

FBT FA19 6088163

SUPERIOR COURT

CHRISTOPHER AMBROSE

J.D. OF FAIRFIELD

v.

AT BRIDGEPORT

KAREN AMBROSE

FEBURARY 1, 2021

MOTION IN LIMINE

ADA Violation

The defendant pleads to the AJ of Fairfield JD for protection of civil rights enumerated under the Americans with Disabilities Act (ADA), Title II, 42 USC §12101 et seq., in protection from discriminatory conduct by Grossman, J, against a qualified individual, so prohibited by the federal Act.

Grossman, J, did isolate the children from defendant under the guise of therapy to remedy a relationship problem with their father. The court recognized a disability involving the children, then used that claim as a legal foundation to deny mother's constitutional protections of the to the association, love, care, and affection of her children. This parental liberty interest being protected under the due process clause of the Fifth and Fourteenth Amendment. See *Troxel v Granville*, 530 US 57, 65. Strict scrutiny was not applied, merely judicial discretion to enforce a third party opinion of a medical/psychological condition absent diagnosis or medical evidence. Grossman, J, has upheld her order, resulting in a ten month isolation of the children for alleged 'treatment' of an undiagnosed disorder, outside the protections of ADA, Title II.

Note that the courts are to normally defer to reasonable medical judgments, per *Olmstead v LC*, 527 US 581, 602. In the instant matter there was no medical evidence or opinion for treatment before the court, but merely an

opinion of a non-treating psychologist who had performed an undefined 'custody evaluation' by order of the court. The 'custody evaluator' failed to adhere to simple rules of ethics and standards throughout her involvement.

The implementing regulations of the ADA prohibit discriminatory conduct by the court under 28 CFR § 35.130 (a). Grossman, J, did regard the defendant mother as having an impairment/disability, as defined in 28 CFR § 35.108(a)(iii) and (f), to which she stated upon the record that:

“On April 24th of 2020, the Court received into evidence the psychological report of the parties and the children and heard the testimony of the evaluator who prepared that report, That evidence revealed that the defendant has a significant personality disorder that impacts her ability to cooperatively work with the plaintiff. ... if the defendant went untreated, her response to stress and particularly the stress of this divorce might present itself as a bipolar manic episode; and that continues to remain of paramount concern to this Court.” TR 2 September 2020, page 5, 6-21excerpt, Findings and Order of the Court. [# 206.10].

Grossman's bench ruling clearly confuses an undefined 'custody evaluation' with an equally undefined 'psychological report' confusing same with a professional diagnosis of a medical professional engaged in patient treatment. Grossman, J, erroneously states that this is 'evidence' of a mental defect upon which the court improperly relies to deny mother's contact with her children, being a gross violation of due process and a proscribed discriminatory conduct by federal ADA law, being a violation of rights actionable under a federal 42 USC §1983 action against the State, and classified as criminal conduct under 18 USC § 242.

The children have now been isolated from mother for over ten months for no purpose at law and for which no rational basis exists. CGS § 46b-56(b) requires court orders to insure active and consistent involvement of both parents in the lives of the children. The court has failed its statutory duty, by abuse of judicial discretion and violation of federal law.

Isolation of a child from a parent is child abuse under the Child Abuse Prevention and Treatment Act, 42 USC § 5100 et seq., and undermines State policy under CGS § 17a-101(a), which requires support for strengthening families and protecting children.

The children are presently the subject of a DCF intervention brought on by a mandatory abuse/neglect report by Yale's Children Clinic, where state police powers are presently employed for child protection. The examination at the Clinic was directed by a Multi Disciplinary Team inclusive of the Madison Police Department as part of an ongoing criminal child sexual abuse investigation. Based on evaluation reports by Conn. Children's Hospital and the Yale there is evidence of psychological and physical harm to the children while under the isolated control of the Plaintiff father, enabled by the draconian order of Grossman, J.

The GAL is aware of the situation, has failed to address the court or attempt to protect the interests of her wards, in direct derogation of statutory duties which should be deemed malpractice per se.

WHEREFORE, the AJ of Fairfield JD is moved to remove Grossman, J, from this case, vacate her illegal isolation orders and discharge the GAL for cause.

The Defendant, Karen Riordan

_____/s/417834 _____
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ORDER

The foregoing Motion having been presented to the Court, it is hereby

ORDERED:

Granted / Denied

BY THE COURT,

Judge / Assistant Clerk

Certification

This is to certify that a copy of the foregoing pleading has been emailed this 1st day of February, 2021 to counsel and GAL listed below:

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/s/417834.
Nickola J. Cunha
Commissioner of Superior Court