RECORD IMPOUNDED

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1407-23

NEW JERSEY DIVISION OF CHILD PROTECTION AND PERMANENCY,

Plaintiff-Respondent,

v.

Z.R.,

Defendant-Appellant,

and

E.R.,

Defendant.

IN THE MATTER OF THE GUARDIANSHIP OF S.R.-M., G.R.-M., A.R.-M., and H.R.-M., minors.

Argued February 4, 2025 – Decided March 7, 2025[1]

[1] This opinion was decided March 7, 2025. Due to a filing error, the filing date and decided date of the opinion differ. We apologize to the parties for the delay.

Before Judges Gooden Brown and Vanek.

On appeal from the Superior Court of New Jersey, Chancery Division, Family Part, Passaic County, Docket No. FG-16-0036-23.

Ryan T. Clark, Designated Counsel, argued the cause for appellant (Jennifer N. Sellitti, Public Defender, attorney; Ryan T. Clark, on the briefs).

Michelle McBrian, Deputy Attorney General, argued the cause for respondent (Matthew J. Platkin, Attorney General, attorney; Donna Arons, Assistant Attorney General, of counsel; Michelle McBrian, on the brief).

Noel C. Devlin, Assistant Deputy Public Defender, argued the cause for minors S.R.-M., A.R.-M., and H.R.-M. (Jennifer N. Sellitti, Public Defender, Law Guardian, attorney; Meredith Alexis Pollock, Deputy Public Defender, of counsel; Noel C. Devlin, of counsel and on the brief).

PER CURIAM

Defendant Z.R.[2] appeals from the December 7, 2023, judgment of guardianship terminating her parental rights to three of her six children:[3] (1) S.R.-M. (Sarah), born July 2016; (2) A.R.-M. (Alan), born March 2021; and (3) H.R.-M. (Hazel), born March 2022. All three children were born of her

[2] Pursuant to Rule 1:38-3(d)(12), we use initials or pseudonyms to protect the confidentiality of the participants in these proceedings.

[3] None of defendant's children are in her care.

relationship with E.R. (Earl). Earl provided an identified surrender of his parental rights and is not participating in this appeal.

The Division of Child Protection and Permanency (the Division) removed Sarah in August 2020 after several years of investigating referrals alleging that defendant sold and used drugs. There were also concerns about domestic violence between defendant and Earl. Alan and Hazel were born while the latest investigation was ongoing and were each removed at birth after testing positive for illicit substances. After residing in out-of-home placements for a year or more while the Division offered defendant services to facilitate reunification with the children, a multi-day guardianship trial was conducted, beginning in June 2023 and ending in December 2023 with the termination of defendant's parental rights.

On appeal, defendant argues the trial judge erred in finding the Division established, by clear and convincing evidence, the third and fourth prongs of the best interests standard codified in N.J.S.A. 30:4C-15.1(a). She also argues the judge erred in issuing an oral opinion rather than a "formal decision," and in relying on embedded hearsay within the Division's trial exhibits. Lastly, she asserts the judge erred in drawing an adverse inference from her failure to appear at parts of the trial. The Law Guardian supported termination during the trial

and on appeal. Because the record contains overwhelming credible evidence supporting the judge's decision and defendant's claims of error are unavailing, we affirm.

I.

By way of background, N.J.S.A. 30:4C-15.1(a), as revised in 2021, requires the Division to petition for termination of parental rights on the grounds of the "best interests of the child" if the following standards are met:

> (1) The child's safety, health, or development has been or will continue to be endangered by the parental relationship;
>
> (2) The parent is unwilling or unable to eliminate the harm facing the child or is unable or unwilling to provide a safe and stable home for the child and the delay of permanent placement will add to the harm;
>
> (3) The [D]ivision has made reasonable efforts to provide services to help the parent correct the circumstances which led to the child's placement outside the home and the court has considered alternatives to termination of parental rights; and
>
> (4) Termination of parental rights will not do more harm than good.

The Division "bears the burden of proving each of those prongs by clear and convincing evidence." N.J. Div. of Youth & Fam. Servs. v. G.L., 191 N.J. 596, 606 (2007). The four criteria "are not discrete and separate," but rather

"relate to and overlap with one another to provide a comprehensive standard that identifies a child's best interests." N.J. Div. of Youth & Fam. Servs. v. I.S., 202 N.J. 145, 166 (2010) (quoting N.J. Div. of Youth & Fam. Servs. v. P.P., 180 N.J. 494, 506 (2004)). "The considerations involved in determinations of parental fitness are 'extremely fact sensitive' and require particularized evidence that address the specific circumstances in the given case." In re Guardianship of K.H.O., 161 N.J. 337, 348 (1999) (quoting In re Adoption of Child. by L.A.S., 134 N.J. 127, 139 (1993)).

In August 2020, the Division conducted an emergency removal of Sarah based on substantiated allegations that defendant was selling Percocet and marijuana on the streets of Paterson in the middle of the night while pulling Sarah and her siblings[4] in a wagon. Sarah was initially placed with defendant's sister. Defendant subsequently tested positive for fentanyl and ecstasy and was ultimately diagnosed with severe cannabis, opioid, stimulant, and crack/cocaine use disorders. Defendant was initially recommended for outpatient drug treatment that was later revised to inpatient drug treatment but she was noncompliant with treatment and failed to attend consistently.

[4] Those siblings are not involved in this appeal.

Sarah was subsequently sent to an unrelated resource home with B.M. and S.M., and later to a resource home with C.Z. and D.M.Z. after the first resource mother reported that despite receiving therapy, Sarah's behavior was "out of control." During Sarah's placement with C.Z. and D.M.Z., she successfully completed individualized, trauma-focused therapy.

During Sarah's initial placement, the Division investigated and ruled out several relatives and friends, including Earl's mother, defendant's mother, W.F., L.R., and Y.C. Earl's mother, who was already caring for one of defendant's children, could not relocate to an apartment large enough to accommodate all of the children; defendant's mother, who was also caring for one of defendant's children, was not interested in caring for the other children; W.F.'s home could not meet licensing standards; L.R. had severe medical conditions; and Y.C. lacked housing.

In October 2020, defendant confirmed that she was pregnant with Alan and stated that she was only using marijuana. In December 2020, however, she tested positive for methamphetamines, acetomorphine, codeine, nor-codeine, normal morphine, and marijuana, and continued to test positive for fentanyl and opiates throughout March 2021 while pregnant with Alan. During an assessment, defendant was deemed to be a "high-risk parent for child neglect"

due to her substance use and problematic personality traits, including antisocial and narcissistic personality tendencies.

When Alan was born in March 2021, medical records confirmed that both defendant and Alan tested positive for opiates and defendant reported that she had used drugs a few weeks prior to Alan's birth. Alan remained in the hospital for several weeks for opiate withdrawal, and the Division conducted an emergency removal based on substantiated allegations of neglect.[5] The Division placed Alan with Sarah in the home of C.Z. and D.M.Z. Sarah was subsequently expelled from a daycare program for problematic behavior.

Although Earl's mother continued to express an interest in someday adopting all the children, she was again ruled out as a placement option for Alan because she informed the Division that she did not have the time or space in her apartment. The Division later referred her to "Parenting With a Purpose" to assist in locating larger housing. The Division again ruled out W.F. because a

[5] Following the ensuing fact-finding hearing, the trial court found that defendant abused or neglected Alan because she "admitted to using heroin in the weeks . . . before [Alan's] birth. Both she and [Alan] tested positive for opiates. [Alan] suffered from withdrawal symptoms, suffered from neonatal abstinence symptoms, and required extended hospitalization and treatment with morphine as a result." The court found that defendant had failed to comply with "any services" and ordered her to complete a psychological evaluation and inpatient substance abuse treatment, as well as psychiatric treatment.

home assessment revealed that her home could not meet licensing standards, and Y.C. because she lacked housing.[6]

After Alan's birth, defendant continued to test positive for opiates and refused recommended treatment despite being admitted to various clinically-managed detox and high-intensity residential programs. Defendant would typically leave the program shortly after admission against medical advice. Defendant wanted to enroll in a Mommy and Me program but was not suited for such a program because she had not demonstrated any extended period of sobriety.

In November 2021, defendant again reported she was pregnant but continued to use drugs. Although she began participating in a methadone maintenance program, she admitted using heroin and cocaine while pregnant. Hazel was born in March 2022, and hospital records reveal that at the time of the birth, defendant and Hazel both tested positive for opiates and cocaine. The Division filed an order to show cause for care and supervision of Hazel based

[6] The Division also ruled out numerous relatives of the children, including D.D. and J.C. because of unsuccessful attempts at contacting them. It ruled out D.R., R.R.-M., and a different J.C. because they would not allow a home study. The Division ruled out K.P. because of her work schedule and limited space in her home. It ruled out H.U. and R.A. because both were unwilling to serve due to their homes being too small.

on a substantiated case of "substance affected newborn," and the application was granted.

Hazel was ultimately removed and placed with Earl, who had successfully completed substance abuse treatment. Sarah later left C.Z. and D.M.Z.'s care and was also placed with Earl. However, both placements were short-lived. The Division conducted an emergency removal of both children upon discovering that defendant had moved in with Earl and was left alone with the children. In addition, Earl tested positive for fentanyl and amphetamines consistently throughout the summer of 2022. Sarah and Hazel were placed in two different nonrelative resource homes, and then with resource parent M.F. in November 2022.

Sarah continued to exhibit behavioral problems that led to her admission to a hospital for psychiatric evaluation and observation, and subsequent diagnosis with adjustment disorder. Although M.F. expressed a desire to adopt Hazel, she did not want Sarah returned to her home. Sarah was ultimately placed in a pre-adoptive home with resource parents D.T. and M.T. Thus, each child was living in a separate pre-adoptive resource home: Sarah lived with D.T. and M.T.; Alan lived with C.Z. and D.M.Z.; and Hazel lived with M.F.

The court approved a plan for termination of defendant's parental rights, noting that she had not complied with Division services for many months, had failed to remediate her substance abuse issues, and had failed to regularly visit with the children. The Division then filed a guardianship complaint to terminate defendant's parental rights. Prior to trial, the Division arranged for psychological and bonding evaluations of the parents, children, and resource parents with Dr. Allison Winston, who issued reports of her assessments.

As to Hazel's bonding evaluation with M.F., in her report, Winston observed appropriate behavior and found that Hazel had a "strong, secure emotional attachment" to her resource parent. Hazel regarded M.F. as her "psychological parent" and the "primary provider of her needs for guidance, support, affection, and protection." Winston concluded that removing Hazel from M.F. would cause her "serious and enduring emotional harm."

As to Alan's bonding evaluation with C.Z. and D.M.Z., Winston observed appropriate behavior and concluded that he had a "strong, secure emotional attachment" to both resource parents. They were aware of his needs for comfort and reassurance and responded appropriately. Winston found that the resource parents were the only caregivers Alan had known and to remove him from this placement would cause him "serious and enduring emotional harm."

Winston did not perform a bonding evaluation of Sarah and her caregivers because Sarah had only recently been placed with them, and defendant did not attend her psychological or bonding evaluations with Winston despite several opportunities to do so. In her report, Winston concluded that to reunify the children with defendant would cause them "serious and enduring emotional harm" due to her "significant, unaddressed substance use and mental health issues." Winston found that defendant "failed to achieve permanency" for the children and was "incapable of providing a safe and stable environment" for them.

Winston opined that the children would experience minimal emotional harm from the termination of defendant's parental rights and that the resource parents could mitigate any harm. Winston believed that it would cause the children "vastly" more harm than good to be reunified with defendant and recommended that the court proceed with the termination of defendant's parental rights in order to free the children for adoption.

The Law Guardian also arranged for psychological and bonding evaluations of the parents, children, and resource parents with Dr. Rachel Jewelewicz-Nelson, who issued reports detailing her assessments. Regarding the bonding evaluation of Sarah with her resource parents, D.T. and M.T.,

Jewelewicz-Nelson observed Sarah to be appropriate and cooperative, despite her history of behavioral difficulties. Although Sarah had only recently been placed with these resource parents, they expressed a strong commitment to adoption.

As to the bonding evaluation between Alan, C.Z., and D.M.Z., Jewelewicz-Nelson observed that Alan was developing normally and had a secure bond of attachment to the resource parents, who were energetic and capable of caring for him. In the bonding evaluation between Hazel and her resource mother, M.F., Jewelewicz-Nelson observed that Hazel was "well on her way to developing a strong and healthy bond" with the resource mother.

Defendant did not attend her psychological evaluation with Jewelewicz-Nelson despite multiple opportunities. Defendant did, however, attend the bonding evaluation. Although the bonding evaluation between defendant and the children was generally successful, Jewelewicz-Nelson concluded that defendant was not fit to parent her children and would not be fit to do so in the near future. As a result, Jewelewicz-Nelson opined that termination of her parental rights followed by adoption was in the children's best interest.

Jewelewicz-Nelson confirmed that defendant demonstrated a "wholly inaccurate self-perception of her strengths and weaknesses, and an [un]realistic

self-appraisal of her parenting capacities, with a significant risk for child neglect and maltreatment." She determined that termination of defendant's parental rights followed by adoption would not cause more harm than good and that each child would be best served by being adopted by their then-current resource parent. Jewelewicz-Nelson also recommended intensive individual therapy for Sarah to address her reactive attachment disorder.

During the ensuing guardianship trial, the Division presented detailed records and testimony from Gillian Batts, the Division's caseworker, chronicling the Division's continuous involvement with defendant and persistent efforts to provide her services, including supervised visitation, parenting skills training, family team meetings, psychological and psychiatric assessments, substance abuse evaluations and treatment, drug screens, and transportation. Batts recounted defendant's limited participation in services, failure to complete substance abuse treatment, inconsistent attendance at visitations, and difficulty maintaining contact with the Division.

Batts also confirmed the various family members and friends who were repeatedly considered for the children's placement but ruled out. She explained that the Division's plan was termination of parental rights followed by adoption by each of the children's respective resource parents, all of whom were

committed to adoption over kinship legal guardianship (KLG). Batts personally observed the children in their respective resource homes and testified that all the children's needs were being met.

Winston and Jewelewicz-Nelson both testified as experts in psychology, consistent with their respective reports that were admitted into evidence. Winston confirmed that Alan viewed his resource parents, C.Z. and D.M.Z., as his psychological parents. Winston testified that Alan had been placed with them since birth and was medically fragile because of severe asthma. As a result, they were knowledgeable about his needs and provided a "very high level of care." Winston recommended termination of parental rights followed by adoption by the resource parents, and advised against ongoing foster care or KLG because Alan needed permanency and was at risk of harm if he was not placed in the current resource home or adopted.

As to Hazel, Winston testified that she had speech delays "from being . . . exposed prenatally to opiates." Hazel's resource parent was appropriate, loving, nurturing, and consistent and provided a high level of care to Hazel. Winston testified that Hazel would experience serious psychological harm if removed from her resource parent and opined that her biological parents would be unable to address the harm. On the other hand, termination of defendant's parental

rights would have no adverse effect on Hazel. Winston recommended termination of parental rights followed by adoption in order to provide Hazel with permanency and a stable home.

From the limited psychological testing completed on defendant during the bonding evaluation, Jewelewicz-Nelson testified the results revealed adequate coping skills, but an "extremely high tendency to dawdle, procrastinate, delay, and not address . . . problems." Jewelewicz-Nelson testified that defendant lacked strategies for managing children's behavior and expected compliance and obedience from the children beyond what is reasonably expected.

As to defendant's bonding evaluation with the children, Jewelewicz-Nelson testified defendant "needed a lot of support and help." She "tended to yell and raise her voice" for discipline, and inappropriately used Sarah to help her manage the younger children. Jewelewicz-Nelson concluded defendant did not have the capacity to parent her children and would be unable to do so in the future.

Regarding the bonding evaluations of Alan and Hazel with their respective resource parents, as in her report, Jewelewicz-Nelson confirmed she had no concerns about the resource parents' ability to meet the children's needs,

including mitigating any harm that might arise from termination. She recommended adoption by the resource parents.

Jewelewicz-Nelson testified that Sarah's case was the most complex because she had so many placements and experienced a chaotic and disorganized life with defendant. Jewelewicz-Nelson testified that, although Sarah had only been placed there for one month, the resource parents were very committed to adopting her. Sarah seemed attached to them, and they engaged appropriately with each other. Although Sarah was "traumatized" and "damaged" because of her birth parents and her multiple placements, Jewelewicz-Nelson found no concerns about the resource parents' ability to provide for Sarah's needs, including mitigating Sarah's sadness and confusion occasioned by the termination of defendant's parental rights. Jewelewicz-Nelson commented on the children's separate placements but noted that each of the resource parents had committed to facilitating sibling visits.

Earl's mother testified for the Division. She indicated her willingness to have all the children placed with her but acknowledged that her one-bedroom apartment was not large enough. She explained that she had applied for a larger apartment with financial assistance from the Division, but the landlord did not want that many children in the apartment.

M.T., Sarah's resource mother, also testified for the Division. She described Sarah's placement with her and her husband, D.T., who also testified for the Division. They confirmed that they wanted to adopt Sarah.

C.Z., Alan's resource mother, testified for the Division. She described Alan's placement in her home since birth as well as his medical needs involving reactive airway disease. She testified that she would allow the children to remain in contact and confirmed her desire to adopt Alan.

M.F., Hazel's resource mother, testified for the Division. She described Hazel's placement with her, including Hazel's special needs consisting of possible mild cerebral palsy, hypertonia, and cyanosis. She testified that she had facilitated visits for Hazel and her siblings and confirmed her desire to adopt Hazel.

Defendant did not testify or present any witnesses. On three days, she appeared for a portion of the trial proceedings. On the remaining days, she failed to appear for trial, but either counsel waived her appearance or the court continued in her absence since she was noticed to appear.

Following the trial, the judge issued a comprehensive oral opinion, concluding that the Division established, by clear and convincing evidence, all four prongs of the best interests standard. In terminating defendant's parental

rights, the judge found all witnesses credible, provided a summary of each witness's testimony, and made detailed factual findings consistent with the witness's testimony. The judge meticulously recited the procedural history of the case, provided a full analysis of the requisite statutory factors, and applied the governing legal principles.

As to prongs one and two, the judge found that the children's "health and development were endangered" by defendant's un-remediated substance abuse, her inability "to demonstrate sobriety," and her failure to engage in substance abuse services to "provide the children with a safe and stable home now or in the foreseeable future." The judge explained:

> Indeed, evidence of her lack of sobriety is the uncontested fact that during the pendency of the litigation [Alan] and [Hazel] were born to her, . . . both substance-affected newborns. Referrals for substance abuse programs were closed out due to her lack of engagement and non-compliance, and she missed in addition to those evaluations or follow-ups . . . numerous urine screens. And she is currently not participating in any services to address the substance abuse issues . . . .
>
> . . . .
>
> [Defendant] has and remains unable to provide a stable protective home. [Sarah] again has not been in her care for three years, and [Alan] and [Hazel] since their birth. And at no point did she have . . . them with her in order to provide . . . them with a safe and stable

> home. Again, her lack of visits was indicia of her inability to parent. She withheld critically necessary parental attention and care to her children.

As to prong three, the judge recounted the Division's "extraordinary" efforts to provide defendant with services, especially substance abuse evaluations and treatment, visitation, and transportation assistance. However, defendant was not compliant. According to the judge, defendant never "successfully engage[d]" with any program and her visitation was "inconsistent at best," with "visits . . . cancelled as a result of [defendant's] failure to confirm." Further, the judge noted that when defendant attended, "the visits did[not] go very well."

The judge also considered alternatives to termination of parental rights, commenting on the numerous relatives and friends, including Earl's mother, who were repeatedly "explored" and "ruled out for various reasons," and the resource parents who were committed to adoption, not KLG. Lastly, as to prong four, the judge cited the children's lengthy out-of-home placements. The judge also referred to the unrebutted expert testimony advising against the children's removal from their respective resource parents and opining that the resource parents could mitigate any harm arising from the termination of parental rights. The judge concluded that "termination of [defendant's] parental rights will not

do more harm than good." The judge entered a memorializing order, and this appeal followed.

II.

Our scope of review on appeals from orders terminating parental rights is limited. N.J. Div. of Child Prot. & Permanency v. T.D., 454 N.J. Super. 353, 379 (App. Div. 2018). In such cases, we will generally uphold the trial court's factual findings, so long as they are "supported by adequate, substantial, and credible evidence." N.J. Div. of Youth & Fam. Servs. v. R.G., 217 N.J. 527, 552 (2014) (citing N.J. Div. of Youth & Fam. Servs. v. E.P., 196 N.J. 88, 104 (2008)).

Indeed, we give substantial deference to Family Part judges' special expertise and opportunity to observe the witnesses firsthand and evaluate their credibility, id. at 552-53, "and to gain a 'feel of the case' over time, thus supporting a level of factual familiarity that cannot be duplicated by an appellate court reviewing a written record," N.J. Div. of Youth & Fam. Servs. v. H.R., 431 N.J. Super. 212, 220-21 (App. Div. 2013) (quoting E.P., 196 N.J. at 104). "We also defer to the trial court's assessment of expert evaluations." H.R., 431 N.J. Super. at 221. Thus, a termination decision should only be reversed or altered on appeal if the trial court's findings are "so wholly unsupportable as to

result in a denial of justice." P.P., 180 N.J. at 511 (quoting In re Guardianship of J.N.H., 172 N.J. 440, 472 (2002)).

Even where the parent alleges "error in the trial judge's evaluation of the underlying facts and the implications to be drawn therefrom," deference must be accorded unless the judge "went so wide of the mark that a mistake must have been made." N.J. Div. of Youth & Fam. Servs. v. M.M., 189 N.J. 261, 279 (2007) (first quoting In re Guardianship of J.T., 269 N.J. Super. 172, 189 (App. Div. 1993); and then quoting C.B. Snyder Realty Inc. v. BMW of N. Am. Inc., 233 N.J. Super. 65, 69 (App. Div. 1989)). However, "[a] trial court's interpretation of the law and the legal consequences that flow from established facts are not entitled to any special deference." R.G., 217 N.J. at 552-53 (quoting Manalapan Realty, L.P. v. Twp. Comm. of Manalapan, 140 N.J. 366, 378 (1995)).

Guided by these standards, we are satisfied that the judge's factual findings are amply supported by the credible evidence in the record, and her legal conclusions are sound. The judge made copious findings as to each prong of N.J.S.A. 30:4C-15.1(a), and concluded that the Division met, by clear and convincing evidence, all of the legal requirements for a judgment of guardianship. The judge's opinion tracks the statutory requirements of N.J.S.A.

30:4C-15.1(a) and comports with applicable case law. See, e.g., N.J. Div. of Youth & Fam. Servs. v. F.M., 211 N.J. 420, 447-54 (2012); E.P., 196 N.J. at 102-11; K.H.O., 161 N.J. at 347-63; In re Guardianship of DMH, 161 N.J. 365, 375-94 (1999); N.J. Div. of Youth & Fam. Servs. v. A.W., 103 N.J. 591, 602-11 (1986).

Accordingly, we affirm the guardianship judgment for the reasons stated in the judge's well-reasoned oral opinion and reject as belied by the record defendant's contentions of error in the judge's findings as to prongs three and four. See DMH, 161 N.J.at 393 ("The diligence of [the Division's] efforts on behalf of a parent is not measured by their success[,] . . . [but] must be assessed against the standard of adequacy in light of all the circumstances of a given case."); N.J. Div. of Youth & Fam. Servs. v. F.H., 389 N.J. Super. 576, 621 (App. Div. 2007) ("Even if the Division had been deficient in the services offered to [the parent], reversal would still not be warranted, because the best interests of the child controls."); N.J. Div. of Child Prot. & Permanency v. M.M., 459 N.J. Super. 246, 274-75 (App. Div. 2019) (explaining that evidence that establishes a resource parent's clear and informed preference for adoption will support a trial court's finding that there are no alternatives to termination of parental rights); see also H.R., 431 N.J. Super. at 226 (explaining that "[t]he

crux of the fourth statutory subpart is the child's need for a permanent and stable home, along with a defined parent-child relationship," and that if "separation of the child from the caretaking parents will cause serious harm, then the fourth [prong] is fulfilled").

Moreover, as public policy increasingly focuses on a child's need for permanency, it has resulted in the placement of "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); see also N.J. Div. of Youth & Fam. Servs. v. A.G., 344 N.J. Super. 418, 438 (2001) ("Keeping the child in limbo, hoping for some long[-]term unification plan, would be a misapplication of the law."). To that end, 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." C.S., 367 N.J. Super. at 111 (citing N.J.S.A. 30:4C-11.1). That is because "[a] child cannot be held prisoner of the rights of others, even those of [the child's] 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 child[]." N.J. Div. of Youth & Fam. Servs. v. F.M., 375 N.J. Super. 235, 263 (App. Div. 2005); see also P.P., 180 N.J. at

512 (observing that even if a parent is trying to change, a child cannot wait indefinitely); N.J. Div. of Youth & Fam. Servs. v. B.G.S., 291 N.J. Super. 582, 593 (App. Div. 1996) (holding that the "termination action was not predicated upon bonding, but rather reflected [the child's] need for permanency and [the defendant's] inability to care for him in the foreseeable future"). The judge's findings are therefore supported by the law and the public policy behind it.

We briefly address defendant's remaining arguments that lack sufficient merit to warrant extended discussion in a written opinion and decline to address the arguments that are entirely baseless. R. 2:11-3(e)(1)(E). In delivering her thorough oral opinion, the judge said, "I have some written notes, not a formal decision, so I[am] just going to read from my notes." Although the judge's statement that it was "not a formal decision" appears to merely reflect the fact that the decision was not in writing, defendant contends that the judge erred in failing to issue a "formal decision." However, there is no requirement that the opinion of the court be relayed in writing, as opposed to an oral opinion as occurred here, and we discern no distinction between an oral decision and a "formal" oral decision. See R. 1:7-4(a) (permitting "either written or oral" decisions in actions tried without a jury); see also R. 1:36-2(d) (acknowledging the use of oral opinions in trial court matters).

Equally unavailing is defendant's contention that the judge erred in admitting embedded hearsay contained in the Division's contact sheets regarding the births of two substance-addicted newborns and defendant's positive urine screens. Even if the information constituted inadmissible embedded hearsay, the evidence was properly before the court in other permissible forms, including certified medical records. See R. 5:12-4(d) ("The Division . . . shall be permitted to submit into evidence, pursuant to N.J.R.E. 803(c)(6) and 801(d), reports by staff personnel or professional consultants."); N.J.R.E. 803(c)(6) (establishing the business records exception to the hearsay rule); N.J.R.E. 801(d) (defining "business" as "every kind of business, institution, association, profession, occupation and calling"). Thus, the judge's conclusions were properly supported by admissible evidence.

Likewise, we reject as belied by the record defendant's contention that the judge drew an adverse inference from defendant declining to attend parts of her trial. Although the judge noted while delivering her oral opinion that defendant's absence was "concerning," the statement was made in conjunction with the judge's finding that defendant had not participated in services or attempted to visit her children consistently.

Affirmed.