

MMX-FA-186021801-S : SUPERIOR COURT  
 RANDAL L. HALE III : J.D. OF MIDDLESEX  
 V. : AT MIDDLETOWN  
 MARGARET S. HALE : NOVEMBER 18, 2021

**MEMORANDUM OF DECISION RE:**  
**PLAINTIFF'S MOTION FOR CONTEMPT (#172.00)**  
**PLAINTIFF'S MOTION FOR MODIFICATION (#173.00)**  
**PLAINTIFF'S MOTION FOR CONTEMPT (#233.00)**  
**PLAINTIFF'S MOTION FOR CONTEMPT (#245.00)**  
**PLAINTIFF'S MOTION FOR MODIFICATION (#251.00)**

A consolidated hearing on all of the above motions was conducted by remote video in multiple sessions over the period beginning April 9, 2021, and ending October 7, 2021.<sup>1</sup> After the close of evidence on October 7, 2021, the parties were directed to file their written closing arguments by October 22, 2021.<sup>2</sup> In addition to the parties, witnesses included Dr. Keith Roeder, who conducted psychological evaluations of the parties and made recommendations as to a custody and parenting plan; Steven Paymer of Paymer Associates, which had conducted monitoring of the defendant for alcohol use; Officer Jessie Santostefano of the Middletown Police Department; and Attorney Victoria Lanier, the court-appointed Guardian ad Litem (“GAL”) for the minor children.

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 State of Connecticut

<sup>1</sup> At the time the hearing began on April 9, 2021, there were also several pending motions in which the defendant was the moving party, namely Motions ##174.00, 223.00, 229.00 and 237.00. However, she orally withdrew all of said motions at the beginning of the hearing, before the presentation of evidence began.

<sup>2</sup> The plaintiff filed his written closing argument but the defendant did not.

copies mailed to: Gould, Larson, Bennett, McDonnell & Quinnigan;  
 Randal Hale III; Margaret Sullivan; Victoria Lanier

## BACKGROUND AND GENERAL FINDINGS

The marriage of the parties was dissolved by the judgment of this court dated March 11, 2019, incorporating the agreement of the parties. For purposes of the motions for modification decided herein, the orders set forth in the judgment are the most recent orders of the court with respect to the issue of whether a substantial change in circumstances has occurred to warrant modification.

The court's findings, discussion and orders with respect to each motion follow this section. The court first makes general findings which may pertain to more than one motion, with additional pertinent findings made as to each motion as it is separately addressed. Nevertheless, any finding made as to any individual motion has been considered with respect to any other motion to which it may be relevant, whether or not repeated in the discussion of such other motion.<sup>3</sup>

The parties have two minor children, their daughter Skylar (born March 2007) and son Randy (born June 2008). The parties had a difficult relationship at the time of dissolution, but agreed to joint legal custody of their children and a shared physical custody plan that gave them essentially equal parenting time with the children. Their regular schedule provided for the mother to have parenting time from Monday to Wednesday of each week and the father from Wednesday to Friday, with the parents alternating weekends with the children. The judgment further provided for the children to continue to attend school in the Haddam-Killingworth District, where the former marital home, in which the father continues to reside, is located.

Postjudgment disputes and the concomitant motions began within a month after the date of the dissolution judgment. The mother moved to an apartment in Middletown that is

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<sup>3</sup> In its findings and orders, the court sometimes refers to the plaintiff as the father and the defendant as the mother.

significantly farther from the children's school than the former marital home, increasing their commuting time to school when in mother's care and straining the shared physical custody arrangement. The parties had a disagreement about inappropriate internet searches which the mother claimed she had discovered on Skylar's cell phone; the father claimed his mirroring program showed their daughter had not made the searches. The defendant wrote a letter to the Internal Revenue Service in an effort to have the plaintiff investigated for tax fraud. By the end of June, 2019, barely three months after the judgment, no fewer than eight postjudgment motions had already been filed, some by each party. Soon thereafter, the mother's abuse of alcohol became a major issue. The dissolution judgment did not end the parties' divorce litigation. It was merely a stepping stone in their accelerating legal dispute.

The foregoing are just a few of the events and conflicts that eroded the ability of the parties to co-parent the children effectively. By the time of the commencement of the hearing, that ability had been effectively reduced to zero. A custody arrangement that was tenuous at the beginning has become untenable. In fact, this court has been required at various times since judgment to enter emergency or temporary orders for the well-being of the children while the parents continue their litigation on the motions that culminated with this hearing.

The best interests of the children require a substantial change in the custody orders, regardless of who may be at greater fault for the problems and conflicts of the past. However, an analysis of how matters got to this point is necessary in order to fashion orders that properly address the needs of this family.

There is cause for both frustration and optimism. Both parents are highly intelligent, caring people who love their children deeply and genuinely want what is best for them. But their animosity toward each other, and their disputes over virtually every parenting issue, major or

minor, that arises, have prevented them from using their parenting skills together to beneficial effect.

In his evaluation, Dr. Roeder concludes that the “vast majority of these issues and problems were generated by the mother.” Upon considering all of the evidence, the court concurs. The father has not always been as communicative about the children with the mother as would be ideal. Under the circumstances his reticence is understandable, but it has heightened the mother’s mistrust of him. To his credit, the father has been a steady hand in raising the children through the periods of conflict with the mother and her attempts to cope with her personal issues. Since October 30, 2019, when an incident involving the mother’s use of alcohol resulted in orders that made the father their primary caretaker, the children have generally done well academically, socially, and behaviorally. The father has sought and procured appropriate medical, mental health, and educational supports for the children. He has made significant changes in his own parenting behavior, often at the suggestion of professionals like Skylar’s therapist, Jennifer Charbonnier, or the GAL, that have given the children more structure and stability and reduced their exposure to parental conflict.

The mother is an intelligent, engaging woman who is desperate to have a normal relationship with the children she loves. She has, at times during the pendency of the postjudgment litigation, demonstrated her ability to be an excellent mother, such as during her professionally supervised parenting time. She has not caused physical harm to her children, and there is no reason to believe she is a threat to do so. But she fails to recognize the emotional and psychological harm she has caused them by her actions: her predominant role in the destruction of the parties’ ability to co-parent; her ongoing effort to prove herself a superior parent to the father, often by denigrating or obstructing him; her alternating between seeking treatment for

alcohol abuse and denying that she has an alcohol problem; her insistence that her mental health issues consist only of depression caused by her separation from the children after the ex parte order of October 30, 2019; and her habit of taking the offensive against anyone whom she perceives as criticizing, hindering, or disagreeing with her.<sup>4</sup>

On the basis of his testing and observations, Dr. Roeder concludes that the mother suffers from paranoia, attributable to her extremely traumatic childhood. In Dr. Roeder's opinion, the mother has never sought appropriate mental health treatment to address that trauma and her accompanying anger toward her parents for allowing it, and she continues to suffer from it. Her childhood trauma has caused her to have an almost complete lack of trust in others. Her paranoia, in his view, leads her to do things that make it "seem that she is intent on destroying anyone who does not give her what she wants." She is predisposed to blaming others for any negative developments that occur in her life, taking little or no responsibility for her own part in them.

The mother vehemently objects to Dr. Roeder's analysis. She insists that she had no mental health issues until she "lost her children" with the entry of the October 30, 2019, ex parte order. Her medical history demonstrates otherwise. Her own mental health therapist, Maria Foss-Rand, has advised the defendant of the importance of addressing her childhood trauma, something for which Ms. Foss-Rand does not consider herself qualified. The defendant has not followed her therapist's advice to engage with a professional who specializes in that area.

The court finds Dr. Roeder's report, testimony and opinion to be credible. Furthermore, his conclusion that the mother has paranoia, causing her to lash out at anyone whom she perceives

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<sup>4</sup> Even though she was not represented by an attorney in these proceedings, the defendant presented her evidence and questioned witnesses cogently and effectively. However, she repeatedly wished to spend undue time on matters that were of personal concern to her, but were either unduly cumulative or limited in their relevance to the issues in the case.

to be aligned against her, is consistent with her behavior since the time of judgment as proven by the evidence at the hearing. Examples of such behavior are plentiful.

For instance, the mother threatened the children's medical providers with complaints of violation of medical privacy laws. She accused Skylar's therapist, Jennifer Charbonnier, of insurance fraud. She threatened litigation against Randy's school regarding the child's educational program. She filed a complaint seeking to have the GAL removed from the list of those eligible to serve in that capacity, and falsely accused the GAL of having committed check fraud in North Carolina. She posted false allegations on social media to the effect that Dr. Roeder was not licensed to practice in Connecticut. She threatened to seek the arrest of the parties' parenting counselor, Rabbi Andrew Hechtman, on a charge of obstruction of justice after he spoke to police in connection with an incident (referred to below) on Father's Day in 2019. She did a background check on a proposed visitation supervisor, and then publicized the supervisor's bankruptcy filing on social media. She posed as a neighbor of the plaintiff's attorney on social media in order to impugn her integrity.

Not surprisingly, the mother has targeted the father more than anyone with her tactical offensive. Shortly after entering the agreement that was incorporated into the dissolution judgment, she wrote to the Internal Revenue Service to accuse the plaintiff of tax fraud. She wrote to Haddam town officials to accuse him of illegal work on his home. When he failed to return the children to her at the normal time on the evening of Father's Day in June, 2019, keeping them longer on a weekend trip that had been discussed and, at least at one point, agreed upon during a co-parenting counseling session, she contacted police to seek his arrest for custodial interference.

In summary, the mother has waged an aggressive offensive against the father and anyone she perceives to be standing between her and the resumption of a more normal relationship with her children. Instead of seeking the help that even her own trusted therapist recommends, she attacks anyone she perceives to be aligned against her. Rather than trying to improve her own co-parenting skills, she criticizes and attempts to undermine the father's parenting.

Even more concerning is that the mother's focus on asserting her positions and vindicating herself from perceived criticism has had a direct negative impact on the children, and will likely continue to do so until she receives appropriate treatment. Her love for the children and positive parenting qualities are neutralized by her mistrust of the father and others, her denigration of the father, and her efforts to justify her actions and advance her own agenda. Several specific examples of this negative impact were proven at trial.

The mother posted on social media a purported history of Skylar's internet searches of sexually inappropriate websites, blaming the father for allowing the searches during his parenting time; the father's mirroring software indicated that the searches had not been conducted by Skylar. The mother's threats of litigation against Randy's school about his personalized education program have at times caused delay and indecision in the execution of his education plan. When the father and his significant other took the children to Baltimore for a weekend trip in August, 2019, the mother called the Baltimore Police Department to express unfounded concerns about their safety, caused the police to conduct a 2:00 a.m. well-check, shining flashlights on the children as they lay in their hotel room beds.

There are other examples, particularly with regard to Skylar. The mother terminated Skylar's treatment by Ms. Charbonnier (the first therapist to realize progress in the child's treatment) because the therapist declined to provide the mother with her session notes. Although

she agreed that Skylar needed braces, the mother caused months of delay by her refusal to give consent until other issues were addressed to her satisfaction; after a prolonged delay, the court ultimately gave the father the final decision-making authority that enabled him to have Skylar get her braces. And in the incident which most upset Skylar, when the child was angry with her mother and refused to get out of the car for parenting time at the mother's home in August, 2020, the defendant called 911 to have police dispatched to the scene.

The mother repeatedly tried to enhance her own position with the children by communicating with them about adult or court matters. She told her son Randy that his father was preventing him from seeing her. In a series of text communications with Skylar in the weeks after a court hearing on August 12, 2021, she "forgave" Skylar, suggesting that the child bore significant responsibility for the difficulties in their relationship. In the same text conversations with Skylar she discussed other adult and court issues, revealed the unsuccessful pregnancy she had when she was 18 years old, and claimed that the father had abused Skylar when the child was younger. The effect of all of the conduct described above has been, as Dr. Roeder states in his report, that she has "deprived herself of having time with the two people she loves the most, her children."

The court does not recite these incidents in order to criticize or blame the mother. There is no wish to penalize the mother for her mental health and alcohol problems, caused largely by childhood events beyond her control. Rather, the court's findings as to the mother's conduct are relevant because they are consistent with Dr. Roeder's conclusions, and add weight to his recommendations going forward. The court must consider the facts as found and the recommendations of the professionals in light of those facts, in order to fashion orders for the



mother get the help she needs in order to resume a prominent role as the excellent mother she can be.

**PLAINTIFF'S MOTION FOR CONTEMPT (#172.00)**

**FINDINGS AND DISCUSSION**

In the above captioned motion, the plaintiff alleges that the defendant has violated, in several different ways, Paragraph 1(b) of the judgment concerning major decisions about the children. The mother's alleged violations include refusing to engage in co-parenting counseling in accordance with the order, contacting a youth counselor and state trooper about their daughter's online searches without consulting the father, failing to provide the father with the credentials to access the mother's software for monitoring the daughter's cell phone use, and relocating to Middletown without consulting the father about the impact of the move upon the children's education.

The court finds that with regard to this motion, the plaintiff has failed to prove by clear and convincing evidence that the defendant has willfully violated a clear and unambiguous court order. In particular, the court finds that the instances of conduct alleged in the motion, while related to the issue of parental decision making and pertinent to the court's consideration of the motion to modify the custody orders, do not clearly violate a specific provision of the orders cited.

**ORDERS**

The motion for contempt is denied.

**PLAINTIFF'S MOTION FOR MODIFICATION (#173.00)**

**FINDINGS AND DISCUSSION**

In connection with his motion for modification, the father seeks orders that would grant him sole legal custody of the children, and would make the mother's participation in appropriate mental health treatment a condition of increased parenting time with the children. His proposed orders set forth his requests in more detail.

The findings of the court as set forth in the "Background and Findings" section at the beginning of this memorandum are especially pertinent to the motion for modification and are considered in connection with it. The court further finds that the mother's relocation to a home significantly more distant from Haddam and, to a much greater degree, the complete breakdown of the parties' ability to make parenting decisions jointly, constitute a substantial change in circumstances since the date of judgment.

In considering the motion, the court has considered the factors set forth in General Statutes § 46b-56. The court concludes that an order of joint legal custody, even if one parent were to be given final decision-making authority, is not in the best interests of the minor children. The court need not speculate about whether joint legal custody with a provision for final decision-making authority would work well. The evidence and experience already show that it would not. Such an arrangement may be appropriate in cases where the parents are generally able to discuss decisions rationally and try in good faith to reach a consensus, with final decision-making ordered as a last resort when they are unsuccessful. That is not the case here. These parents disagree, in some way, on almost every important decision about the children, and have little or no ability to confer rationally to resolve their disagreement. In this case, granting joint legal custody with one

parent having the final decision-making authority would be tantamount to granting sole legal custody to that parent, except that it would be less beneficial to the children in two ways.

The first is that imposing a requirement for the parties to try to reach an agreement before the final decision-maker's authority is triggered would likely only result in unwarranted delays before important decisions are made. It would create the need for the parties to continue the endless, bitter disputes which inevitably involve or impact the children. Since the time of judgment, the court has imposed certain temporary orders granting the father precisely this type of authority in certain areas. Impasses, disputes, and delays resulted.

The second is that if the father were the one to be given final decision-making authority, as he was in the temporary orders and as would be the court's inclination at this time, the mother has shown a propensity to try to undermine his final decisions on the strength of her joint legal custody. She canceled at least one medical appointment that the father made for Skylar, without his knowledge or consent. She used intimidating tactics with the children's school regarding their educational programs. She relied on her status as joint legal custodian to make burdensome demands upon the children's providers, such as her many requests for information or explanations from their schools.

The court concludes that an order of sole legal custody is in the best interests of the children, and that the father is the more appropriate parent to hold such custody. He has shown the ability to make decisions based on the best interests of the children, independent of the ongoing legal disputes and disagreements between the parents. He has been receptive to professional advice from doctors, mental health therapists, and educators. He has provided for the children to have appropriate medical, therapeutic, and educational supports, especially when the court's temporary orders enabled him to do so free of interference by the defendant.

At the same time, he has shown the willingness to facilitate a relationship between the children and their mother, subject to reasonable conditions. He does not speak ill of the mother to the children, and he has encouraged them to communicate with her, something that recently only Randy has wished to do. He has made past attempts to provide supervised visits to the mother, but those efforts failed because of the parties' inability to agree upon a supervisor – an example of the paralyzing effect of requiring joint decision making by these parents.

In contrast, the mother's lack of trust in the father, medical providers, and educators colors her decision making about the children. At heart she wants what is best for them, but she becomes so invested in her personal positions that her uncompromising, aggressive approach is counterproductive to getting anything positive done for Randy and Skylar. She has caused providers to cease providing services to the children or to decline to offer them in the first place. Unless and until she receives the mental health treatment she needs, awarding the mother either joint or sole legal custody would likely result in the repetition of the past pattern of conflict and alienation of medical and educational providers which has caused harmful delays in the children receiving the treatment and supports they need.

Upon consideration of all of the evidence in light of the applicable statutory factors, the court concludes that it is in the best interests of the children for the father to have sole legal custody of them.

The issue of the mother's visitation with the children is more complex, and differs between the two children. Randy clearly wants to have time with his mother beyond the weekly video sessions that are currently being facilitated by a school therapist under a program called Extended School Services (ESS). He loves his mother and tends to accept her version of why he does not see her in person or more often, blaming his father for the current state of affairs.

Skylar also loves her mother, but she is older and more mature. She harbors deep resentment over the mother's past actions, most notably calling the police during the August 2020 incident when Skylar would not leave the car at her mother's home. Skylar has rebuffed the father's suggestions that she communicate with the mother. At the present time her informed preference is not to have the parenting time that the mother seeks.

The court concurs with the recommendations of Dr. Roeder and the GAL that the mother must engage in mental health treatment to address her childhood trauma before there is a substantial enhancement of her parenting time with either child. She must gain a better understanding of that trauma and the tools to cope with its effects, as well as a better understanding of how her words and actions impact the children.

In addition, Skylar would benefit from family therapy to help address her negative feelings toward her mother and become receptive to the resumption of a more normal relationship. Randy would benefit from the continuation of therapy to help him cope with his personal challenges and the fractured relationships in his family.

The court enters orders consistent with the foregoing conclusions. In doing so, the court declines to adopt the recommendation of Dr. Roeder and request of the father than the GAL remain in an active appointment following these orders. The GAL has done admirable work under difficult circumstances. She has weathered unfair personal attacks against her by the mother. The court does not see the need for her further involvement beyond these orders. Currently, the mother's mistrust of the GAL, unfounded as it may be, handicaps the GAL in her ability to help this family. At the same time, the order of sole custody to the father should eliminate the kinds of recurring disputes between the parties that so frequently required the GAL to act as an intermediary.

Finally, the court addresses the request in the plaintiff's closing argument that it consider requiring the defendant to obtain the leave of court to file future motions for modification, in accordance with Practice Book Section 25-26. As noted above, the defendant had several motions pending at the time the hearing commenced on April 9, 2021, which she withdrew orally on the record. However, the court file reflects that, since then, the defendant has already filed nine new motions, most of which are directed at the same issues which were the subject of the ongoing hearing.<sup>5</sup> It would not be in the children's best interests for the parties to continue to devote substantial time and resources to the further litigation of their parenting issues. To the contrary, the evidence persuades the court that the children would be best served if the defendant concentrates her efforts on the mental health treatment ordered herein, rather than continuing to wage litigation while periodically engaging in a variety of treatments that are not directed at the impacts of her childhood trauma. For those reasons, the court concludes that requiring the defendant to obtain the leave of court under Practice Book Section 25-26 would be particularly appropriate in this case, as well as in the best interests of the minor children.

#### ORDERS

1. Legal Custody. The father shall have the sole legal custody of Skylar and Randy, and the children shall reside primarily with the father.
2. Mother's Access to Records. The mother shall have the right of access to the children's academic, medical, hospital and other health records within the meaning of General Statutes § 46b-56(g), except as follows:

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<sup>5</sup> The count of motions does not include the documents filed by the defendant during the same period for reasons such as requesting applications for subpoenas, giving "notice" of various matters, or seeking continuances of court dates and/or additional hearing time.

- a. She shall not have access to the records of any privileged communications between a child and such child's mental health provider unless she first requests in writing, and receives in writing from the father, a waiver of such privilege.
- b. She shall not attempt to give instructions to the children's medical or education professionals about a child's course of treatment or educational program, or undertake or threaten to undertake any legal or other adverse action against such a professional who provides services to a child pursuant to the father's decisions and instructions. For purposes of this order, "other adverse action" shall include, but not be limited to, the direct or indirect publication by social media or other means of unfounded accusations or false allegations against such professionals.
- c. In the event that the father determines that the mother has violated either subparagraph 2(a) or 2(b), he may terminate the mother's right to access to such records upon written notice to her and to any medical or educational provider holding records to which he is so denying access. In such event, the provider(s) in question shall be bound by the father's determination unless and until the father notifies them, or the court subsequently orders, that they may resume providing access to records to the mother.
- d. The mother's right of access to the records described above shall not be construed to authorize her to make demands upon medical, mental health, or educational professionals for additional information beyond that contained in the then existing records.

- e. The orders in this Paragraph 2 shall supersede any prior orders of the court entered on August 12, 2021, regarding the mother's communication with the children's medical and educational professionals.
3. Mother's Mental Health Treatment. The mother shall promptly engage and participate in mental health treatment with a qualified professional chosen by her, provided that such mental health professional must hold a doctoral level degree and specialize in the treatment of childhood trauma.<sup>6</sup> The mother shall see her Mental Health Professional as frequently and for so long as the Mental Health Professional recommends, and shall follow all of such professional's recommendations. Nothing in these orders shall prevent the mother from choosing to continue to see her current therapist or any other mental health provider in addition to the Mental Health Professional ordered herein. Promptly after her first session with the Mental Health Professional, the mother shall provide the father with said professional's name, address, and professional credentials, but the father shall not be entitled to communicate with or obtain information from such professional except as may be provided in these orders, agreed to in writing by the mother, or hereafter ordered by the court. The mother shall be responsible for the payment of any expenses of her mental health treatment that are not covered by insurance.
4. Children's Mental Health Treatment.
- a. Randy shall continue to receive mental health therapy from Brian Zelesky, LCSW, or another qualified therapist chosen by the father, with such frequency and for so long as the therapist recommends. Randy shall also continue to receive services in his school from a mental health professional assigned by the school

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<sup>6</sup> The professional so chosen by mother is sometimes referred to herein as her "Mental Health Professional."



(under the auspices of ESS or otherwise), for so long as such services are made available to him.

- b. After the mother has engaged in at least four sessions with her Mental Health Professional and said professional has stated, in writing his or her, opinion that the mother is ready to engage productively in family therapy with Skylar (which written statement need not provide any further detail or explanation for the basis of such opinion), then the father shall engage Skylar in family therapy for Skylar and the mother with a qualified family therapist chosen by the father. Skylar and the mother shall each engage in the family therapy with such frequency and for so long as the therapist shall recommend. The therapist shall have sole discretion to determine whether each session shall be conducted with Skylar only, the mother only, or both jointly. In addition, to the extent and in the manner requested by the therapist, the father shall participate and shall cause Randy to participate in the family therapy. Both the father and mother shall follow all recommendations of the family therapist.
  - c. Any expense of the children's therapists (including the family therapist) that is not covered by insurance shall be shared by the parties in accordance with the child support order as to unreimbursed medical expenses which is in effect at the time the expense is incurred.
5. Mother's Parenting Time With Randy. The mother may continue to have virtual parenting time with Randy while he is at his school, facilitated and supervised by the school's professional staff, with such frequency and for so long as the school is willing and able to provide such access. After the mother has engaged in at least four sessions with her

Mental Health Professional and the same has been confirmed in writing to the father by the Mental Health Professional, the mother shall also be entitled to have in-person visits with Randy. The first three in-person visits shall occur within 60 days after father has received such confirmation, shall be no longer than one hour each, and shall be supervised by a professional supervisor selected and paid for by the father. Unless the father reasonably determines, after consultation with Randy's therapist, that the supervised visits are causing negative behavioral or emotional consequences for Randy, then the mother shall thereafter be entitled to reasonable, incrementally increased unsupervised visitation with Randy on a schedule approved by the father from time to time. If at any time the father reasonably determines, after consultation with Randy's therapist, that the unsupervised visits are causing negative behavioral or emotional consequences for Randy, then the father may either suspend mother's visitation or reinstate the requirement of supervision of the visits by a third party of his choice, with father responsible for the cost of supervision if any, until further order of the court or written agreement of the parties.

6. Mother's Parenting Time With Skylar. The mother's contact with Skylar shall be limited to the family therapy ordered herein, and such further contact (whether in person, by telephone, or by electronic means) as the parties may agree upon recommendation of the family therapist. Father shall not unreasonably reject any recommendation by the family therapist for further contact between mother and Skylar.
7. Alcohol Monitoring. The mother shall participate in the monitoring of her alcohol use by Soberlink or comparable device during, before and after each session of any unsupervised parenting time (whether in-person or by telephone or electronic means) with

either child, on a schedule established by Paymer Associates. In the event of any positive reading, or a missed test without satisfactory explanation, the father may suspend the mother's unsupervised access with either or both children for so long as he determines to be in the children's best interests, unless the court upon motion of the mother orders the sooner termination of the suspension. The mother will be responsible for the cost of such monitoring. The mother shall execute any authorizations necessary to allow Paymer Associates to share all records regarding the alcohol monitoring ordered hereby with the mother's Mental Health Therapist, the children's therapists, the family therapist ordered herein, and the father.

8. Information from Mother's Mental Health Professional. The Mother shall authorize her Mental Health Professional to provide the father and the children's therapists (including the family therapist) upon request with information about the dates and duration of the professional's treatment sessions with the mother, including the dates of any scheduled sessions which the mother failed to attend. She shall also authorize the Mental Health Professional to provide to them, when the professional deems it appropriate to do so, the professional's opinion that the mother is ready to engage productively in the family therapy ordered in Paragraph 4(b) herein. Nothing in these orders shall require the mother to authorize her Mental Health Professional to disclose any other information or communications which are or may be privileged.
9. Guardian ad Litem. The appointment of the guardian ad litem is terminated as of the date of these orders; provided, that the GAL shall be entitled at any time to file a request with the court for a status conference regarding fees claimed due to her. Each party shall pay, or make arrangements satisfactory to the GAL to pay, any fees due to the GAL within

60 days after the GAL provides such party with her final statement of fees due from such party.

10. Request for Leave. The defendant mother shall not file any further motions in this case which seek to modify, change, or add to the orders herein without requesting the leave of the court to file such motion in accordance with Practice Book Section 25-26(g) and the specific requirements set forth therein.

### **PLAINTIFF'S MOTION FOR CONTEMPT (#233.00)**

#### **FINDINGS AND DISCUSSION**

Paragraph 2 of the judgment provides for the parties to divide equally the payment of the children's uncovered/unreimbursed medical expenses and work-related child care expenses. In the above captioned motion, the plaintiff alleges that the mother has violated the order by failing to pay her share of uncovered/unreimbursed medical expenses.

While it appears that the order for sharing medical expenses has not been strictly followed, the court is unable to find by clear and convincing evidence that there is a specific amount due from the defendant to the plaintiff for her share of the children's medical expenses. The court therefore does not find her to be in contempt.

#### **ORDER**

The motion to find the defendant in contempt is denied. The parties shall continue to share equally in the cost of any uncovered/unreimbursed medical expenses for the children, in accordance with the procedures set forth in Section 2(c) of the judgment.

## PLAINTIFF'S MOTION FOR CONTEMPT (#245.00)

### FINDINGS AND DISCUSSION

On January 7, 2021, the court granted to the plaintiff father the final decision-making authority with regard to “educational decisions, medical decisions, and therapeutic decisions” concerning Randy, and with regard to “mental health therapy decisions” concerning Skylar. The court ordered that “providers of services in these areas shall be entitled to rely solely upon communications and instructions from the father.” The court further ordered that the mother “refrain from threatening” the providers of such services “should they follow father’s instructions.”

The last order referenced in the preceding paragraph is the subject of the above captioned motion for contempt. The father alleges that the mother violated the order in two ways.

First, he alleges that the mother filed a complaint against the guardian ad litem with the Superior Court. The court finds that the mother in fact filed, with the committee charged with considering such complaints, a complaint seeking the removal of the guardian ad litem from the list of those eligible to serve as a guardian ad litem or attorney for a minor child in Connecticut family matters. The mother’s conduct generally toward the guardian ad litem and professionals working with her children is discussed elsewhere in this decision, and was considered by the court in making its orders on the father’s motion for modification. However, for purposes of the motion for contempt, the court does not find that the guardian ad litem is a provider of services within the meaning of the court’s order of January 7, 2021. For that reason, the court finds that the mother’s conduct with respect to the guardian ad litem does not constitute a violation of the order on which the motion for contempt rests.

The motion further alleges that the mother violated the order on March 19, 2021, by threatening officials at Randy's school that she would file a complaint with the Office of Civil Rights for the school's failure to adhere to the requirements of Randy's Section 504 educational accommodation plan. The court finds that the mother did make such a threat. However, the court further finds that Randy's 504 Plan was developed by the school with the father's input. The order of January 7, 2021, prohibited the mother from threatening Randy's educational providers for following the father's instructions. A threatened complaint for the school's alleged failure to follow a plan developed **with** the father does not fall within the scope of the order relied upon.

For the foregoing reasons, the court does not find by clear and convincing evidence that the defendant has willfully violated the order in question.

#### ORDER

The motion for contempt is denied.

#### **PLAINTIFF'S MOTION FOR MODIFICATION (#251.00)**

#### **FINDINGS AND DISCUSSION**

Pursuant to Section 12(a) of the parties' separation agreement, the judgment of dissolution provides that, "For the period of time wherein the Wife is paying the medical insurance premium for the children, she shall be entitled to claim any Federal and State tax credits for the children." In the above captioned motion, the plaintiff seeks a modification of the judgment to provide for him to claim such credits instead.

The defendant has lost the insurance coverage that she previously had for herself and the children through her employment, as she was no longer employed at the conclusion of the hearing and was procuring HUSKY health insurance benefits for herself from the State of Connecticut. The plaintiff is now providing the health insurance for the children.

There has been a substantial change in circumstances since the time of judgment with regard to the parenting plan. In addition to the health insurance situation, the essentially equal shared physical custody plan embodied in the judgment no longer exists. The children have been residing primarily with the father since October 30, 2019, and will continue to do so under the orders entered on this date. He has been providing substantially all of the financial resources for the children's needs during that time. An order regarding entitlement for child tax credits that may have been fair and equitable at the time of judgment, under a parenting plan whereby the parties cared for the children equally and the mother paid for their health insurance premiums, is no longer under the current circumstances.

The court therefore grants the plaintiff's motion.

#### ORDER

1. Commencing with the 2021 tax year, the father shall be entitled to claim both children for all applicable tax exemption and credit purposes with respect to state and federal income taxes.
2. The father shall provide medical and dental insurance for the children at his expense unless and until the parties agree or the court orders otherwise.

## SUA SPONTE ORDERS AS TO FURTHER PROCEEDINGS

Since the beginning of the hearing on the motions decided herein, the parties have filed several new motions. Some of them have been expressly addressed and ruled upon during the course of the proceedings. Others appear to involve the same issues that are the subject of the motions decided herein, so that no further hearing or orders on them may be necessary. Still others may no longer be pertinent under the current circumstances.

In any event, judicial efficiency requires a reasonable method of determining whether any remaining outstanding motions require a hearing and, if so, the amount of hearing time required. The court issues the orders below for the purpose of enabling it to make that determination and to schedule any necessary hearings appropriately.

### ORDERS

1. Within thirty (30) days after the date of this order, a party who seeks a hearing on any pending motion that has not been previously decided, or decided herein, shall file with the court (simultaneously providing a copy to the opposing party) a Request for Hearing which shall include the following:
  - a. The title, docket entry number, and date of filing of each motion filed by such party which the party claims to remain pending and undecided, in whole or in part, and which the party wishes to pursue at a future hearing.
  - b. For each motion so listed, the moving party shall include a brief statement of the issues raised by such motion which the party claims to remain unresolved, and an estimate of the hearing time required for the moving party to present his or her evidence with respect to the motion.



- c. Within fifteen (15) days after a party files a Request for Hearing as ordered hereby, the opposing party may file a written response thereto, which shall be limited to the issue of whether a requested hearing is necessary or appropriate based on the status of the case and the court's current orders.
2. A party who does not file a Request for Hearing as required by Paragraph 1 within thirty (30) days after the date of this order shall be deemed to have withdrawn, without prejudice, any outstanding pending motions filed by such party. A party who files a timely Request for Hearing pursuant to Paragraph 1 shall be deemed to have withdrawn, without prejudice, any outstanding pending motions filed by such party which are not listed in such Request, or for which the Request fails to include all of the information required by Paragraph 1.
3. Upon receipt of a Request for Hearing and any response thereto, the court will determine whether any issues raised by the motion(s) cited therein remain unresolved and require hearing, and will issue further scheduling orders as necessary.

SO ORDERED.

BY THE COURT,



Albis, J.