

1 AAN-FA12-4018252 : SUPERIOR COURT  
2 MATTHEW COULOUTE, JR. : JUDICIAL DISTRICT OF  
3 VS. : ANSONIA MILFORD  
4 STACEY BLITSCH : JUNE 7, 2016  
5  
6  
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8 B E F O R E:

9 THE HONORABLE SYBIL V. RICHARDS,  
10 Judge  
11

12 A P P E A R A N C E S:

13  
14 MATTHEW COULOUTE, JR., ESQUIRE  
15 Self-Represented Party  
16 50 Duncaster Road  
17 Bloomfield, Connecticut 06002

18 STACEY M. BLITSCH  
19 Self-Represented Party  
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21 Reported By:  
22 Jean Kindley  
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14 West River Street  
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25  
26  
27

1 MR. COULOUTE: Good afternoon, your Honor.

2 THE COURT: Good afternoon. You may be seated.

3 Okay. Before I begin, what the Court would like  
4 to say to the parties is that the Court had in its  
5 review of all of the full exhibits, and in taking  
6 judicial notice of the court file, which includes all  
7 of the prior proceedings, the domestication of a  
8 couple of orders, one in which there was a  
9 stipulation, and another one in which there was an  
10 order of the Court, and that is both in Georgia and  
11 Florida, as well as domestication of the Court order  
12 in this state, in the State of Connecticut, and it's  
13 the Court's understanding, in reviewing the  
14 domestication of said order, that ultimately the  
15 matter went back before the Court in, I believe,  
16 Duluth, I think that's Georgia, and the Court there  
17 decided that Connecticut would have jurisdiction over  
18 all matters, and it was not limited to just custody  
19 and visitation or to support, it was all matters, and  
20 that's the Court's read of it.

21 The Court has also considered all the relevant  
22 and credible evidence that has been presented, be it  
23 the witnesses that were called, that includes the  
24 witnesses who consist of both of the parties, the  
25 defendant's father, the Family Relations counselor,  
26 whose name is Sharmaine Abrams, if the Court  
27 recollects correctly, along with the comprehensive

1 evaluation that she had completed, and the Court's  
2 own notes, and the Court's, again, observation of the  
3 demeanor of the witnesses and the parties who also  
4 were witnesses in this particular case.

5 This case was a particularly difficult case,  
6 given that there were numerous motions that were  
7 filed, and then during the proceedings, there were  
8 numerous motions that were filed that were then  
9 withdrawn. And so, it was kind of cumbersome to go  
10 through the entire file and determine which motions  
11 were still intact and how to address those particular  
12 motions which include post judgment motions for  
13 modification of custody and parenting time, and  
14 motions for contempt, among others.

15 And so, the Court now is prepared to rule from  
16 the bench. It might be a little bit disjointed, but  
17 the Court will do the best it possibly can.

18 What the Court can't say at this juncture is to  
19 tell you how long it's going to take for the Court to  
20 issue its ruling. I'm assuming it's going to be  
21 approximately one hour long, hopefully it will be  
22 shorter than that, but all of this is going to be a  
23 verbal ruling.

24 The Court is going to ask the court stenographer  
25 to provide the Court with a copy of the entire  
26 proceedings as transcribed for this hearing inclusive  
27 of the Court's order, and then the Court will sign

1 that, and that will be part of the court file.

2 The Court understands that this is a very  
3 difficult situation for both parties, and that's the  
4 Court's assessment, again, from judging the  
5 credibility of the witnesses, the two of you in  
6 particular.

7 And regardless of the Court's decision,  
8 ultimately, ultimately the Court certainly finds that  
9 both of you definitely are parents who love Xavier,  
10 who seem to do everything possible with Xavier's best  
11 interests in mind.

12 The Court will get into more detail as it orally  
13 recites its orders, and factual findings, and its  
14 rulings.

15 And it's difficult, no matter whether it is a  
16 functioning family that's intact or one that isn't,  
17 there is always going to be disputes, but hopefully  
18 at the end of this, the two of you will make some  
19 effort, make some efforts to try to engage in  
20 communication about your minor child that will be  
21 positive, and productive, and conducive to making  
22 sure Xavier can continue to thrive as he has been,  
23 and that both of you can instill the love that you  
24 have for him in a positive fashion, and hopefully  
25 that you could set aside your differences, not just  
26 for his sake, you will be his parents forever, but  
27 for each other's sake, so that you can communicate

1 about a delightful, seemingly delightful child who is  
2 doing quite well, and that is a testament to both of  
3 you.

4 The Court's ruling will begin now.

5 The Court, after several days of hearings on the  
6 underlying motions filed by the parties, shall  
7 succinctly state the procedural and factual history  
8 of the case. The factual and procedural history of  
9 the case, the Court will add, is already in the file,  
10 in the court file in multiple motions and orders, so  
11 I'm not going to be too specific about it because  
12 that would be redundant.

13 The parties were never married. They had one  
14 child from their relationship, and that child's name  
15 is Xavier Michael Couloute, whose date of birth is  
16 October the 8th of 2004. The parties' dispute and  
17 ensuing -- I'm sorry. Because the Court was writing  
18 quickly, I may not be able to understand my own  
19 handwriting. -- and ensuing stipulations and Court  
20 orders began in the State of Georgia and the State of  
21 Florida, and is now here in the State of Connecticut  
22 where the relevant orders relating to the custody of  
23 and parenting time for the minor child have been  
24 domesticated.

25 The Court has taken judicial notice, as the  
26 Court has stated earlier, that the entire court file  
27 of this case has been reviewed as well as the decrees

1 of the other states, and that is Florida and Georgia,  
2 including the stipulations executed therein, and  
3 notes that those decrees were domesticated in this  
4 state, the State of Connecticut, and that the State  
5 of Georgia expressly provided in its order that the  
6 parties' dispute regarding the minor child was  
7 domesticated in this state, the State of Connecticut,  
8 and it had further relinquished its jurisdiction over  
9 said issues and expressly provided that the State of  
10 Connecticut is recognized as the state that has the  
11 jurisdiction to preside over the parties' custody and  
12 parenting time disputes regarding the minor child,  
13 Xavier.

14 In connection with this multi-day hearing, on  
15 issues and claims raised in a multitude of motions  
16 filed by the parties, and later withdrawn to a  
17 limited degree by the defendant during said hearing,  
18 the Court has reviewed the applicable laws that  
19 consist of case law and statutory law, including, but  
20 not limited to, Section 46b-56c of the Connecticut  
21 General Statutes which sets forth criteria that the  
22 Court shall consider but is not obligated to state  
23 which of the criteria it has to consider or it had  
24 considered in reaching its decision regarding issues  
25 presented before the Court in relation to a motion  
26 for a modification of a prior custody order as has  
27 been the case here.

1           The Court has also, as the Court has stated,  
2           observed the credibility of the parties and their  
3           demeanor, including the testimony of Mrs. Abrams,  
4           which the Court had found to be highly credible, and  
5           the other witnesses, including the parties, as the  
6           Court has mentioned, and the Court has also reviewed  
7           the comprehensive evaluation that was prepared by  
8           Mrs. Abrams, among other things. And, again, the  
9           Court took judicial notice of the entire court file.  
10          And the Court further reviewed the exhibits that were  
11          admitted into evidence as full exhibits.

12           Based upon the credible and relevant evidence  
13          presented to the Court, the Court makes the following  
14          factual findings and such other factual findings as  
15          it deems necessary or desirable:

16           I'll just, as an aside, mention that the Court,  
17          again, reviewed the exhibits which consist of the  
18          comprehensive evaluation that was ordered by Judge  
19          Malone on October the 8th of 2015 and completed on  
20          March the 3rd of 2016 by Family Relations counselor  
21          Sharmaine Abrams who, again, the Court had found not  
22          only her testimony, but also the report to be  
23          credible and to be relevant.

24           Let's see. The Court notes that the  
25          comprehensive evaluation was very detailed concerning  
26          the contacts that were made by Miss Abrams to the  
27          various third parties, including physicians, the

1 references of the defendant, school officials, and so  
2 forth between the periods of October, 2015 and  
3 March 4th of 2016. That same comprehensive  
4 evaluation mentions that there were three referrals  
5 for an evaluation in three years. The very same  
6 comprehensive evaluation also mentions that all prior  
7 comprehensive evaluations recommended that the  
8 parties share joint legal custody with the plaintiff  
9 having primary physical custody of the minor child,  
10 and that the outstanding dispute between the parties  
11 was then, as it is now, was in relation to the  
12 primary physical custody on a day-to-day basis of the  
13 minor child, at which parent would be permitted to  
14 have such custody and whether there should be a  
15 change in the physical custody of the minor child.

16 The report also mentions that the minor child,  
17 Xavier, was interviewed, and it reflected that the  
18 minor child had difficulties with the defendant  
19 mother during his visits with her, and that the minor  
20 child did not appreciate her videotaping of his  
21 behavior or taping his verbal communication, and that  
22 he also disfavored the defendant's invitation to --  
23 that was extended to the plaintiff's ex-wife to his  
24 birthday party, and that he also was upset that the  
25 defendant mother took a piece of paper from his  
26 journal, and that he had to meet with a  
27 representative, a state representative, one from this

1 state, Connecticut, at their hotel room, and though  
2 he mentioned that she only told him stories about her  
3 own children, there was no indication that she had  
4 examined him or had interrogated him in any way,  
5 shape, or form, but those issues were disturbing to  
6 the child.

7 There are indications that the child in that  
8 same report had mentioned that the plaintiff father  
9 discussed the fact that there could be the  
10 possibility of a move to Georgia because there is a  
11 house there, but during the plaintiff's testimony  
12 there was nothing in his testimony that indicated  
13 that that would be a move that would be one that  
14 would be in the immediate future.

15 The child -- the child's counselor also reported  
16 that she communicated with both parties when  
17 necessary, without breaching the confidentiality she  
18 had with discussions with the minor child, Xavier,  
19 and said that she had no concerns about his social  
20 and academic progress.

21 According to his academic record in that report,  
22 the minor child, despite the goings on between the  
23 parties, and their disputes, and inability to  
24 positively and effectively communicate with each  
25 other, has been thriving academically, and in his  
26 core subjects, his grades range between As and Bs,  
27 and that, again, I think is a testament of both

1 parents, not just one.

2 And in 2013, according to the comprehensive  
3 evaluation, the minor child was tested for allergies  
4 and it was determined that he was allergic to a  
5 number of things, including cats and dogs. Dogs,  
6 I'll mention later, and in the rest of the Court's  
7 oral decision.

8 The comprehensive report also mentions that  
9 Family Relations has been intermittently involved in  
10 this case since August of 2013, which is a  
11 considerable period of time, and that the parties  
12 have remained stagnant and entrenched in their  
13 conflict; and the conflict at issue, although it is  
14 not specifically mentioned, but it is implied, the  
15 conflict concerning who would have primary physical  
16 custody of the minor child.

17 The report mentions that the child's  
18 relationship, again, with the plaintiff has been  
19 strained in some sense as well as the defendant, but,  
20 again, the Court has considered all of the evidence  
21 and certainly the travels and travails that the minor  
22 child has had to endure in going back and forth  
23 between the west coast and the east coast to be with  
24 one or the other parent.

25 There are a number of recommendations that are  
26 set forth in the comprehensive evaluation and the  
27 Court will deal with that later.

1           The date on which it was determined that the  
2 minor child, Xavier, is highly allergic to dogs, per  
3 Dr. Chen, his pediatrician, and this is according to  
4 the defendant's E mail to the plaintiff, was the  
5 result of a test that was taken in -- that was  
6 performed in 2014. There is also an indication that  
7 sometime around November of 2014, specifically the  
8 29th, that the minor child had an allergic reaction  
9 to the defendant's mom's dog due to pet dander and  
10 the dog itself.

11           And then, in short, the comprehensive evaluation  
12 notes that the plaintiff father has the child for a  
13 total of 250 days a year and that the defendant  
14 mother has the minor child for 115 days a year.

15           Now, the Court also notes that there were a  
16 number of claims made by both parties throughout the  
17 court file. The defendant mother's claim that there  
18 was mold and dust in one of the places at which the  
19 plaintiff father resided, that the plaintiff father  
20 had, quote, a narcissistic personality disorder, but  
21 there was no evidence presented that there was any  
22 medical diagnosis to that effect or that the  
23 defendant mother is qualified to offer evidence to  
24 that effect.

25           Then the defendant mother claimed that the  
26 plaintiff had kept the child around dogs, knowing  
27 about the child's allergy, but during her testimony,

1 the Court notes the defendant mother allowed her  
2 sister to have Xavier be exposed to dogs, and this  
3 came out during the cross-examination that was  
4 engaged in by the plaintiff father, that he had been  
5 exposed to dogs when there was already evidence in  
6 the record that the minor child has severe allergies  
7 to pets, dogs and cats included.

8 The plaintiff also alleged that the -- I'm  
9 sorry, the defendant also alleged that the  
10 plaintiff's wife, and living arrangements, and his  
11 career, and his profession has been unsteady and in a  
12 state of flux, this has been a repeated theme during  
13 the entire file as reviewed by the Court, that this  
14 has been a persistent allegation made by the  
15 defendant mother.

16 The defendant mother also claimed that the  
17 plaintiff father allowed the minor child to play  
18 violent video games and perform some internet  
19 research concerning guns, but then at the very  
20 same -- by the very same token, she admitted that she  
21 had bought the minor child a video game to help him  
22 adjust and calm down.

23 On the other hand, the plaintiff father, with  
24 respect to his comments about the defendant mother,  
25 has claimed that the defendant is emotionally  
26 unstable and has had outbursts in school, and this  
27 was part of the findings initially that resulted in

1 an order in which he was given primary physical  
2 custody of the minor child.

3 The plaintiff has also claimed that his motion  
4 to dismiss -- and I'm going back again in time  
5 because the Court did review the entire file, the  
6 entire court file, that this is during -- I'm sorry.  
7 He had claimed, and this is during his closing  
8 argument -- the Court will note that closing argument  
9 is not evidence, but the Court wants to mention this  
10 because this was an argument that was made earlier  
11 today -- the plaintiff father alleged that the  
12 defendant mother claimed that it was not the State of  
13 Connecticut -- I'm sorry, that the State of  
14 Connecticut had jurisdiction to preside over these  
15 matters and the plaintiff father disagreed with that,  
16 and the Court's review of the court file supports the  
17 position of the defendant mother, as the Court has  
18 stated.

19 Now, there was also testimony from the defendant  
20 mother that the child had some poor performances or  
21 subpar performances on some academic tests,  
22 standardized tests, and there is no indication in the  
23 court file that that is, in fact, true. It is the  
24 opposite, that the Court finds that despite, again,  
25 the conflict between the plaintiff and the defendant,  
26 the minor child has performed well and above average  
27 on standardized tests and scholastically in his core

1 subjects in school.

2 The defendant mother has also repeatedly  
3 throughout the Court's examination of the court file  
4 and in her testimony, the portions of her testimony  
5 that were permitted to come in as evidence, tried to  
6 over and over again repeat that the plaintiff father  
7 had abused her physically and had abused both of his  
8 former spouses, and the Court finds that there is no  
9 evidence in the record to support her position, and  
10 her allegations, and claims.

11 With respect to additional allegations that were  
12 made concerning some lapses on the part of the  
13 plaintiff as it relates to neck problems that were  
14 experienced by the minor child, allergies of the  
15 minor child, and a failure on the part of the  
16 plaintiff father, as alleged by the defendant mother,  
17 that his inhaler wasn't included, I think, on one or  
18 two occasions when he traveled to her state, that  
19 those lapses are found by the Court not to be  
20 anything that had negatively impacted the child.  
21 They were unfortunate, there was some oversight, but  
22 those oversights are oversights that the Court  
23 doesn't find to be disruptive or to counter either  
24 parties', and in this case specifically, the  
25 plaintiff's father's, care and concern for the minor  
26 child.

27 Now, turning back to the Court's orders.

1           Again, the Court will restate what it said  
2           earlier, was that it finds that both the plaintiff  
3           and the defendant, independent of the other's  
4           involvement, appear to demonstrate strong parental  
5           love for and affection toward the minor child, and  
6           also to be supportive of the minor child's  
7           development and interest, and both have a significant  
8           regard for their son, and for his health, and his  
9           well-being, despite, again, any lapses that were  
10          minor.

11          However, the Court also notes that the parties'  
12          inability to set aside their differences and their  
13          seemingly disdain for each other has negatively  
14          affected their efforts to jointly serve the needs and  
15          the best interests of the minor child. And despite  
16          that, the minor child, again, has thrived even though  
17          his parents can't communicate with each other. And  
18          even when the parents' communication has evolved into  
19          derisive, and insulting, and negative diatribes, as  
20          expressed in the E mails that are littered in the  
21          court file, again, fortunately, as the evidence  
22          reflects, the minor child has managed to thrive  
23          nonetheless, and he's doing quite well and shows  
24          strong academic promise on standardized tests and,  
25          again, in his core subjects. And despite some  
26          allergies and health problems, he seems to be  
27          thriving, again, nonetheless.

1           The difficulty has been that the minor child has  
2           had to crisscross between the west coast and the east  
3           coast to visit his parents, or to have parenting time  
4           with his parents, or to live with his parents. And  
5           the Court can make the logical conclusion that the  
6           jetlag that the minor child must be suffering as a  
7           result of the constant back and forth between the two  
8           coasts must impact the minor child, and that that may  
9           be the source of some of his outbursts or desire not  
10          to return to the household of one parent over the  
11          other, which has been expressed in the comprehensive  
12          evaluation, and that this has resulted in the minor  
13          child having some outbursts or expressing a refusal  
14          to go back to one coast over the other. It is  
15          unimaginable how the minor child was able to overcome  
16          this level of dysfunction and in the limited  
17          communication that his parents has had, but he has  
18          done that, and both of you should be proud as a  
19          result.

20          The Court will also note that none of the  
21          conduct of the parents has resulted in irreparable  
22          harm to the minor child. It has affected him. The  
23          Court, again, as it mentioned previously, believes  
24          that both have worked separately and independent of  
25          each other toward this end, and the Court has  
26          considered that, certainly, as one of the factors  
27          that it has to consider when applying Section 46b-56c

1 of the Connecticut General Statutes with respect to  
2 the minor child's best interest.

3 Now, again, the Court finds that the testimony  
4 of the Family Relations counselor, Mrs. Sharmaine  
5 Abrams, is quite credible, and following its review  
6 of her recommendations in her most recent custody  
7 evaluation completely adopts her recommendations.

8 The Court will also mention that it discredited  
9 the testimony of the defendant with respect to the  
10 alleged exposure that the plaintiff allowed the child  
11 to engage in with respect to being around dogs.

12 The Court, again, mentions that not only was the  
13 minor child exposed to dogs in the presence of or  
14 around the defendant -- I'm sorry, the plaintiff  
15 father, but also around the defendant and her family  
16 in her presence. And this is in opposition to her  
17 testimony that the plaintiff father put him in harm's  
18 way with respect to his allergies.

19 The Court also notes that there was substantial  
20 testimony concerning the defendant mother's  
21 allegation that she was denied make-up time and  
22 parenting time with the minor child as a result of  
23 the conduct of the plaintiff father, and the Court  
24 discredits that. The Court finds that there was  
25 no -- that the defendant mother failed to demonstrate  
26 by clear and convincing evidence in accordance with  
27 the heightened standard set by the case of Brody

1       versus Brody in this state, that the plaintiff father  
2       willfully violated a clear and unambiguous Court  
3       order and that her testimony at times contradicted  
4       itself, or she admitted during her testimony that  
5       some of her allegations were incorrect or in error.

6               Now, specifically the Court finds that it's in  
7       the minor child's Xavier's best interest to remain  
8       with the plaintiff and in accordance with the  
9       recommendations made by the Family Relations  
10      counselor in her comprehensive evaluation, even  
11      though the Court notes that there have been during  
12      the time frame in question some relocations by the  
13      plaintiff within the state, and despite all of this,  
14      again, the child has remained precocious, apparently,  
15      and has continued to thrive and do well academically  
16      and with respect to his performance on standardized  
17      tests, and that the child is desirous of having both  
18      parents in his life. The Court didn't find a  
19      contradiction otherwise, other than some limited  
20      occasions where it was noted that the child didn't  
21      want to return to one parent or the other, and  
22      certainly given the fact that the minor child has to  
23      go from one coast to the next coast, the east coast  
24      to the west coast, that is to be expected.

25             And the Court also notes that the minor child,  
26      as we mentioned earlier, has expressed some  
27      frustration about both parents. And, again, the

1 Court finds that it is the result of the parents'  
2 inability to put aside their differences and to make  
3 Xavier the forefront person in their minds and at all  
4 times to make sure that they act within his best  
5 interest regardless of their feelings about each  
6 other.

7 In looking at Section 46b-56c of the Connecticut  
8 General Statutes, again, there is a number of  
9 criteria that is set forth, and the Court doesn't  
10 have to articulate for the record its reliance on all  
11 or any of it, but the Court has considered them. The  
12 Court has considered the fact that the minor child,  
13 again, has done well academically in his core  
14 subjects and on standardized tests, that he has  
15 thrived while in the custody of the plaintiff, that  
16 there's no indication that there will be a change of  
17 residence by the plaintiff to Georgia or any other  
18 state any time soon, that was just something that was  
19 expressed, that there has been no evidence that the  
20 plaintiff intends to relocate to Georgia in the near  
21 future.

22 The Court also notes that the minor child,  
23 Xavier, has a sibling, and the Court notes that the  
24 minor child also has relatives on his mother's side,  
25 and that they also play a role in his life, along  
26 with friends on the west coast.

27 And the Court notes that the minor child also

1 has a life here in the State of Connecticut, and,  
2 according to the testimony of the plaintiff, that he  
3 has engaged in sports, like he has in the State of  
4 California, that he has friends, again, that he has a  
5 sibling, and that there are relatives here as well in  
6 this state.

7 One of the criteria that's listed in the  
8 statute, the same statute, is basically about the  
9 parents' interaction with each other. And the Court  
10 mentions, again, and notes that, unfortunately, the  
11 defendant mother has reiterated time and time again,  
12 as evidenced throughout the Court taking a position  
13 notice of the entire court file, and during the  
14 testimony about her perspective about the ill conduct  
15 and behavior, poor behavior of the defendant father,  
16 almost to the point of ad nauseam.

17 The Court finds that the minor child, again, is  
18 in a stable environment with the plaintiff father,  
19 and that he is thriving there, and that the  
20 recommendations made by the Family Relations  
21 counselor, Mrs. Abrams, does serve the best interests  
22 of the minor child.

23 With respect to specific motions, the Court now  
24 turns its attention to those motions.

25 On a general note, the Court finds that the  
26 defendant mother has failed to demonstrate that there  
27 has been a material change in circumstances since the

1 date of the last Court order in which primary  
2 physical custody of the minor child, Xavier, was  
3 awarded to the plaintiff father, and that the parties  
4 would share joint legal custody, and that there was a  
5 material change, the Court finds that was not proven  
6 by a preponderance of the evidence that there was a  
7 material change since the date of that last Court  
8 order that would warrant a modification under the  
9 circumstances.

10 The Court further concludes that Xavier's  
11 educational, physical, and overall well-being, his  
12 needs are being met, again, by the plaintiff with the  
13 parenting time exercised by the defendant mother.  
14 Again, he is doing well in school, his medical needs  
15 are being met, although there has been some lapses of  
16 a minor nature.

17 With respect to the specific motions presented  
18 and not withdrawn during the hearing by the defendant  
19 mother, the Court's rulings are as follows:

20 The motion number 156, the plaintiff's motion  
21 for modification of custody post judgment --

22 THE CLERK: Motion number 153.

23 THE COURT: I'm sorry. Where is the motion?

24 THE CLERK: I put it in the file, but these are  
25 the list of the motions. It's 153 is his motion.

26 THE COURT: Okay. Thank you. Yes, you're  
27 right. Thank you.

1           That motion number 153 --

2           Thank you, Madam Clerk.

3           -- is granted only to the extent that the  
4       recommendation, recommendations plural, excuse me,  
5       that were made by the Family Relations counselor and  
6       adopted by this Court and accepted by this Court, his  
7       relief shall be limited to, with respect to that  
8       motion, shall be limited to those recommendations.

9           The Court denies the plaintiff, however, the  
10       plaintiff's request for supervised visitation as the  
11       Court finds there is no need as requested in that  
12       motion for that form of relief.

13           That was in your motion.

14           MR. COULOUE: I --

15           THE COURT: Number 153 you had also requested in  
16       your request for relief supervised visitation.

17           MR. COULOUE: I don't recall that, but, okay,  
18       your Honor.

19           THE COURT: In the recital, the wherefore  
20       clause, it provides that the plaintiff father  
21       respectfully requests this Court enter an order  
22       modifying the current access and visitation schedule  
23       that is in the best interests for the minor children  
24       or child including, but not limited to, supervised  
25       visitation.

26           MR. COULOUE: Thank you.

27           THE COURT: Motion number 156, the defendant's

1 motion to modify child support. While the Court  
2 agrees that the defendant's income has decreased from  
3 the date of the last Court order where her gross  
4 income, and the defendant's -- I'm sorry, the  
5 plaintiff's gross income were listed, that is the  
6 original order that was domesticated, the Court  
7 agrees that there has been a reduction in her income,  
8 however, the Court had also examined, again, the  
9 court's file and finds that her financial affidavit  
10 dated April the 7th, 2016 is in opposite to her  
11 testimony and to the various financial affidavits and  
12 fee waiver applications that are in the file, and  
13 that her financial affidavit dated April the 7th of  
14 2016 is not credible and, therefore, it's discredited  
15 by the Court. So, that motion and her request for  
16 relief is denied by the Court. She has not proven  
17 further that her earning capacity -- you have to sit  
18 down.

19 MS. BLITSCH: I have a question.

20 THE COURT: Not at this time.

21 That her earning capacity has not changed  
22 throughout the proceedings. In the Court's taking of  
23 judicial notice of the court file, the defendant  
24 mother has indicated what her jobs have been, and how  
25 she's a trainer, for example, and there is no  
26 indication that her earning capacity has changed,  
27 therefore, the Court, again, discredits her current

1 financial affidavit and denies this motion and all  
2 the relief requested therein.

3 And as an important aside, the Court finds, it's  
4 worth noting, the defendant testified, and as her  
5 prior financial affidavit indicates, that her parents  
6 have assisted her financially during these  
7 proceedings, and she has mentioned a series of sums,  
8 on some occasions as much as \$8,000, and that these  
9 figures are not reflected on her current financial  
10 affidavit.

11 She further alleges in this very same motion  
12 that she, quote, unquote, believes that the plaintiff  
13 father's income has increased, but the defendant  
14 mother failed to prove this allegation by a fair  
15 preponderance of the evidence.

16 Turning next to the defendant's motion for  
17 contempt post judgment, number 164, this motion too  
18 is denied by the Court on the grounds that the  
19 plaintiff -- I'm sorry, the defendant, excuse me,  
20 failed to prove her allegation by clear and  
21 convincing evidence, again, in accordance with the  
22 case of Brody versus Brody.

23 Motion number 200, the defendant's amended  
24 motion for contempt, that too is denied by the Court  
25 on the very same ground.

26 The defendant's motion number 201 is further  
27 denied on that same ground.

1           Then there is motion number 208, and that's the  
2 defendant's amended motion for modification of  
3 custody and child support, and the Court has already  
4 addressed its ruling with respect to those very same  
5 issues, and so, on those very same grounds, the Court  
6 is hereby denying that motion.

7           The defendant's objection to the Family  
8 Relations comprehensive evaluation is also hereby  
9 denied by the Court as the defendant mother failed to  
10 sustain her burden of proof that it should be denied  
11 by the Court.

12           Now, the Court's going to address a couple of  
13 other issues, and I'll be with you in a moment.

14           THE CLERK: Do you want to overrule the  
15 objection or deny it?

16           THE COURT: Overruled. No, it has to be  
17 overruled. I'm not finished yet. I'm sorry.

18           There is one other order that the Court is going  
19 to issue and this is after, not only reviewing the  
20 multiple motions that were ultimately presented to  
21 the Court by the conclusion of the multi-day hearing,  
22 but also looking at the court file, taking judicial  
23 notice of it, that, as the Court has mentioned, there  
24 are a number of motions that have been filed in this  
25 case from the beginning, since the Court had in this  
26 state domesticated the prior Court order and  
27 stipulation of the parties from the states of Florida

1 and Georgia, and that much of the claims that are  
2 made in those motions regurgitates the same  
3 allegations pretty much, and the Court is issuing an  
4 order, and I will have to provide you with the name  
5 of the case in a moment, I will have to probably take  
6 a brief recess so I could get the name of the case,  
7 but the Court is issuing an order because it has been  
8 inundated with essentially repetitive claims in this  
9 particular case throughout the, again, court file  
10 with respect to the dispute between the parties, that  
11 it's going to issue an order whereby both parties are  
12 prevented and restricted from filing any motions  
13 before this Court without first obtaining, by way of  
14 a letter addressed to the Court, permission from the  
15 Court to file any motion, and that order shall remain  
16 in place unless further modified by the Court as the  
17 Court, again, has noted, in taking judicial notice of  
18 the entire court file, and reviewing the motions that  
19 were presented to the Court, and also those that were  
20 initially filed for the Court to resolve that were  
21 withdrawn, again, contained repetitive claims, and  
22 that this is an unwise use of court time, and in the  
23 sake of judicial economy, the Court finds that it is  
24 in the interest of judicial economy for both the  
25 plaintiff and the defendant to send a letter to the  
26 Court should either party wish to file any motions in  
27 the future, and this order, again, shall remain in

1 full force and effect unless further modified by the  
2 Court.

3 Lastly, the Court is going to mention an  
4 innovative program that is through this court's  
5 Family Relations Office, and it is called the  
6 Conflict Case Management Program -- excuse me, the  
7 Intensive Case Management Program. And the purpose  
8 of the program -- and I know, Mrs. Blitsch, you live  
9 in California -- but the purpose of the program is  
10 intended to try to help parties help themselves.

11 The difficulty, when parties are unable to  
12 resolve their differences and reach a consensus in  
13 entering the stipulation to resolve their  
14 differences, is that you then place your issues in  
15 the hands of a third party, and in this instance,  
16 it's the Court, the Judge, who is not as familiar as  
17 the two of you are with respect to your own personal  
18 circumstances and that of your son, and will make a  
19 decision that it deems in the best interests of the  
20 minor child as opposed to the two of you working out  
21 your differences and making that decision on your  
22 own. And the whole purpose of this new intensive  
23 program is to give you the resources by which you  
24 should be able to do that without court intervention.

25 And so, the Court would suggest that even before  
26 you send a letter to the court -- this is not an  
27 order -- but before you do, if you feel the need or

1 inclined to try to file a motion, try to see if this  
2 is a program that may help the two of you.

3 What the Court is going to do now is take a  
4 break because I'm going to get the name of the case  
5 that allows the Court to issue an edict that would  
6 bar parties from filing motions without first seeking  
7 the permission of the Court and the sake of judicial  
8 economy.

9 Yes.

10 MS. BLITSCH: What happens if he decides to move  
11 to Georgia between --

12 THE COURT: I can't answer what ifs. I will not  
13 answer what ifs.

14 MS. BLITSCH: Will I send a letter to you?

15 THE COURT: I will not answer a what if  
16 question. The Court cannot -- the Court does not  
17 have a view into the future.

18 MS. BLITSCH: Okay. Would I send a letter to  
19 you?

20 THE COURT: Wait. The Court does not have a  
21 view into the future. That is not a fact where an  
22 allegation or a claim that was before the Court,  
23 right? There was a suggestion that he made a  
24 statement to that effect to Xavier, your son, but  
25 there is no motion or issue before the Court where  
26 the plaintiff is intending to move to Georgia or some  
27 other state. So, I cannot answer a speculative

1 question, no what ifs, what possibility -- what if  
2 this happens, what if that happens, maybe this, well,  
3 what about that; I cannot.

4 MS. BLITSCH: Would I request a hearing if he  
5 decides to move?

6 THE COURT: No, if you have any issues, I have  
7 already issued a ruling.

8 MS. BLITSCH: Send a letter?

9 THE COURT: Make your request to this Court in  
10 writing, by way of a letter, asking if you could file  
11 a motion.

12 MS. BLITSCH: Okay.

13 THE COURT: Okay. I'll be with you momentarily.

14 MR. COULOUTE: I believe the name of the case is  
15 Strobel.

16 THE COURT: That is it. Strobel versus Strobel.

17 MR. COULOUTE: Yes.

18 THE COURT: Thank you very much. And I couldn't  
19 remember the name off the top of my head.

20 In parting, I wish the two of you all the very  
21 best. I hope that this now gives you an incentive to  
22 try to see if you can, again, put aside your  
23 differences, and you have a child in common, he is  
24 still very young, he needs his mother and his father.  
25 Both of you, obviously, have done right by him  
26 because he is thriving and he hasn't suffered and he  
27 hasn't crumbled, okay? He is still doing well, and

1 I'm sure the two of you probably want him to continue  
2 to do well, not just in school, but as an individual  
3 child. You want him to make you proud, and I'm sure  
4 that you want him to turn into a member of society  
5 that will make society proud, and he will need both  
6 of you at different points in time because of his  
7 age, he may need one of you more than the other, you  
8 are starting to see some of that. Now, he may at  
9 some point in time, because he is a kid, he may start  
10 to rebel, and one or the other may have to be  
11 affected by that, and both of you may have to work  
12 together to go figure it out, but he should be the  
13 most important person in your life. He is doing  
14 well, and that's a testament to both of you. The  
15 decision of the Court was difficult.

16 I know you love your son.

17 I know you love your son.

18 There's been no evidence that neither one of you  
19 hates your child, don't care for your child, or is  
20 neglectful of your child, it's the contrary, but you  
21 have to work together for his sake.

22 Yes.

23 MS. BLITSCH: You mentioned that -- you  
24 mentioned that there was no financial of  
25 Mr. Couloute's, I subpoenaed Mr. Couloute's financial  
26 income and I also --

27 THE COURT: No, no.

1 MS. BLITSCH: -- requested mandatory disclosure,  
2 and both of them were denied.

3 THE COURT: Okay. Let me stop you. Now, what  
4 the Court is not going to do at this time is to try  
5 to engage in what would be tantamount to a motion for  
6 clarification, a motion for consideration, or any  
7 other kind of motion. Again, I made my point, and I  
8 made my ruling, that if you wish to file a motion,  
9 whether it's based upon the Court's ruling today or  
10 any prior ruling, you will have to write a letter to  
11 the Court and ask permission to do so, and that's  
12 both of you, okay?

13 MR. COULOUTE: Your Honor, one thing that I  
14 would ask the Court, within Miss -- your Court order  
15 goes into effect today, it affects Xavier's summer  
16 vacation. The prior order gave me five days after  
17 school, the order that goes into effect today gives  
18 me two weeks. I know Miss Blitsch is here ready to  
19 travel and has bought tickets for Xavier to travel  
20 tomorrow.

21 THE COURT: Let me say this again. I'm going to  
22 reiterate.

23 MR. COULOUTE: Yes, your Honor.

24 THE COURT: The two of you can work it out.

25 MS. BLITSCH: I have a ticket bought to leave  
26 tomorrow.

27 THE COURT: I just made my point, the two of you

1 need to work it out.

2 MR. COULOUTE: Yes, your Honor.

3 THE COURT: It's not hard. It's not rocket  
4 science. The two of you, I'm sure, can come to a  
5 consensus about what is going to happen now that he  
6 is going to be coming out of school soon for his  
7 vacation, that's something that the two of you need  
8 to have a dialogue about.

9 MS. BLITSCH: The order goes out today? The  
10 order is set in place today?

11 THE COURT: This is the Court's order.

12 MS. BLITSCH: But I have -- we're leaving  
13 tomorrow.

14 THE COURT: What did I just say? Did you listen  
15 to anything I just said? The two of you, I'm sure,  
16 are capable of trying to work it out. Put your  
17 differences aside and work it out for his sake. It  
18 is in his best interest for the two of you to try to  
19 work it out. There is a plan in place and that plan  
20 is specific in the comprehensive evaluation, and now  
21 it's time for the two of you to implement the Court's  
22 order. Work it out.

23 MR. COULOUTE: Yes, your Honor.

24 THE COURT: Okay. Good luck.

25 THE CLERK: Your Honor, may I inquire? Please,  
26 Miss Blitsch, please don't leave.

27 MS. BLITSCH: Matt, can I take him tomorrow to

1 Iowa?

2 THE CLERK: Excuse me, we're still on the  
3 record.

4 MS. BLITSCH: Matt, can I take him tomorrow?

5 THE COURT: All right. Thank you very much.  
6 Good luck.

7 MR. COULOUTE: Thank you, your Honor.

8 MS. BLITSCH: Matt, can I take him tomorrow?

9 THE CLERK: Those are all the matters for today.

10 THE COURT: So, the court will stand in recess  
11 subject to further business.

12 Thank you, staff.

13 (Whereupon, the matter concluded.)

14 BY ORDER OF THE COURT:

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17 Richards, J. 6/ /16

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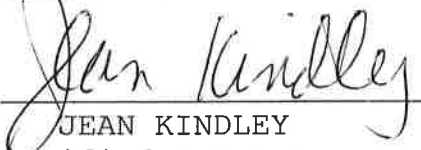
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1 AAN-FA12-4018252 : SUPERIOR COURT  
2 MATTHEW COULOUTE, JR. : JUDICIAL DISTRICT OF  
3 VS. : ANSONIA MILFORD  
4 STACEY BLITSCH : JUNE 7, 2016  
5

6 C E R T I F I C A T I O N  
7

8 I, JEAN KINDLEY, do hereby certify  
9 that the foregoing is a true and accurate transcript  
10 of the above entitled matter, heard before the  
11 Honorable Sybil V. Richards, Judge of the Superior  
12 Court and held at the Superior Court on the  
13 7th day of June, 2016.

14 Dated this 7th day of June, 2016.

15   
16 JEAN KINDLEY  
17 Certified Court Reporter  
18

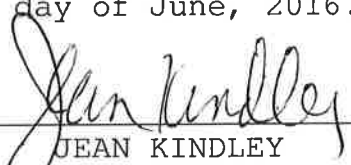
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JMJ