Copies mailed to: Christopher Ambrose; Karen Ambrose-Aldrich & Aldrich; Jocelyn B. Hurwitz; Reporter of Judicial Decisions on: 4/26/2022
By: Evan Knowlton RFTD

DOCKET No. FBT-FA-19-6088163-S	**SUPERIOR COURT**
CHRISTOPHER AMBROSE	**JUDICIAL DISTRICT OF FAIRFIELD**
V.	**HEARD AT RFTD AT MIDDLETOWN**
KAREN AMBROSE	**APRIL 26, 2022**

****

DOCKET No. NNH-FA-20-5049348-S	**SUPERIOR COURT**
KAREN RIORDAN nka AMBROSE	**JUDICIAL DISTRICT OF NEW HAVEN**
V.	**HEARD AT RFTD AT MIDDLETOWN**
CHRISTOPHER AMBROSE	**APRIL 26, 2022**

MEMORANDUM OF DECISION

This dissolution of marriage action and hearing on an application for a restraining order was heard by the court for twenty-eight days commencing on March 31, 2021, and concluding on March 16, 2022.[1] The dissolution of marriage action was brought in the judicial district of Fairfield at

---

[1] Some explanation is necessary to account for this matter taking so very long to try. Part of the explanation of course was the restrictions imposed on the court proceedings by the Covid pandemic, but a more significant reason lies with the behavior of the defendant and her counsel. There were numerous requests for continuances made by the defendant throughout the trial period. There were a minimum of seventeen requests that had been granted by the court; only one request was made and granted by the court for the plaintiff. As it was the defendant who was being restrained from contact with her children, the court granted the requests made by her believing that they must be in good faith for it was only delaying the end of the trial and new orders. Additionally, the attorney for the defendant took an extraordinary amount of time in raising objections, not only to the ongoing trial procedures, but more often regarding what the attorney believed were acts of injustice to her client by the very trial proceeding. There were repeated oral and written motions for the court to vacate early orders of prior judges. This court repeatedly explained that it was in no position to vacate such orders until it had heard all the evidence and issued orders of its own. Finally, the defendant began to simply not appear for the trial and her counsel began to make derogatory comments about the court and its proceedings. Accordingly, the court refereed the complaints to the Regional Family Trial Docket's presiding judge for a hearing. This referral resulted in the trial being stayed for approximately four months. In the end, that hearing ultimately resulted in the defendant's counsel being disbarred. Although the defendant immediately filed her own appearance, she never appeared in court. Like her counsel before her, she began to file numerous motions that were either duplicative of earlier ones, argumentative, appellate arguments in their nature and/or simply insulting to the court. The defendant filed

Bridgeport with a return date of August 13, 2019. As the case was litigated in the Bridgeport court, it became clear that the matter was a high conflict case and would require a trial exceeding three days of court time. As a result, the matter was referred to the Regional Family Trial Docket for trial. While the dissolution case was being litigated in Bridgeport, the defendant brought an application for a temporary restraining order in the judicial district of New Haven at New Haven (NNH-FA-20-5049348-S).[2] Although the New Haven court (*Price-Boreland, J.*) initially granted the defendant (the applicant in the restraining order case) a temporary restraining order (#101.00) on December 1, 2020, that temporary order was vacated one day later (#103.50) on December 2, 2020, by the same judge. The hearing on the restraining order application was commenced before the court (*Goodrow, J.)* on December 22, 2020. A second day of hearings was held on February 2, 2021, and on March 22, 2021, the court declared a mistrial (#126.00) and referred the restraining order matter to the Regional Family Trial Docket to be tried with the dissolution of marriage matter as the factual

---

some eighty-seven motions in the little more than six weeks between the disbarment of her attorney and the last day of trial. When the court issued an order for her to file for leave to file new motions, she simply ignored the order and continued to file her motions. With the advent of electric filing (E-filing) the court clerks have no way to intercept such motions before they are added to the court docket and could not be returned for correction. The court simply ordered no action on those improper filings, but the defendant made no effort to comply with the order.

2

The defendant had also filed an action in the New Haven Juvenile Court alleging that the plaintiff has abused and neglected the three minor children. The court (*Conway, J.*) made a preliminary finding after a hearing that the children were in no current danger of harm. The Department of Children and Families (DCF) declined to accept the defendant mother's petition and that they are still getting numerous complaints being filed, none of which have been substantiated. The court ordered that the Juvenile Court would stay their proceedings until a decision had been rendered in this court. At that time the court would evaluate the situation and decide if any further proceedings in the Juvenile Court were appropriate. Judge Conway also denied a request to have the court appointed attorney for the minor children (AMC) be part of the present trial. This information was given to this court by Judge Conway in a telephone conference after the Juvenile Court proceeding was concluded.

evidence was generally the same in both cases.[3]

Both parties were represented at almost all times by competent counsel. A guardian ad litem (GAL) had been appointed early in the dissolution matter on a motion by the defendant (#103.00 filed August 5, 2019) and granted by the court (*Rodriguez, J.* #115.00) on September 5, 2019. The GAL, Attorney Jocelyn B. Hurwitz, remained active in this matter throughout the litigation and through the current trial.[4] The court heard testimony from twelve witnesses including the two parties, the GAL, several members of the Department of Children and Families (DCF), a detective from the Madison Police Department, Dr. Jessica Biren Caverly-who was the court appointed evaluator, an employee from a computer store, an employee of Verizon Cellular Phone, and the defendant's mental health provider. During the trial the plaintiff offered sixty items as exhibits to be considered by the court and fifty-three were accepted as full exhibits. The defendant offered some twenty-seven items as exhibits to be considered by the court and twenty-three were accepted as full exhibits. In addition the court entered four exhibits of its own.

The parties were married on June 5, 2004, in Narragansett, Rhode Island. They have three

---

3

The restraining order applicant, Karen Riordan, also filed three additional restraining order applications as per proxima amici (PPA) for each of the three minor children NNH-FA-21-215049790-S, NNH-FA-21-5049791-S, and NNH-FA-21-5049792-S. All three temporary restraining order applications were denied and the court (*Goodrow, J.*) declined to schedule hearings for the three PPA applications (#103.00 filed on February 3, 2021) as the factual allegations were the same as the allegations in Ms. Riordan's initial application, but allowed counsel to be heard on this ruling on February 22, 2021.

4

The defendant objected to the GAL being present for the trial and wanted that testimony to be given early on. She objected to the cost of having the GAL observe the trial. The court denied that request. Virtually the entire trial was concerning custodial issues; financial information was a very small fraction of the testimony. It has been the court's experience that having the GAL hear all the testimony and be brought to the stand last allows that person to be exposed to all of the testimony, direct and cross, because it is not unusual for a GAL to testify that he/she had learned new information during the trial. I thought it was especially crucial in this case as the defendant stated that the GAL was biased against her. The GAL should be allowed to hear the defendant's case in full.

minor children issue of this marriage to wit: Mia born in 2007; Matthew born in 2007; and Sawyer born in 2010.[5] The parties have lived in Connecticut for more than twelve consecutive months and have not been the recipients of financial assistance from the state of Connecticut or any municipality within the state. They have both acknowledged that their marriage had broken down and there was no reasonable hope that they might reconcile.

The plaintiff is a male fifty-eight years of age who is in reasonably good health. Although he is by occupation a script writer primarily for television shows, he is currently unemployed and his only income source at this time is royalty payments from past work. The plaintiff is also a lawyer who had been a member of the New York Bar, but he has not practiced law since approximately 1995. He worked for a period of time as the executive director of a youth program which ultimately led him into work as a script writer approximately three years later. Since about 1998, the defendant has worked for a variety of well known television shows both in Los Angeles and New York.

The defendant is a female of similar age to the plaintiff who is also in reasonably good health. She had been employed as a special needs teacher prior to the parties adopting their children. The plaintiff has been the primary bread winner for most of the marriage. At this time, and throughout the pendency of this action, he has supported the defendant and the children without any contribution from the defendant. His pendente lite support appears to have been a voluntary act on the part of the plaintiff as a review of the file reveals no court order for alimony, child support or contribution to family expenses was entered by the court until well into the trial period. According to the testimony

---

5

While ordinarily, the court will refer to minor children using their initials in an effort to protect their privacy, here, the court will refer to the children using their already public full names that may be found in the complaint, various pleadings, and published online.

of the plaintiff, he has been paying the defendant's housing costs, paying her credit card bill and providing her with money for other bills.[6] In order to give the financial orders some structure, the court, on May 7, 2021, ordered the plaintiff to pay to the defendant a monthly amount of $4500 commencing on June 1, 2021; he would not be responsible for any of the defendant's bills. In addition, he was ordered to make a one time payment of $7000 as an advance against future distribution of assets to help the defendant settle several debts and that payment was to be made within seven days of the order (#346.00). During the summer, the defendant was required to move to a new rental and the court ordered the plaintiff to add $2500 to the defendant's August payment of $4500 (#354.00).

The marriage started on a shaky foundation when immediately before the wedding there was a dispute as to where the couple would live. The plaintiff's work was in California and the defendant was a special education teacher at Central Middle School in Greenwich, Connecticut. The matter was resolved, according to the plaintiff, at the rehearsal dinner with an understanding that the plaintiff would return to work and the defendant would join him after the end of the academic year. The plaintiff flew back to Connecticut three times after the wedding to be with the defendant and was upset that she kept pushing her date to move to California back. She did not move to Los Angeles until that September. The couple lived in the Los Angeles area for approximately seven years and it was during that time that the couple adopted their two older children, Mia and Matthew. When the plaintiff was hired to work on the "Law and Order" television show produced in New

---

6

The parties did sell the former marital home and used the proceeds net of the closing costs to pay the GAL to date and then shared equally the remaining funds which the plaintiff estimated at approximately $200,000 each.

York, the family returned to Connecticut and settled in Westport. The plaintiff commuted to New York.

When that script writing employment ended, the plaintiff took a new assignment that required him to move back to the Los Angeles area. According to him, he did not want to do that, but jobs were much more plentiful there and were very sparse in the New York area. He indicated that it was work for a very successful show with a very popular star. The family remained in Westport and he flew back for weekends as often as he could. The plaintiff testified that it was every weekend, but on cross-examination he did admit that on some weekends he was required to remain in California for the needs of the show production.

This separation was very difficult in that, in addition to the physical separation, the finances of the family were stressed by the cost of the plaintiff's apartment in Los Angeles and the almost weekly flights. It was also during this period that the couple learned that their daughter was deaf in her left ear. Around 2013-2014, the plaintiff returned to Westport because, in his words, the marriage was in trouble. He testified that he directed his agent to only book him for New York area jobs. He claimed that such a decision to work only on the east coast was a major limitation on his employment prospects.

According to the plaintiff, the marriage was in trouble even after his continental commute ended. He suspected that the defendant had had an affair, but had no real proof. From his point of view, the defendant did not like anything that he had done. The children started school and the family soon became involved with complaints about the education the children were receiving and the incompetence of the teachers. The plaintiff testified that he believed that the defendant became obsessed with the conflict and spent many hours and days researching the situation. When one of

the involved teachers left Westport for another nearby school system, the defendant, according to the plaintiff, sent a video critical of that teacher to the new system. He claimed that she treated many professionals in that manner.

The plaintiff also testified that the defendant demeaned him in front of the children when he was present and suspected that she did that when he was not present as well. He claimed that the children began to mock him in a similar manner as was done by the defendant. By the end of the 2017 school year, the marriage was in serious trouble. He described physical assaults by the defendant and at least two instances in which she walked out of the house; one in which she remained away for three days without any explanation and another time in which she remained away for a day. Much of the conflict was concerning what schools the children would attend. Eventually they were enrolled at Madison Country Day School (Country School), requiring a one-hour commute each way from Westport.

According to the plaintiff, the defendant's goal appeared to be to eliminate the plaintiff from the children's lives. He provided testimony regarding several times when the defendant made plans for her and the children to do special events and activities without including or even telling the plaintiff. He cited trips to the "Polar Express" Christmas train ride out of Essex, Connecticut and tickets purchased to see the "Dear Evan Hansen" Broadway play. When the defendant and the children went to her sister's home in Rhode Island during the summer of 2018, when the plaintiff came to join them when not working, the defendant told him that she had reserved a room for him at a nearby motel even though he had always stayed with the family when visiting his sister-in-law in Rhode Island in the past.

At other times the plaintiff testified that the defendant bought expensive tickets for events

without discussing it with the plaintiff. She arranged for the plaintiff and Matthew to attend a U-2 concert, but did not tell him until the day before. The plaintiff complained that such short notice did not allow time for him to acquaint the boy to music with which he was not familiar. As a result, according to the plaintiff, the concert was not enjoyed. She did something similar involving tickets for the plaintiff and the children to the "Hamilton" production without giving time to prepare the children for a difficult play to follow without some advance preparation. She spent significant amounts of money without discussion even when they finally separated. The plaintiff claims she spent $2000 on VIP tickets to a Taylor Swift concert and another time she spent $2500 for an event for her and a nephew, again without any discussion.

The plaintiff testified about problems around the holidays in 2018, all of which he believed were efforts by the defendant to isolate him and eliminate him from the family. In 2019, the marital problems continued to worsen. When the plaintiff suggested to the defendant that, due to cost of the Country School tuition, they should attempt to reduce their spending, the plaintiff testified that she told him they should go on vacation to Disney World. The accommodations the plaintiff made were rejected by the defendant and she insisted they relocate to a hotel on the actual Disney property at a considerable extra cost. According to the plaintiff, during that vacation the children verbalized that "mom did not want a husband." By the start of the summer the plaintiff realized that staying in the marriage was just making things worse for the children and that the marriage could not be saved; he filed the dissolution of marriage action on July 18, 2019.

During the pendency of this matter, the custody arrangements can be discussed in two different periods of time: when the parties shared joint legal custody and the defendant provided the primary residence for the minor children and when the plaintiff had sole legal and physical of the

children. The court (*Rodriguez, J.*) entered parenting plan orders after an evidentiary hearing on August 23, 2019 (#105.10). That order gave exclusive use of the marital home located at 1 Hemlock Road, Westport, Connecticut to the defendant as well as a house she reportedly would be renting in Guilford, Connecticut.[7] The plaintiff was given parental access to the three minor children every Wednesday afternoon beginning from pick up from school overnight until they returned to school at 8 a.m. on Thursdays, as well as alternating weekends from after school on Fridays and until the defendant would pick up the children at the Westport home on Sundays at 5 p.m. Additionally, on the defendant's weekend the plaintiff would parent the children from after school on Friday until the defendant picked up the children at the Westport home at noon on Saturday.

That schedule was rarely followed and the parenting time experienced by the plaintiff was acutely limited. The children had lessons on Wednesdays and Saturday mornings. The oldest child refused to stay for the overnight visits although the two boys did and, according to the unrefuted testimony of the plaintiff, the defendant told him that it was their choice to spend time with the plaintiff or not; she would not force the children to go against their wishes. Many times the children would come with the plaintiff only to demand to go back to the defendant after a short time with the plaintiff. The plaintiff testified that the defendant would show up at his home uninvited and would encourage the children to leave with her. Once she actually brought a new puppy with her as an enticement to return to her house. The defendant would come to the school when it was the plaintiff's time to pick the children up to begin his parenting time. Very often the oldest child would not go with the plaintiff, but would ride back home with the defendant instead. The plaintiff

---

[7] The defendant never rented a home in Guilford; she rented a home in Madison.

believed that the defendant would suggest to the youngest child that he should tell the school staff that he was not comfortable leaving with the plaintiff. According to the plaintiff's testimony, he would mostly back down to avoid putting more pressure on the children. When the children were with the plaintiff they would frequently accuse the plaintiff of his allegedly bad behavior in language that seemed to the plaintiff to parrot that of the defendant.

The second phase of the custody orders began with an emergency ex parte motion to modify custody, pendente lite filed by the plaintiff on March 20, 2020 (#167.00). That was followed by a request for a status conference regarding harm to the minor children filed by the GAL two days later (#170.00). These pleadings were in reaction to the release of the psychological and custody evaluation ordered by the court based on a stipulation of the parties as to the evaluator and a set of questions for the evaluator to answer. (See pleading #133.00 filed on October 3, 2019).

During the hearing on the motion to modify custody before the court (*Grossman, J.*), Dr. Jessica Biren Caverly (Caverly), the court appointed evaluator, testified regarding her work with the family and her responses to the fifteen specific questions agreed upon by the parties and adopted as an order by the court.[8]

Caverly testified during the trial. She had been appointed by the court by agreement of the parties (#133.00) and her name had been suggested by the attorney who was then representing the defendant. The engagement letter between Caverly and the parties was introduced into evidence (Plaintiff's Exhibit #44). Caverly spoke at length about her discussions with the parties about how the evaluation would work, how she sought authorizations from them to obtain information from

---

[8] The evaluation report was entered as a full exhibit in this trial as Plaintiff's Exhibit #1 and at the hearing before Judge Grossman it was also Plaintiff's Exhibit #1.

other providers and that the evaluation would not be distributed to anyone without the order of the court. She then detailed her various steps in carrying out the evaluation and her report (Plaintiff's Exhibit #1-under seal) lists all the contacts attempted and made during the process. She also detailed the psychological testing she used. The witness did state that some of the defendant's testing results were not usable because the defendant skipped questions or offered two different answers to some questions.

Caverly's interviews with the children frequently revealed evidence of the defendant's impact on their responses. Sawyer, for example, reported that the defendant would talk to him about the court proceedings frequently and that he was to tell the adults that the plaintiff was lying to them. Mia told Caverly that the defendant would remind her to mention any negative stories or events about the plaintiff from the past. While the children were clearly more bonded to the defendant; their relationship was not so bad with the plaintiff that it could not be worked on and strengthened.

Caverly was most worried about the negative behavior exhibited by the defendant towards the plaintiff especially in front of the children and that the defendant was not even trying to establish a nurturing environment for a co-parenting relationship. She recognized in the defendant a need to challenge and create conflicts with others, especially other professionals. The defendant demonstrated many features of a borderline personality disorder. This would make it difficult for the defendant to engage in co-parenting as she has difficulty understanding another person's view of a situation. It was difficult for her to work with others. It was this evaluation that resulted in the GAL seeking a status conference and the attorney for the plaintiff to file for an ex parte motion for custody that was eventually granted by the court.

Based on the evidence presented at that hearing, the court entered temporary orders granting

the plaintiff sole legal custody of the three minor children (#167.10 entered on April 16, 2020). A few days later, after additional evidence was presented to the court, the temporary orders were expanded to that "the mother may not have any contact with the children, directly or via third parties. She is not to respond to any contact the children might initiate. That the father may reinforce this no contact order via the children's phones and electronic devices as he deems appropriate" (#192.00 filed on April 24, 2020). Although the orders anticipated these changes lasting only ninety days, it is under those second custodial orders that the parties have lived since April 2020. It was designed to be a short term shock to change behavior. The behavior of the defendant during this second time period has been nothing short of horrendous. The defendant never even attempted to follow the court's orders and work toward being restored to her former parental role.

The court file shows that within less than three weeks the defendant's behavior resulted in a contempt motion by the plaintiff (#194.00 filed May 14, 2020) and the court found it necessary to issue even more restrictive orders to protect the children from the defendant's efforts to thwart the orders of the court (#196.00). This behavior on the part of the defendant allegedly included covert text messages to the children on cell phones owned by third parties. Such messages told the children to fake panic attacks which would help the defendant get the children back in her care and to delete all messages so that the plaintiff would not know about the communications. According to the plaintiff's contempt motion, the defendant also interfered with one of the children's therapists who declined to continue working with the child after such contact.

Such behavior has been the practice of the defendant throughout the time the plaintiff has had sole legal custody. Later she employed third parties to initiate contact with the children in order to get messages to them. The defendant has had third parties, including her own legal counsel, initiate

complaints to the police (Plaintiff's Exhibit #13 and Defendant's Exhibit QQQ) and the Department of Children and Families (DCF) in an effort to undermine the plaintiff's parental authority and the court's orders. She has associated herself with third parties who claim to work to protect parents and their children from the harm being done to them by the courts. The entire 107 page psychological examination report prepared by the agreed to and court ordered mental health professional has been posted on an anonymous blog[9] despite the fact that the report has been sealed by the court in order to protect the very private medical records of the two parties and the three minor children. No one has admitted to providing the report to this site, but it was clearly done to the detriment of the best interests of the children.

The defendant had also associated herself with Jill Jones-Soderman (JJS) who is the purported founder of The Foundation for Child Victims of the Family Courts out of New York City. JJS contacted the children allegedly using a family "safe word" to establish that she was really sent by the defendant, their mother. The defendant paid this person $9000.[10] The first payment was $6000 which the defendant referred to as a donation to JJS's foundation. She made that payment after consulting with JJS, looking for help in the court proceedings. The defendant testified that JJS explained to her the "dynamics of the family court." After that consultation she gave her another $3000, but really could not explain what JJS was doing for her. The defendant denied having JJS go as an intermediary between herself and the children. She denies telling JJS to give Mia a "burner

---

9

This blog, produced by an unnamed person, is filled with anti-Semitic, homophobic and racist rants of the worst kind. It is based on the belief that the entire family law bench and bar in Connecticut and other states are being controlled by a mysterious Jewish cabal in order to steal children away from loving parents and give them to rapists and pedophiles.

10

In later testimony the defendant said that she paid JJS two payments of $3000 each and not $9000.

phone" or to use the family safe word of "Joey the frog."

Testimony given by Detective William DeGoursey (DeGoursey) of the Madison Police Department indicated that JJS had called the Madison Police many times to report that the children were being mistreated by the plaintiff. She never appeared in person, but reported that she had personal knowledge based on direct contact with Mia about their terrible condition. She also reported that both Mia and Matthew had expressed suicidal ideations to her early in September 2020. On September 1, Attorney Cunha had reported that the children were being sexually abused and being exposed to pornography and then on September 3, the police received the call from JJS that triggered involvement by the Madison Police. By that time, the police had interviewed the children two to three times. On September 3, the police did take Mia and Matthew to Yale-New Haven Hospital for an evaluation. The youngest child, Sawyer, went as well because the plaintiff was not home and they could not leave him by himself.

JJS had called in complaints to the Madison Police at least ten times and likely more. She claimed to have received text messages from Mia and had spoken to Matthew over the phone, but she was cryptic about the details. DeGoursey said all that they knew about JJS was what she had told them. She indicated that she was working with the defendant to protect the three children. Attorney Cunha told DeGoursey that she was not connected to JJS in anyway and that they were working separately on this matter.

When asked about JJS in direct examination by the plaintiff's counsel, the defendant claimed that she never hired JJS but only made donations to her foundation. The defendant admitted that she had looked up JJS and was aware that JJS had been stripped of her social work license. She insisted that she never told JJS anything about the claims of sexual abuse or pornography or any other

allegations being made against the plaintiff. At the July 21, 2021 trial date, the defendant was asked how often she had been in touch with JJS and she estimated 150 times from January through March 2021. She was less sure of contacts since March, but did testify that she had spoken with her over the phone twice in the last few weeks. The defendant insisted that she asked nothing of JJS and again denied telling her anything about the allegations. She was aware of the complaints JJS had filed with DCF and Madison Police. She was also aware of the fact that JJS had represented to many agencies that she was representing the defendant. The defendant claimed that was not true and that she had actually told JJS to stop in writing, but no such writing was offered into evidence. Additionally, the defendant testified in direct examination that she never supported the claim that the plaintiff was involved in human trafficking. She testified that she also sent messages to JJS to stop putting stuff on the internet without evidence to support the allegations and to stop calling the GAL pejorative names. Once again none of any such e-mail or other writings were offered to the court to support the testimony.[11]

In line with the testimony about JJS, the defendant also spoke about another third party advocate for her, Paul Boyne (Boyne) of Virginia. The defendant admitted to being in touch with Boyne, but that those communications were also lost with the destruction of the laptop. Boyne had been involved in his own family matter in Connecticut many years back and that matter did not go in a way Boyne favored.[12] He has attempted to insert himself into this case repeatedly with calls to

---

11

One of the reasons offered to explain this lack of evidence is based on the fact that the defendant's laptop had been destroyed earlier at the defendant's request despite it being sought in discovery and had been subject to a specific court order.

12

The dissolution of marriage action *Boyne* v. *Boyne* started in November 2005. The marriage was dissolved by the court (*Caruso, J.*) on June 25, 2007. See *Boyne* v. *Boyne*, Superior Court, judicial district

DCF, the children's schools, experts involved in the case, and to the Judicial Branch. According to her testimony, the defendant denied any relationship with Boyne or that he has ever met her or her children in person.

Despite her claims disavowing both Boyne and JJS, private matters have appeared on various internet sites including the entire 100 plus page confidential psychological evaluation ordered by the court and family photographs of the children when they were younger. Such publication has been detrimental to the best interests of the minor children and has made public very private information about the parties and the three children. In the plaintiff's testimony on the final trial date, he reported that third parties who claimed that they were investigating the situation took possession of videos of Mia. The video was posted online and when it was viewed by the child's classmates in the fall, Mia was subjected to negative comments and ridicule. Likewise, a baby picture of Matthew was also posted online which was quite embarrassing to him at school. The defendant denies supplying any such material, but apparently only the plaintiff and the defendant have access to such family photographs.

Unfortunately this case almost from its start has been one in which the defendant has consistently refused to obey any and all orders of the court. When she had primary custody the problems were the typical issues of what the access for each parent should be and the like, but once the court (*Grossman, J.*) switched custody in spring of 2020, based on the troubling psychological evaluation (#167.10), the defendant's behavior escalated dramatically. It was the defendant's position that Judge Grossman's order was illegal and she would not follow it. Her unwillingness to

---

of Hartford, Docket No. FA-05-4018463-S (June 25, 2007 *Caruso, J.*), aff'd in part, rev'd in part, 112 Conn. App. 279, 962 A.2d 818 (2009). The post-judgment portion of the case lasted in Connecticut until June 13, 2013.

participate in the legal proceedings extended to her failure to file a financial affidavit when the trial was transferred to the Regional Family Trial Docket in 2021, failure to comply with trial management orders, and failure to appear for trial at least three times before this court and other times before the Bridgeport court. Such behavior by the defendant certainly called into serious question her judgment and competency to parent these minor children well beyond the issues raised by the court ordered evaluation.

One of the reasons that this trial went on as long as it did was because almost every session began with a long legal argument on why said order should be vacated. These arguments went on even after the court directed the parties to present briefs to the court on the issue in the fall of 2021. The decision was delayed because the defendant's brief was late despite her counsel having asked for a specific time to file briefs, saying that she had all the material already organized for a possible appeal. The court issued its memorandum of decision on September 15, 2021 (#360.00), regarding the repeated requests that the court vacate the earlier orders issued by Judge Grossman changing the custodial orders pendente lite. The repeated arguments and motions to recuse the court and the GAL continued to take up valuable court time despite the courts written decision on the matter.

More importantly, and more difficult to understand, the defendant continuously failed to follow the court orders that would allow her to see and be with her children. Throughout this case from April 2020, to the present, the defendant had been given specific instructions for the eventual reunification of her and the three children. The plaintiff, the evidence shows, was a very willing participant in the court ordered process. A supervising agency was retained by him in accordance with the orders. He completed all the forms and paid the retainer required; the defendant never even did the paperwork required. A well respected psychologist in the New Haven area was chosen to

be the therapist to work with the family with the goal of establishing a more normal parental access plan. The defendant participated only sporadically. Despite that behavior, when she asked for telephone contact with the children on Mother's Day in 2021, the therapist agreed to supervise the call even though it was on a Sunday and a holiday. The defendant took no further steps to work with the process after that telephone call. Most, if not all, of her behavior since March 2020, has demonstrated poor judgment on her part. One such lack of judgment was when she had a third party drop off kittens at the plaintiff's home as pets for the children. She never discussed that with the plaintiff to determine if that was an appropriate gift or if his lease allowed him to have pets in the house–it did not.

At one point the defendant filed an application for an ex parte restraining order in the judicial district of New Haven, which is the second case heard as part of this trial. That application gave her custody of the minor children for a very short period of time until that order was vacated the next morning (#101.00 on December 1, 2020, and vacated #103.50 on December 2, 2020).[13] While she had the children in her care she took them to stay in a local hotel. She denied that she was attempting to hide from the plaintiff and others; just that it would be fun for the kids. While there, she had an investigator from New York that she had hired to assist in the case come to the hotel and interview the children alone. When asked about this individual's qualifications to interview children about abuse allegations, the defendant did not know if he had any and seemed to not understand why that might be a concern.

13

The temporary restraining order (TRO) was granted (*Price-Boreland, J.)* on December 1, 2020 (#101.00), and vacated by the same judge on December 2, 2020 (#103.50). In actuality, there were three additional TRO applications filed for each of the children. Those applications were not acted on.

One thing has been consistent throughout this long legal process, none of the allegations concerning the mistreatment of the three minor children have been substantiated. Despite investigations by DCF, Yale-New Haven Hospital, Connecticut Children's Hospital and work done by individuals assigned to help the family, none of the allegations could be proven. On the contrary, there have been several determinations of coaching by the defendant or Mia telling the other children what to say at the direction of the defendant. DeGoursey, for example, testified that Mia's allegations were not credible. She changed her story about how often the plaintiff allegedly touched her inappropriately. The complaint that the plaintiff was withholding her medications could not be substantiated. DCF investigator Tomas Villanueva reported that when he and the plaintiff looked through Mia's phone they found contact between the girl and JJS. Hospital staff reported to Villanueva that they heard Mia instruct the boys to say that they did not feel safe with the plaintiff (Plaintiff's Exhibit #45). He testified that Matthew did not make any allegations as to being abused either physically or sexually. He just wanted the fighting to stop. He told the investigator that he had been told to say that the plaintiff was gay, but he did not believe that. Sawyer told the investigator that when he told the defendant that the plaintiff had touched his inner thigh while playing, he said she told him that was his private parts. He also told the investigator that the defendant and Mia both told him that the plaintiff was gay, watches pornography and that he should tell people those things (Plaintiff's Exhibit #45).

In late January 2021, DCF held two large teleconferences, one with each parent.[14] At the meeting with the plaintiff many individuals participated including Dr. Robert Horowitz–the court

---

14

Separate meetings were arranged due to contentious nature of the divorce.

appointed family unification therapist, the GAL, Dr. Deborah Gruen–Mia's therapist, as well as several DCF staff. DCF participants included: Jamie Issacs (independent social worker), Stacy Falk (independent social worker) and Michelle Peterson (program manager). The meeting was facilitated by Maura Harding. At the meeting Dr. Horowitz and Dr. Gruen both opined that the plaintiff was of no danger to the children and that opinion was shared by the other treating mental health providers. They recognized the intense loyalty Mia had with the defendant and the repeated forensic type interviews the children had been exposed to was, to a large part, the reason for the differing allegations. DCF had imposed a ninety-six hour hold on the children based on the initial allegations, but dropped all plans to ask for an order of temporary custody (OTC) from the Juvenile Court and rescinded the hold. Another reason for that decision, according to the meeting notes, was the cooperative nature of the plaintiff and his willingness to work with the professionals. The meeting with the defendant was not as productive. Attorney Cunha left the meeting in a huff and suggested to all the other professionals that they should leave and that this meeting was a farce (Plaintiff's Exhibit #7-sealed DCF narrative).

The children's allegations had been studied by a multidisciplanary team which included some six to ten community providers including the local police, the GAL, and Yale Child Study personnel facilitated by Clifford Beers. Once again the initial reports were quite worrisome and suggested having the children stay with someone other than their father (the defendant was not an option due to the family court orders). After one overnight, the children were once more returned to the plaintiff.

Based on the repeated claims being made to DCF by many different people alleging the harm being done to the children–many of these reporters had no personal knowledge of anything, but were

friends or relatives of the defendant–it was decided to assign one DCF worker to monitor the family for problems and to recommend assistance as needed. This would be done in lieu of opening new claims and investigations every time a call came into the DCF office. That worker was Zavondia Johnson, a thirteen year veteran of the agency. Johnson testified that she began her work with the plaintiff and the children in February 2021. Part of the assistance being provided to the family was their participation in the intensive family preservation program (IFP). This was a program contracted to provide services for DCF families. After an evaluation of the family, it was determined that the family was stable. The IFP program was completed successfully on April 30, 2021, and the discharge summary was issued May 10, 2021 (Plaintiff's Exhibit #64a). The summary cited the plaintiff's high level of cooperation with the services provided and his willingness to learn and recognize his weaknesses as a parent. The end result of all the claims, accusations and evaluations was that none of the original disclosures of any sort of sexual abuse by the plaintiff were ever substantiated and that there were recantings and evidence of coaching.[15]

The counsel for the defendant made a very valiant attempt to discredit Caverly's work in a number of ways, as is her responsibility, but the court found Caverly's testimony to be credible and extremely useful in understanding the behavior of the parties and their children in this matter. Caverly has done many such evaluations and has testified in many cases in the Superior Court, Juvenile Court, Probate Courts and in Social Security administrative hearings. She has been

---

15

It should be noted that one of the things upon which the court (*Moukawsher, J.*) based his ruling that the defendant's attorney should be disbarred was the attorney's insistence that the DCF records (Plaintiff's Exhibit #71) would show that the plaintiff sexually abused his children. A careful reading of the entire exhibit, which exceeded some ninety pages, revealed no such finding. In fact it stated the opposite (Memorandum of Decision Denying Motion to Recuse Judge Gerard Adelman for Bias, #384.10).

accepted as an expert witness in this field numerous times including in this case (Defendant's Exhibit JJJ). It was certainly pointed out by Attorney Cunha that the report was somewhat dated by the time the court received it. That is certainly true. The report was completed and filed with the GAL as directed by the court on March 19, 2020, and the court was listening to the testimony starting on May 19, 2021, more than a year later. While Caverly's observations of the actual behavior of the various individuals might well be dated and perhaps stale, that does not mean that the report and the testimony cannot be considered. The age of the work goes to the weight the court gives to it and certainly the court's findings do not rest solely on the evaluation of Caverly's testimony. More importantly the behavior of the defendant after the evaluation was presented to the court raised very serious and critical questions about her ability to parent the children and to co-parent with the plaintiff.[16]

A most disturbing aspect of this case has been the attempts by the defendant and various third parties who claim to support the defendant to intimidate the professionals involved in this case. Caverly has been subjected, according to her testimony, to being threatened with malpractice claims and grievances to her governing board. Caverly has also been pilloried online by blogs in support

---

16

In a number of the motions filed by the defendant during the litigation and even more so once the trial closed, she alleges that the court has determined that she has a mental health problem, but has denied her any accommodations under the Americans with Disabilities Act (ADA). Both of those allegations are false. There has been no finding by this court or the Bridgeport court that the defendant has a mental health disability. Orders entered by both courts relate to the defendant's behavior and not any psychiatric diagnosis. This court has made it clear to the defendant in a written order that the court does not handle ADA issues. The defendant was directed to contact the court's ADA liaison who would determine if there was an ADA issue and advise the court if any accommodation was required. The trial court plays no role at all in ADA issues other than to follow the instructions regarding any ordered accommodation made by the ADA liaison. (See #433.00 for the defendant's most recent pleading involving the ADA and #433.10 in which the court directs her to the ADA liaison at the Bridgeport court for an evaluation of the claim and to order accommodations if appropriate).

of the defendant (Plaintiff's Exhibit #31). This posting is only one example of the type of vile that has been hurled against Caverly in an attempt to discredit her work and ruin her professional reputation. The defendant actually sent a letter to an attorney representing the evaluator threatening to sue Caverly for malpractice if she testified in court about her evaluation (Plaintiff's Exhibit #49).

Another example of this type of behavior concerns Attorney Jennifer Celentano (Celentano). This attorney has a contract with the Chief Public Defender's office to represent parties and children in Juvenile Court proceedings. At one point the defendant filed a petition in that court against the plaintiff (see footnote #2) and Celentano was appointed on March 16, 2021, to represent the three minor children. By March 18, she had received phone calls from a nonparty and then some twenty texts and e-mails from Paul Boyne. The first call was actually made before she had even filed her appearance with the court according to her testimony. These communications were threatening in nature according to Celentano. In fact, the nature of the communications led her to seek to withdraw her appearance by March 30.

The defendant has not worked throughout the over 1000 days this case has been pending. The plaintiff testified that she had earned degrees in social work and psychology. She had worked for seventeen years as a special education teacher, quitting the year that they married. She had a salary of almost $100,000 at that last teaching position. She told the plaintiff in the past that with her qualifications she could get a teaching position in Westport "in a flash." For most of the case the plaintiff, who also was unemployed and was relying on residual payments from past work and savings, was paying all of the defendant's bills that she sent to him. According to him, he paid without complaint even those items he felt were extreme given their circumstances. On May 7, 2021, the court entered a specific order regarding financial advances to the defendant for her support

(#346.00). This order, with a supplement of $7000 to help the defendant with past due bills, was designed to replace the plaintiff just paying the defendant's bills as received and to give the defendant some control over her finances.

As time went by, the plaintiff has been unable to find employment. He testified at some length about his efforts and the rather significant variety of different types of employment available. It was his testimony that when potential employers would Google his name and see the allegations of child sexual abuse, human trafficking and many of the other topics with which the plaintiff has been associated online, his application would go no further.

Since the very beginning of this case, the parties have been living off their savings, the proceeds from the earlier sale of the marital home in Westport and the sporadic residual checks the plaintiff received for past work. Those assets were almost completely depleted by the start of this current year. Despite the plaintiff's efforts to have the defendant work with him to file tax returns for the anticipated refund or permission to withdraw funds from other joint accounts, the defendant refused every entreaty to cooperate despite the fact that she stated she needed the money. The court entered an order allowing the plaintiff to withdraw funds from the one remaining fund without the defendant's signature (#361.15) and required that he file an accounting of the funds spent and remaining funds (Court Exhibit III).

After the defendant's attorney had been disbarred, the defendant immediately filed as a self-represented party (SRP). She commenced to file a multitude of motions, a great many of which were on issues already adjudicated, were duplicative in nature and the like. Between the date she filed her own appearance (January 18, 2022) and March 28, 2022, the defendant filed eighty-three motions. Not infrequently she would file four or six motions in a single day. Eventually the court issued an

order requiring the defendant to file a request for leave to file in an attempt to avoid duplicative and irrelevant filings. With the present use of electronic filing it is not possible to control what is filed without eliminating a party's right to use the E-Filing system. The defendant simply ignored the court order and continued filing as she wished. However, she never filed a motion for a continuance to seek new counsel until March 15, 2022 (#479.00).[17] The court took no action on the motion as it was not filed in compliance with the court's prior order. The trial was completed on Wednesday, March 16, 2022.

The court has been puzzled by the actions of the defendant and her counsel. The behavior seemed counter to the defendant's goal of having a more normal parenting plan. It was their position that Judge Grossman's original order changing the custody pendente lite was an illegal order. They repeatedly sought this court to vacate that order starting on the very first day of the trial before any evidence had been given. As mentioned above, throughout the trial her attorney requested numerous continuances despite the fact that every delay simply pushed further back the day when the court could rule and perhaps provide the defendant with a more acceptable parenting plan than she was living under. The defendant refused to work with the therapeutic arrangements to regain access to the minor children and then complained that she had no access to the children. The defendant repeatedly violated the court orders regarding her contact with the minor children; actions which gave serious concerns to the court about her behavior in the future when she might have a more regular parental access schedule. She would not file her motions in a format ordered by the court. The fact that she was gaining no relief did not seem as important to her than having the court act

---

17 There was never any indication given to the court that the defendant was searching for new counsel.

according to her demands and rules. She continued to apparently cooperate with third parties that were publishing the most horrible stories about the plaintiff for all of the world to read.[18]

In devising its orders, the court must look to the criteria of the various statutes dealing with custody of minor children. General Statutes § 46b-56 (b) directs the court to enter custody orders "that serve the best interests of the child and provide the child with active and consistent involvement of both parents commensurate with their abilities and interests." That statute goes on to enumerate seventeen separate factors for the court to consider in devising such orders. Some of those factors that seem most pertinent to this case would include "the capacity and the disposition of the parents to understand and meet the needs of the child . . . the willingness and ability of each parent to facilitate and encourage such continuing parent-child relationship between the child and the other parent including compliance with the court orders. . . any manipulation by or coercive behavior of the parents in an effort to involve the child in the parents' dispute . . . [and] the mental . . . health of all individuals involved . . . ." General Statutes § 46b-56 (c).[19]

18

The court writes "apparently" because the defendant while admitting communicating with these third parties, insisted that any of the personal photographs published online were not given to these individuals by her.

19

General Statutes § 46b-56 (c) provides: "In making or modifying any order as provided in subsections (a) and (b) of this section, the court shall consider the best interests of the child, and in doing so, may consider, but shall not be limited to, one or more of the following factors: (1) The physical and emotional safety of the child; (2) the temperament and developmental needs of the child; (3) the capacity and the disposition of the parents to understand and meet the needs of the child; (4) any relevant and material information obtained from the child, including the informed preferences of the child; (5) the wishes of the child's parents as to custody; (6) the past and current interaction and relationship of the child with each parent, the child's siblings and any other person who may significantly affect the best interests of the child; (7) the willingness and ability of each parent to facilitate and encourage such continuing parent-child relationship between the child and the other parent as is appropriate, including compliance with any court orders; (8) any manipulation by or coercive behavior of the parents in an effort to involve the child in the parents' dispute; (9) the ability of each parent to be actively involved in the life of the child; (10) the child's adjustment to his or her home, school and community environments; (11) the length of time that the child

The "best interest of the child" standard is the ultimate basis of a court's custody decision. *Knock* v. *Knock*, 224 Conn. 776, 789, 621 A.2d 267 (1993). The gender of the parents is not considered by the court and there is no automatic presumption favoring the mother as custodial parent. *Presutti* v. *Presutti*, 181 Conn. 622, 627-28, 436 A.2d 299 (1980); *Hurtado* v. *Hurtado,* 14 Conn. App. 296, 301-02, 541 A.2d 873 (1988). Either parent can be awarded custody and the issue "is not which parent was the better custodian in the past but which is the better custodian now." *Yontef* v. *Yontef*, 185 Conn. 275, 283, 440 A.2d 899 (1981).

Section 46b-56 also directs the court to take into consideration "the informed preferences of the child." General Statutes § 46b-56 (c) (4). What constitutes an "informed preference" is left to the discretion of the court. Case law holds that the court may consider the preferences of the child "if [the child] is of sufficient age and capable of forming an intelligent preference;" *Knock* v. *Knock*, supra, 224 Conn. 788; but age alone is not the final factor in the analysis. Often a child might express a clear preference for the less capable parent, a preference dictated by factors other than the child's best interests. Often a child, for a variety of reasons, is not capable of understanding at that time what is in his or her best interests.

On the last day of the trial which, for practical purposes, had been stayed for four plus

---

has lived in a stable and satisfactory environment and the desirability of maintaining continuity in such environment, provided the court may consider favorably a parent who voluntarily leaves the child's family home pendente lite in order to alleviate stress in the household; (12) the stability of the child's existing or proposed residences, or both; (13) the mental and physical health of all individuals involved, except that a disability of a proposed custodial parent or other party, in and of itself, shall not be determinative of custody unless the proposed custodial arrangement is not in the best interests of the child; (14) the child's cultural background; (15) the effect on the child of the actions of an abuser, if any domestic violence, as defined in section 46b-1, has occurred between the parents or between a parent and another individual or the child; (16) whether the child or a sibling of the child has been abused or neglected, as defined respectively in section 46b-120; and (17) whether the party satisfactorily completed participation in a parenting education program established pursuant to section 46b-69b. The court is not required to assign any weight to any of the factors that it considers, but shall articulate the basis for its decision."

months, both the GAL and the plaintiff testified about the improved state of the minor children and their relationship with their father, the plaintiff. They were all doing reasonably well in school and their relationship with the plaintiff had become more normal. The plaintiff summed it up by saying the issues he has with the children are now typical parent versus teenager type problems.

Public policy, as expressed most clearly in General Statutes § 46b-56a, favors an order of joint custody whenever such an order is requested by the parents and would be in the best interests of the child. These parents have not been able to co-parent for a considerable period of time and that fault lies clearly on the defendant. A more permanent change of custody is certainly in order in this case.

The defendant has demonstrated a complete disregard for any of the court's orders. She has not made any effort at all to work with the plaintiff as an effective co-parent; she has done just the opposite by undermining his parental role and she has demeaned him as a person. The undisputed evidence is that the plaintiff, despite the defendant's behavior, has made efforts to work with her and to not present a negative view of her to the children. In her behavior she has not worked for the best interests of the three minor children; in fact she has caused them harm by making them pawns in her marital dispute with the plaintiff and exposing the most private family matters and private psychological information on the internet without any thought as to the best interests of the three minor children. Her behavior and that of her attorney are very significant in causing this matter to end up pending for over 1000 days.[20]

20

The tragedy of this case is that it could have been a relatively simple dissolution. Even when events began to turn somewhat nasty, a resolution was possible. At that time the defendant was represented by competent and reasonable counsel. Unfortunately the matter became a fight on "principles" and any hope of a reasonable resolution was eliminated in favor of a victory. The "win" became the only outcome that

The court certainly hopes that with the appropriate therapeutic intervention, the defendant can regain the fullness of her prior parental role and provide her children with the benefits of her positive parenting. It will not be an easy path, but it is certainly one that can be traversed.

Regarding the finances and property distribution aspect of this decision, there is almost nothing to divide. The parties sold the marital home and split the net proceeds early on in the case. While the plaintiff did control the money throughout the litigation, there is absolutely no evidence that he did not do all that he could to support the defendant with the assets they possessed. In fact, his undisputed testimony was that he spent his portion of the house proceeds paying the defendant's expenses in an effort to save the deferred income benefits and avoid the taxable penalties. In the end those benefits went as well.

Given the difficulty the plaintiff has experienced in finding employment due to an online negative profile and the same outcome likely for the defendant when she attempts to find employment, the court must determine an earning capacity for both to make the financial orders portion of the judgment's mosaic. In a marital dissolution proceeding, the court may base financial awards on earning capacity rather than actual earned income of the parties. "While there is no fixed standard for the determination of an individual's earning capacity . . . it is well settled that earning capacity is not an amount which a person can theoretically earn, nor is it confined to actual income, but rather it is an amount which a person can realistically be expected to earn considering such things as his vocational skills, employability, age and health. . . . When determining earning capacity, it also is especially appropriate for the court to consider whether the defendant has wilfully restricted

---

would satisfy. Practical solutions, compromise and a realistic assessment of the matter was not to be recommended to the defendant by her counsel.

his earning capacity to avoid support obligations." (Citations omitted; internal quotation marks omitted.) *Bleuer* v. *Bleuer*, 59 Conn. App. 167, 170, 755 A.2d 946 (2000).

In this matter, the plaintiff clearly has earned significant amounts in the past as a screen writer, but the court heard no specific testimony as to what income was earned. The income can only be surmised by the lifestyle of the parties. They owned a home in Westport that was valued at over $1,000,000 and when they sold it they each took away approximately $200,000 as their share of the net proceeds. The plaintiff flew back and forth from California to New York almost weekly for an extended period of time. They both rented expensive homes in very desirable areas. Only three financial affidavits were ever filed in this entire case of over 500 docket entries. The plaintiff filed one at the start of the trial on March 29, 2021 (#291.00), and the defendant filed two. The first was very early in the case on September 27, 2019 (#131.00), and the second, only after being told by the court that it needed a financial affidavit, was filed on April 5, 2021 (#313.00). No tax returns have been offered into evidence. In fact, this case has been so completely custody focused that finances was hardly ever mentioned other than when assets needed to be liquidated to pay bills.

The plaintiff, at the very least, would be able to earn some $20 hourly for an annual income with a forty hour per week job of $40,000 plus. Likewise, the defendant with her teaching credentials could also certainly earn a minimum of $40,000 as a special education teacher or even as a non-specific classroom teacher. While it is extremely likely that each party could earn far greater incomes with their skills and credentials, without more information the court is hesitant to make findings of a more suitable earning capacity. "When faced with the constraints of incomplete information, a court cannot be faulted for fashioning an award as equitably as possible under the circumstances." *Commissioner of Transportation* v. *Larobina,* 92 Conn. App. 15, 32, 882 A.2d

1265, cert. denied, 276 Conn. 931, 889 A.2d 816 (2005).

The court did a calculation of child support based on the very limited earning capacities of the parties as detailed above. A *Ferraro* notice was sent to both parties with a copy of the court's support worksheet calculation.[21] The plaintiff requested a hearing and a hearing was scheduled for Wednesday, April 13, 2022, at 2 p.m. The plaintiff appeared; the defendant failed to appear.

At that hearing, the plaintiff wanted to provide the court with additional information about the earning capacity issue. He testified that as recently as 2017, the defendant was offered a special education teaching position paying $120,000. This was offered to her by a person in her professional network without the defendant applying for the position. To the court's knowledge, through the trial, the defendant had made no effort at all to find employment despite claiming to be homeless and destitute. Surprisingly, the plaintiff testified at the *Ferraro* hearing that he has seen that the defendant is active on LinkedIn[22] seeking employment as a teacher.

He also testified that his professional agents have been trying to get him screen writing work and have been very upfront with potential employers regarding the negative material about the plaintiff online. Their response has been that while they appreciate that much of the material online

---

21

A *Ferraro* notice is based on an Appellate Court decision in *Ferraro* v. *Ferraro*, 168 Conn. App. 723, 147 A.3d 188 (2016). It is used when a court is making a finding based on information derived from evidence, but not directly supported by evidence. The finding of an earning capacity often is the issue that requires the notice. The notice informs the parties of what the court intends to do and offers them an opportunity to be heard on that specific issue before any orders are issued.

22

"LinkedIn is an American business and employment-oriented online service that operates via websites and mobile apps . . . whose professed mission is to connect the world's professionals to make them more productive and successful." (Citation omitted; internal quotation marks omitted.) *Boppers Entertainment, LLC* v. *Rosenay*, Superior Court, judicial district of Hartford, Docket No. CV-19-6104115-S (August 6, 2021, *Noble, J.*)

is untrue, they are concerned by the past actions of the defendant attacking people associated with the plaintiff. They mention the attacks on the judges, lawyers, and mental health providers and ask how can they protect their shows and stars from attacks of that manner. No work is offered.

The plaintiff did update his earnings for the hearing. He testified that he received approximately $13,000 in residual payments so far this year. The amount for the entire year is uncertain. In 2020, he received $24,000 and in 2021, he received $47,000, but his shows are getting older and older so the likelihood of these shows being shown again is becoming less likely. He also updated the values of his deferred income and retirement assets. As of April 12, 2022, they totaled $1,160,602. His best estimate is that $450,000 of those assets are premarital. He also testified that when they were married that the defendant was participating in the State Teacher's Retirement Plan. The defendant filed only two financial affidavits throughout the almost three year time period this matter has been litigated. Her first was filed on September 27, 2019 (#131.00). In that affidavit she disclosed an IRA with Morgan Stanley with a balance of $29,724. She alleged it was an inheritance from her mother. She also listed her teacher's pension, but was in the process of obtaining information about the pension; she listed no value at all. In her second financial affidavit filed April 1, 2021 (#313.00), she indicates no such accounts at all. She also alleged in that second affidavit that she was given $150,000 from her mother's estate, but that it is in the possession of the plaintiff. This inheritance is totally absent from her first affidavit and there was no testimony about any such inheritance.[23]

While the testimony at the *Ferraro* hearing was informative, the court is hesitant to rely too

---

[23] At the *Ferraro* hearing, the plaintiff testified that the defendant's father gave them a check for $150,000, but then asked to get it back a few days later. The plaintiff returned the check.

heavily on the testimony since there was no cross-examination. Of course, the defendant had that opportunity and elected to forfeit it.

A large number of motions has been filed both before and during the trial. Many of the pretrial motions were dealt with during the trial and were related to certain witnesses and evidence. During the trial the majority of motions filed sought to sanction one side or the other. A few of the motions remain either undecided or require further orders.

Plaintiff's motion for contempt, pendente lite (#328.00) was granted and a sanction of $1000 in legal fees was granted to be paid by June 30, 2021 (#328.10). Said payment has never been made as of the date of this decision.

Plaintiff's motion to compel discovery, pendente lite (#349.00) was granted with a sanction of $100 per day for each day by which the defendant failed to comply as of noon on July 7, 2021 (#349.10). The defendant never complied with that order.

Plaintiff's motion for contempt, pendente lite (#379.00) regarding the defendant's alleged cooperation with third parties to violate the privacy of the minor children by sharing confidential information with certain blogs and individuals representing themselves as legitimate reporters.

Additionally there are the eighty plus motions (roughly ##390-512) filed by the defendant after her attorney was disbarred. All those motions have been dealt with one way or another.

The court has listened carefully to the witnesses and assessed their credibility. "*It is the sole province of the trial court to weigh and interpret the evidence before it and to pass on the credibility of the witnesses*. . . . It has the advantage of viewing and assessing the demeanor, attitude and credibility of the witnesses and is therefore better equipped than we to assess the circumstances

surrounding the dissolution action." (Emphasis in original; internal quotation marks omitted.) *Zahringer* v. *Zahringer*, 124 Conn. App. 672, 679-80, 6 A.3d 141 (2010). The court has reviewed all the exhibits and given them the appropriate weight. The court has applied all applicable law as explained and interpreted by our appellate courts. The court unseals all financial affidavits and takes judicial notice of all pleadings in the court's file. The court's findings in this case have been made by clear and convincing evidence as to the contempt motions and by the preponderance of the evidence for all other issues. Accordingly, the court makes the following findings of fact:

A. The court has jurisdiction over this matter and all statutory stays have expired so that the court may enter judgment at this time;

B. The defendant has failed to provide sufficient evidence to support her application for a restraining order against the plaintiff;

C. The defendant was defaulted for failing to appear for trial and failing to prosecute her claims;

D. The allegations of the complaint have been proven;

E. The defendant bears more responsibility for the breakdown of the marriage than does the plaintiff;

F. The parties have three minor children, to wit: Mia age fifteen; Matthew age fifteen; and Sawyer age eleven;

G. The complete lack of any parental cooperation and communication is a major reason for the court to consider awarding sole legal and physical custody of the three minor children to the plaintiff;

H. The defendant has violated numerous court orders throughout the pendency of this case and several have been violated in a flagrant manner;

I. The plaintiff is almost sixty years old and reports no significant health issues;

J. The plaintiff has been employed in the past as a lawyer, executive director of a non-profit organization, and screen writer;

K. The plaintiff is currently unemployed despite significant efforts on his part to find employment;

L. The defendant's exact age is not known and the court is not aware of any medical issues that would interfere with the defendant being employed;

M. The defendant holds two master's degrees in social work and psychology. In the past she had been employed as a special education teacher in Connecticut for seventeen years;

L. Both parties have an earning capacity which is likely to have been reduced due to the very public and damaging allegations made by the defendant;

M. The court finds that the plaintiff has an earning capacity of at least $40,000 annually;

N. The court finds that the defendant has an earning capacity of at least $40,000 annually;

O. The presumptive child support is for the defendant to pay to the plaintiff is $0 per week and to contribute 0 percent of all uncovered medical expenses and reasonably necessary child care for the minor children;

P. The court deviates from the presumptive support amount based on their earning capacities as it would be inappropriate and inequitable to apply the guidelines at this time;

Q. The defendant had been found to be in contempt in several motions and owes to the plaintiff $1000 in legal fees (#328.10) and was sanctioned $100 per day for failure to comply with discovery as of July 7, 2021 (#349.10 and #349.20). Neither of these funds have been paid. The court will cap the sanctions at $1000;

R. The plaintiff has deferred income and retirement assets totaling $1,160,602;

S. The defendant has a Connecticut State Teacher's Retirement account built over her seventeen year teaching career;

T. The defendant has engaged in behavior which had, as a foreseeable consequence, a negative influence on the relationship between the minor children and the plaintiff.

The best interests of the minor children would be served by the defendant being evaluated by a psychiatrist or clinical psychologist for the purpose of developing a therapy plan designed to minimize or eliminate such negative behavior and to eventually lead to a reunification of the family unit;

Q. The defendant's compliance with the court orders is a necessary component of any such reunification plan;

U. The GAL's fees presented to the court on March 17, 2022 (Court Exhibit IV), are found to be fair and reasonable given the complexity and length of this matter. Neither side has filed an objection to said fees and the court approves the fee of $75,912.68. Said balance is apportioned between the parties based on past payments made. The plaintiff owes $27,213.25 and the defendant owes $48,856.34; and

V. The defendant has failed to provide sufficient evidence to support her application for a restraining order in all three of the petitions.

Accordingly, in consideration of the factual findings enumerated above and all appropriate statutes and common law, the court hereby:

ORDERS:

I. The marriage is dissolved and each party is an individual and unmarried person;

II. The defendant's application for a restraining order is denied;

III. The plaintiff is awarded sole legal and physical custody of the three minor children;

IV. The defendant shall have access to the minor children on the following terms and schedule:

A. The defendant shall, within sixty (60) days of this judgment, be evaluated by a psychiatrist or clinical psychologist approved by the court for the purposes of developing a therapeutic course of treatment with the goal of minimizing or eliminating the defendant's negative behaviors that have had a negative impact on the minor children and their relationship with the plaintiff. Said therapy is to be more challenging than supportive in nature;

B. The defendant shall engage in the recommended therapy and follow the medically reasonable recommendations of her therapist until released by said therapist;

C. Said therapist shall be given a copy of this memorandum of decision, as well as both evaluations completed by Dr. Jessica Biren Caverly;

D. Said therapist shall report general compliance with these orders periodically to the Family Services Office at the Superior Court, judicial district of Fairfield at Bridgeport. Said Family Service Office shall provide general case management services to monitor the defendant's therapy and the defendant shall execute all authorizations necessary for all such communication;

1. Such reports shall be limited to the defendant's compliance with appointments; and

2. Her good faith efforts in the therapy;

E. The defendant's supervised access to the children shall be as recommended by the

therapist in cooperation with Dr. Robert Horowitz who shall continue to work with the children and the parents with the goal of reunification of the family unit;

F. The defendant shall not be prohibited from seeking additional therapy with any other mental health professional, so long as she authorizes communication between any such therapist and the therapists as ordered in this provision;

G. Said orders shall expire when the therapist releases the defendant from therapy or the youngest child reaches the age of eighteen (18), if still in effect at that time;

H. The cost of such therapy shall be the sole responsibility of the defendant;

I. Dr. Robert Horowitz shall continue to provide reunification therapy to the minor children and the parties as he sees to be appropriate;

J. The minor children and the plaintiff shall continue in their individual therapy until released by the therapist;

K. The cost of the defendant's therapy shall be at her sole expense and the cost of the reunification therapy shall be shared equally by the parties;

V. The defendant shall pay to the plaintiff as child support for the three minor children the sum of $249 per week and said support shall commence one week after the defendant receives her first paycheck from employment and she shall contribute 31 percent of all uncovered and/or unreimbursed medical and dental expenses for the minor children as well as all reasonably necessary childcare expenses.[24] The defendant shall notify the plaintiff of any employment

---

24

The child support was calculated using the earning capacity of $40,000 for each party and the plaintiff being the custodial parent "filing head of household." The plaintiff was given two of the children for dependents and the defendant received one. A *Ferraro* notice was sent to both parties prior to the issuing of this decision. See *Ferraro* v. *Ferraro*, supra, 168 Conn. App. 723.

she obtains with all deliberate speed;

VI. The plaintiff shall continue to provide medical and dental insurance coverage for the minor children as long as such coverage is available to him as benefit of his employment at a reasonable cost not to exceed 7.5 percent of his net weekly income. If such insurance is not available then the defendant shall provide such insurance. If neither has such insurance available, they will cooperate to insure the minor children through the HUSKY plan or any successor program;

VII. Each party shall be responsible for their own medical/dental insurance coverage;

VIII. Neither party shall pay alimony to the other;

IX. The defendant shall pay the $2000 in legal fees and sanctions to the plaintiff on or before June 30, 2023;

X. All remaining bank accounts, investment accounts, stock accounts of any kind shall be closed and divided equally no later that May 27, 2022;

XI. The plaintiff shall retain free and clear of any claim by the defendant all of his deferred income and retirement accounts as detailed on his financial affidavit;

XII. The defendant shall retain free and clear of any claim by the plaintiff her State Teacher's Pension and any other deferred income or retirement accounts;

XIII. Each party shall retain, free and clear of any claim from the other, all personal property including, but not limited to, motor vehicles now in their possession and they shall hold harmless and indemnify the other from any claims arising from such possessions;

XIV. The GAL remaining fee of $75,912.68 is approved and after accounting for all past payments and credits, the plaintiff shall pay to the GAL $27,056.34 and the defendant shall

pay to the GAL $48,856.34;

A. Said payments shall be made in full no later than June 30, 2025;

B. Any balance remaining as of July 1, 2025, shall accrue interest at the rate of 10 percent per annum applied monthly on the full amount of the original debt regardless of the actual balance remaining and said interest shall accrue as of July 1, 2022;

C. The plaintiff's monthly interest rate would be $225 and the defendant's monthly rate would be $407;

XV. All pendente lite motions not specifically heard are incorporated into this judgement;

XVI. Each party shall be solely liable for any and all debts as reflected on their respective financial affidavits and for all legal fees and costs incurred not specifically dealt with differently in the orders above. Each party will indemnify the other party and hold that other party harmless for any and all liability stemming from any such liabilities;

XVII. Any pending motions not specifically addressed in this Memorandum are denied; and

XVIII. All of the defendant's applications for restraining orders in Docket No. NNH-FA-20-5049348-S are denied.

ADELMAN, J.T.R.