishing" in her development and the proposed schedule was in Eden's best interests, stating:

> So we currently have 50/50 which means I see [Eden] [fifty] percent of the time and [defendant] has for [fifty] percent of the time. If we modify the current parenting schedule and give [defendant] an extra day per week, I go from having [seven] out of [fourteen] days to [five] out of [fourteen] days. That goes from [fifty] percent to about [thirty-three] percent. So the difference in quality time would be the difference of [fifty] minus about [thirty-three] percent or at [thirty-three]. So, I don't know, roughly [twenty] percent. Giving you some not completely accurate numbers, but it's a [twenty] percent difference in quality time.

On the other hand, defendant testified that when the parties were in a relationship and living together, she "primarily took care of [Eden]," and plaintiff "would regularly help" such as "dropping her off in the morning." She described their parenting responsibilities as a "group effort" but "there was never . . . a routine, or a – a consistent role that he played, because . . . he had a lot on his plate," referring to his enrollment in a master's program at the time. Defendant explained the current 50/50 parenting schedule was not in Eden's best interests because "there isn't enough consistency in [Eden's] weekday care," and she expressed a desire to "prioritize a little less back and forth . . . between [their] homes[,]" limit [Eden] daycare attendance, and for both parties to be "more involved with [Eden]'s day to day" during weekdays. Defendant offered an amended proposed parenting schedule which would reduce the number of days Eden spends in daycare from five to three and provide plaintiff with five nights out of every fourteen instead of his then-current seven.

Defendant also testified that a 50/50 parenting time schedule would be more in line with Eden's best interests if the parties resided closer to each other. And, defendant complained that plaintiff, or his father—Eden's grandfather—"consistently" dropped Eden off at daycare "unprepared – like without her sleep mat, or supplies for daycare." She also claimed plaintiff had dropped Eden off

at daycare in "soiled clothes" and in her overnight diaper.

Additionally, defendant claimed plaintiff often neglected Eden's health and welfare, including sending her to daycare sick, failing to give her a prescribed medical bath to treat her impetigo and failing to take her to medical appointments. Defendant also expressed concerns for Eden's welfare due to plaintiff's use or abuse of alcohol.

Despite these concerns, however, defendant admitted that during the pendency of the Family Part action she had proposed a settlement with plaintiff essentially offering him joint custody and 50/50 parenting time with Eden. She also admitted to changing her mind before an agreement could be finalized because, as she explained, she felt intimidated by emails from plaintiff's counsel at the time, as he sought to finalize the details of her proposed settlement. Defendant attributed her feelings of intimidation to the fact that she had "never [been] in any real legal situation." In any case, no such settlement on the issue of parenting time was achieved and the parties were compelled to complete the parenting-time hearing.

Another witness, the daycare worker, testified that she was familiar with Eden because she had been employed at the daycare center since Eden started attending. She also testified she had no concerns about Eden's care or behavior

and noted Eden is typically a happy kid and had no "write up or incident that ha[d] been serious enough to be brought to [her] attention."

Following the conclusion of the plenary hearing, the court rendered an oral decision from the bench.[5] The court found defendant sought to control the child and plaintiff and obtain a parenting plan that worked for her. The court also repeatedly referenced the parties' prior consent orders which provided the parties with a 50/50 shared parenting time schedule.

The court specifically rejected defendant's argument a change in Eden's daycare schedule was in the child's best interests and concluded Eden "is doing great," stating:

> [The parties] have a schedule that's working. And the schedule you proposed completely–every parent gets–is entitled to, in my opinion, 50/50 parenting time until you show me why you can't have it. I haven't seen any reason on a best interests standard, and–why we aren't at a 50/50 parenting time schedule. We only stray from it when people tell me why someone is doing so badly at it that we can't do it, that their work schedule is so movable that it's impossible to provide this child any consistency. And I'm not punishing him for working. That's not happening.

[5] The court indicated on the record it would allow cross-examination but after direct examination the court gave its oral decision, and defendant was never cross-examined.

The court concluded "meeting the needs that [defendant] want[ed] for [Eden] not to be in day care" did not override plaintiff's need, absent any evidence to the contrary, to maintain a 50/50 shared parenting time schedule. The court found defendant's proposed schedule was not in Eden's best interests.

The court also found defendant "controlling" and concluded "there's not really an issue with daycare." Referring to defendant, the court stated "it's really about the amount of overnights, and controlling them, and things that you want to be in control of, which I cannot accept." Addressing the issue of daycare, the court declined to impose defendant's proposed schedule, concluding the parties had established a routine "based on their natural actions" and underscoring this point by pointing out the child had been in daycare since she was six-months old and this was not "a situation where this child had never been in daycare. . . . You expanded it to five days a week." The court further found defendant presented "absolutely no testimony" to warrant reducing plaintiff's parenting time and concluded the parenting time schedule set forth in the July 2021 consent order would remain in effect with modifications to permit each party to decide "what they want to do for childcare."

Following its decision, the court requested the parties confer and submit a proposed form of order. The parties' dispute over a number of the terms of the

proposed orders each had submitted prompted the court to hold a telephone conference to discuss the status of the pending proposed order. Plaintiff then submitted a proposed form of order under the "five-day rule," Rule 4:42-1(c). The court entered the order on June 28, 2022, two months after the plenary hearing. Defendant appealed.

II.

On appeal, defendant argues the following points:

> I. Because the trial court failed to properly engage in a best interests analysis to determine custody and parenting time of the parties' minor child, [Eden] . . . and consider evidence and testimony addressing plaintiff's fitness to parent, the quality of time each parent spent with [Eden] prior to and following the parties' separation, the distance between the parties' residences and the parties' respective employment responsibilities, among other factors, it erred in making a 50/50 physical custody determination.
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> II. Because the trial court permitted plaintiff to admit into evidence inadmissible written settlement discussions and an unsigned proposed consent order and to testify regarding the parties' settlement negotiations, which the trial court undeniably considered in its custody and parenting time determination, the trial court erred in making a 50/50 physical custody determination.
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> III. Even if the trial court had properly engaged in a best interests analysis to determine custody and parenting time and excluded inadmissible settlement

communications, it erred in failing to issue adequate findings of fact and conclusions of law.

IV. Because there is a conflict between the trial court's April 11, 2022 oral decision and June 28, 2022 Order, the trial court's April 11, 2022 oral decision must control if the trial court's 50/50 physical custody determination is upheld.

Plaintiff maintains the court properly engaged in the best-interests analysis prior to rendering its decision and defendant is barred from arguing the court admitted inadmissible evidence because defendant did not object to the admission of the settlement documents evidencing the parties' prior agreements to equally share physical custody and parenting time. We agree.

Family courts "are frequently called upon to make difficult and sensitive decisions regarding the safety and well-being of children." Hand v. Hand, 391 N.J. Super. 102, 111 (App. Div. 2007). Given "their special expertise in family matters, we do not second-guess their findings and the exercise of their sound discretion." Ibid. (citing Cesare v. Cesare, 154 N.J. 394, 413 (1998)). Thus, our review of a family court order is limited. See Cesare, 154 N.J. at 411.

Generally, the family court's factual findings "are binding on appeal when supported by adequate, substantial, credible evidence." Id. at 411-12 (citing Rova Farms Resort, Inc. v. Inv'rs Ins. Co., 65 N.J. 474, 484, (1974)). "Discretionary determinations, supported by the record, are examined to discern

whether an abuse of reasoned discretion has occurred." Ricci v. Ricci, 448 N.J. Super. 546, 564 (App. Div. 2017) (citing Gac v. Gac, 186 N.J. 535, 547 (2006)). An abuse of discretion occurs when a trial court's decision "rested on an impermissible basis, considered irrelevant or inappropriate factors, failed to consider controlling legal principles or made findings inconsistent with or unsupported by competent evidence." Elrom v. Elrom, 439 N.J. Super. 424, 434 (App. Div. 2015) (internal quotation marks and citations omitted). Challenges to legal conclusions, as well as the trial court's interpretation of the law, are subject to de novo review. Ricci, 448 N.J. Super. at 565 (citing Reese v. Weis, 430 N.J. Super. 552, 568 (App. Div. 2013)).

In custody cases, it is well settled that the court's primary consideration is the best interests of the child. Kinsella v. Kinsella, 150 N.J. 276, 317 (1997). The court must focus on the "safety, happiness, physical, mental and moral welfare" of the child. Fantony v. Fantony, 21 N.J. 525, 536 (1956); see also P.T. v. M.S., 325 N.J. Super. 193, 215 (App. Div. 1999) ("In issues of custody and visitation '[t]he question is always what is in the best interests of the [child], no matter what the parties have agreed to.'") (quoting Giangeruso v. Giangeruso, 310 N.J. Super. 476, 479 (Ch. Div. 1997)). Custody issues are resolved using a best interests analysis that gives weight to the factors set forth in N.J.S.A. 9:2-

4(c). V.C. v. M.J.B., 163 N.J. 200, 227-28 (2000).

N.J.S.A. 9:2-4(c) sets forth the best-interests factors:

> the parents' ability to agree, communicate and cooperate in matters relating to the child; the parents' willingness to accept custody and any history of unwillingness to allow parenting time not based on substantiated abuse; the interaction and relationship of the child with its parents and siblings; the history of domestic violence, if any; the safety of the child and the safety of either parent from physical abuse by the other parent; the preference of the child when of sufficient age and capacity to reason so as to form an intelligent decision; the needs of the child; the stability of the home environment offered; the quality and continuity of the child's education; the fitness of the parents; the geographical proximity of the parents' homes; the extent and quality of the time spent with the child prior to or subsequent to the separation; the parents' employment responsibilities; and the age and number of the children.
>
> [N.J.S.A. 9:2-4(c).]

Defendant argues the trial court failed to properly engage in a best interests analysis under N.J.S.A. 9:2-4(c) to determine custody and parenting time with Eden and failed to consider relevant evidence and testimony. Specifically, defendant calls our attention to the court's purported failure to consider: "plaintiff's fitness to parent, the quality of time each parent spent with [Eden] prior to and following the parties' separation, the distance between the

parties' residences and the parties' respective employment responsibilities, among other factors . . . ."

As a preliminary matter, we conclude the court's findings of fact and consideration of the statutorily required best-interests factors could have been more precisely stated. Defendant's argument the trial court failed to apply the statutory factors and identify the specific factors justifying its custody arrangement, however, is belied by the record.

The court began its analysis by addressing the parties' ability to agree, communicate and cooperate in matters relating to the child and their willingness to accept custody and any history of unwillingness to allow parenting time not based on substantiated abuse. The court addressed this factor at the outset and noted the parties' unwillingness to cooperate with each other stating "you two are fighting over minutiae when you have a parenting schedule that works, . . . The daycare worker says the child is thriving. The child is thriving[.]"

The court also addressed the interaction and relationship of the child with her parents insofar as it could, noting both parties' desire to spend more time with the child, the now dismissed TRO, and that plaintiff—against whom the TRO had been filed—was not a threat. The court also found defendant had failed to present any competent evidence supporting her contention plaintiff was

unfit to parent. The court specifically considered and rejected defendant's testimony plaintiff or plaintiff's father had dropped Eden off at daycare with soiled diapers or in a disheveled state. The court found more persuasive the daycare employee's testimony she had no concerns about the child's safety, wellbeing, or behavior.

On the critical issue of Eden's daycare needs, the court found the child's attendance in daycare was in her best interests because it would maintain consistency [because] Eden had been in daycare since she was six-months old. The court also considered the benefits of daycare on Eden's development, stating "I think that there is a reason for daycare, and it's when people work, and they need help with childcare, and there is socialization, and kids learn great stuff at daycare. . . [t]hat's playtime, it's awesome for them." In reaching this decision, the court highlighted the daycare worker's testimony Eden was "thriving" in daycare.

The court also considered defendant's proposed parenting-time schedule which defendant claimed was in Eden's best interests because it would ensure she only attended daycare three times a week instead of five times a week. The court determined defendant's desire to reduce Eden's daycare attendance did not override plaintiff's right, to maintain 50/50 parenting time with Eden. The court

specifically found defendant's proposed schedule "is not in Eden's best interest[s]. . . . It's really not. This child is doing great." Addressing the parties, the court explained:

> You have a schedule that's working. . . . I haven't seen any reason on a best interest[s] standard, and -- why we aren't at a 50/50 parenting time schedule. We only stray from it when people tell me why someone is doing so badly at it that we can't do it, that their work schedule is so movable that [it's] impossible to provide this child any consistency. And I'm not punishing [plaintiff] for working. That's not happening.

The court further found defendant to be "controlling" and remarked "there's not really an issue with daycare" and "it's really about the amount of overnights, and controlling them, and things that you want to be in control of, which I cannot accept." At the conclusion of the hearing, the court granted the parties time to consider whether an alternative daycare—perhaps one closer to their homes—or fewer than five days per week in daycare would work better for them. The court, however, was not persuaded by defendant's argument it should reduce plaintiff's parenting time because he worked fifteen more hours per week than defendant.

In sum, we are persuaded the court considered all relevant best-interests factors before ruling on the parenting time issue, including the parties' ability to agree, communicate and cooperate in matters relating to Eden; their willingness

to accept custody; their interaction and relationship with Eden; the now dismissed TRO; Eden's safety and needs; the stability of the home environment offered by both parties; the quality and continuity of Eden's childcare; the fitness of each parent; the geographical proximity of the parents' homes; the extent and quality of the time spent with Eden prior to or subsequent to the separation; the parties' employment responsibilities; and Eden's tender age. And, having addressed those critical factors, we discern no basis to disturb the court's opinion and order.

Overall, the court's decision reflects a reasoned and well-supported appreciation of the complexities involved in resolving custody and parenting time disputes and is an example of why we defer to the Family Part's special expertise in family matters. Hand, 391 N.J. Super. at 111 (citing Cesare, 154 N.J. at 413) ("Appellate courts accord particular deference to the Family Part because of its 'special jurisdiction and expertise' in family matters.")

Moreover, the court's decision reflects an understanding of the issues presented, the parties' conflicting positions in a contentious and acrimonious hearing, and a reasoned explanation founded on a determination of Eden's best interests. Accordingly, we decline to conclude, as defendant urges, it was error for the court to find a shared physical custodial arrangement would be in Eden's

best interests.

Contrary to defendant's argument, there is nothing improper about the court's inclination to begin its analysis from the perspective that both parents are entitled to shared parenting time of Eden. See Beck v. Beck, N.J. 480, 485 (App. Div. 1981) (holding the preferred outcome of a custody dispute is an award of joint physical and legal custody to each parent). "Moreover, parents involved in custody controversies have by statute been granted both equal rights and equal responsibilities regarding the care, nurture, education and welfare of their children." Ibid. (citing N.J.S.A. 9:2-4). Although not a mandate, the statute indicates a legislative preference for custody decrees that allow both parents full and genuine involvement in the lives of their children. Ibid. (citing Turney v. Nooney, 5 N.J. Super. 392, 397 (App. Div. 1949)). Under these circumstances, we discern no basis to disturb the court's determination, which was based on credible evidence in the record.

As to defendant's argument the court erred in permitting plaintiff to introduce in evidence two emails authored by defendant dated May 23 and May 24, 2021, that included a detailed shared parenting-time schedule proposed by defendant, when plaintiff moved to admit both emails in evidence, defendant failed to object. Because defendant failed to object to the introduction of the

email evidence about which she now complains for the first time, we decline to consider this issue on appeal. See Ricci, 448 N.J. Super. at 567 (explaining "our appellate courts will decline to consider questions or issues not properly presented to the trial court when an opportunity for such a presentation [was] available unless the questions so raised on appeal go to the jurisdiction of the trial court or concern matters of great public interest") (alteration in original) (quoting Zaman v. Felton, 219 N.J. 199, 226-27, (2014)). Defendant's objection raises no jurisdictional issue nor does it pertain to a concern of great public interest such that it is appropriate to consider the claim for the first time on appeal. See ibid. Moreover, we conclude the other competent evidence in the record otherwise establishes it was in Eden's best interests to have a 50/50 parenting time schedule for reasons wholly independent of the evidence concerning any prior settlement discussions.

We also disagree with defendant that the court failed to make adequate findings of facts and conclusions of law and correlate them to the relevant legal conclusions pursuant to Rule 1:7-4(a). Rule 1:7-4(a) requires the trial court to issue a written or oral opinion identifying the facts and conclusions of law supporting its decision. We are satisfied the court's oral opinion satisfies Rule 1:7-4(a). As previously stated, the court explained its reasoning, and its findings

and conclusions are supported by the record and "consistent with controlling legal principles." See Hand, 391 N.J. Super. at 112. More particularly, the court explained the bases on which it concluded the evidence supported its conclusion 50/50 parenting time was in Eden's best interests.

We also are not convinced it was error for the court to enter the order resulting from the plenary hearing as proposed by plaintiff or that the order is materially different from the court's oral decision, specifically as to paragraphs one, two, six and eight through fourteen.[6] Plaintiff generally disputes defendant's contention and maintains that "nothing in the written [o]rder conflicts with the trial court's oral decision."

Following the plenary hearing, the court ordered the parties to confer and submit a proposed form of order under the "five-day rule." Because the parties disputed a number of the terms of the proposed orders each had submitted, the court held a telephone conference to discuss the status of the pending proposed

[6] Defendant objects to ten provisions, which we list by their numbered paragraphs, in the June 28, 2022 order: (1) Legal Custody; (2) Physical Custody; (6) Vacation Parenting Time; (8) Extracurricular Activities and Events; (9) Children's Bill of Rights; (10) Medical Information; (11) Educational Information; (12) Access to the Child; (13) Duty of Cooperation; (14) Telephone Contact.

order.[7] The court signed plaintiff's proposed order, which we conclude does not conflict with the court's oral decision. In fact, a side-by-side comparison of the court's order granting shared legal and physical custody and parenting time with its oral decision demonstrates the court's order is entirely consistent with its oral decision and defendant did not object to the "Legal Custody" and "Physical Custody" provisions of the order. We thus reject defendant's argument the court improperly entered plaintiff's proposed form of order.

We also note that with respect to the additional provisions about which defendant complains, the court entered a comprehensive order that incorporates the Children's Bill of Rights and other important aspects of shared parenting. A review of the provisions of the order addressing the Children's Bill of Rights, Medical Information, Educational Information, Access to the Child, Duty of Cooperation, and Telephone Contact are consistent with and, in many respects, necessitated by the findings the court otherwise made in its oral opinion. We discern no abuse of discretion in the court's entry of plaintiff's proposed form of order. Elrom, 439 N.J. Super. at 434 (quoting Flagg v. Essex Cnty. Prosecutor,

[7] The record on appeal does not include a transcript of the conference following the plenary hearing, however, both parties acknowledge the conference was held to discuss each parties' proposed form of order.

171 N.J. 561, 571, (2002)) (defining an abuse of discretion as a decision resting on an "'impermissible basis'" or based on consideration of "'irrelevant or inappropriate factors[.]'").

In sum, the court considered the witnesses' testimony and evidence, addressed the relevant factors, and concluded plaintiff had sufficiently established that 50/50 parenting time is in Eden's best interests. We perceive no basis to second-guess the court's opinion, which is supported by "adequate, substantial and credible evidence" in the record, Rova Farms, 65 N.J. at 484, and consistent with the applicable legal standards.

To the extent we have not addressed defendant's remaining arguments, we are satisfied they lack sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E).

Affirmed.