

Sakon ADA Memo

The State of Connecticut, acting thru family court, agent Judge Nguyen violates Americans with Disabilities Act, Title II, that prohibits discrimination against disabled persons in providing state services. It is Connecticut's burden to comply with federal law. The act by the court of holding a hearing to decide if it is in violation of the Act is a violation. All evidence of the violation is recorded in Nguyen's memo of decision, before Diana, J on 21 April, who failed to address the court's misconduct. The judicial authority incurs liability to the State, making the politic subject to federal legal enforcement action by USDOJ, acting thru the federal courts, under powers codified in the Act, 28 CFR §35.190(b)(6), to which no immunity defends.

Judge Nguyen ruled father-defendant suffers from mental impairment, requiring 'treatment', restricting access to his son, being discriminatory conduct based on disability; a civil rights violation under federal law, actionable in federal court under 42 USC §1983, for violation of the Fourteenth Amendment, thru the Enforcement Act of 1871. Nguyen and Diana violate 28 CFR §35.130 Prohibitions against discrimination. See *Pennsylvania v. Yeskey*, 524 U.S. 206, 209-212 on breadth of Title II coverage.

The family court, failing best interest of child, discriminates against son for his association with the disabled father-defendant, denying the child his constitutionally protected paternal relationship, in absence of strict scrutiny requirements under substantive due process clause of the Fifth Amendment, see *Troxel v Granville*, 530 US 57, 65. Nguyen's violation obvious. Broad discretion of the court assumed in *Yontef v Yontef*, 185 Conn 275, 279 does not void the Fourteenth Amendment nor State's burden to comply with the Act. Discrimination

against son for sole cause of association with disabled father is in violation of 28 CFR §35.130(g): A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

Nguyen limited visitation while stripping father-defendant of custody absent required finding under 28 CFR §35.139 Direct Threat, (b) where no assessment based on medical knowledge made to ascertain nature, duration, severity of risk, or probability of injury; a due process failure. In the instant matter DCF found no threat to the child posed by father-defendant, a fact known to the court. Nguyen's discrimination fails ADA's basic requirement for individualized inquiry, relying solely on generalizations and stereotypes regarding people with disabilities.

Visitation orders are unconstitutional by vagueness where court holds no proper diagnosis of a mental defect, no evidence of conditional harm to the child, no specifics of treatment, no qualification of treator, no protocol of 'therapeutic', no measure of efficacy, no standard of care. Visitation orders fail strict scrutiny, designed to inflame conflict, drag out litigation, violate federal law, not being in best interest of child. It is the duty of the court to remedy misconduct of Nguyen, it is the burden of the State to comply with ADA; Fourteenth Amendment does not surrender to 'broad discretion'. Violation of federal law by court actors is impropriety; court holding all inherent power and duty to act in remedy of its errors. See *Ruggiero v Ruggiero*, 55 Conn App 304, 308.

Further constitutional violation by the court lies in incompetent orders of supervised visitation, a service not recognized by the State for use in family court, no licensed providers exist, no standard of care, no insurance requirements, no

court vetting, no fiduciary duty defined, just illegal government interference in the father-son bond, lacking strict scrutiny, an abuse of discretion, constitutional failure by Nguyen, in defiance of the Fourteenth Amendment. See *Mirjavadi v. Vakilzadeh*, 310 Conn 176. The court further erred by ordering all costs of visitation requirements to be paid by father, absent evidence or even estimate of the financial burden imposed, a complete failure of due process, where absence of evidence of ability to pay renders said orders void upon issuance.

The court fails State fiduciary responsibility in use of federal grant money, warranted by the Governor not to be used in deprivation of rights, discrimination, violation of federal law, 45 CFR §84.5 Assurance, as the judicial branch is user of such funds, received on behalf of the State. See 45 CFR § 84.4 Discrimination prohibited with federal financial assistance; 45 CFR §84.61 Procedure Civil Rights remedy. The court holding immediate cause to remedy its misconduct, requiring notification to Governor of its error.

The discrimination committed by Nguyen being related to her discretionary modification of the parties' joint custody, established upon dissolution agreement [214] of 4/3/18, switched to sole custody to mother-plaintiff on 7/15/22 [884.50], the fruits of federal discriminatory misconduct, a civil rights violation, be vacated for cause.

Nguyen and Diana violate Canon 2.3(b) by conduct manifesting prejudice, discrimination based on disability, while condoning court orders in violation of ADA, beyond judicial function, in defiance of the Fourteenth Amendment, being criminal conduct under Enforcement Act, for which no immunity lies.