

APPLICATION FOR EMERGENCY EX PARTE ORDER OF CUSTODY

JD-FM-222 Rev. 11-22
C.G.S. § 46b-56f, P.A. 21-15


This form is available in other language(s).

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STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov

Instructions

1. Complete this form, including the affidavit on page 2.
2. Attach an Affidavit Concerning Children, form JD-FM-164.
3. If there is not yet a court case, or post-judgment motion to modify custody, you must file it with this application (e.g., the divorce, legal separation, annulment, custody action, or post-judgment motion to modify custody must be filed with this application).
4. Bring the original and a copy of this form to the court clerk's office.
5. After your application is processed, the clerk will give you the proper papers to have served on the respondent.
6. Make sure the originals are returned to court after service.

Court Use Only
EXPCUS


Judicial District of <u>Fairfield</u>	At (Town) <u>Bridgeport</u>	Return date (if applicable)	Docket number <u>FBT-FA-19-6088163-5</u>
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Name of case (Plaintiff v. Defendant)
Ambrose Christopher v. Ambrose, Karen

1. I, (Name and address) Christopher Ambrose 381 Horsepond Rd. Madison, CT

am the Applicant for this emergency ex parte order of custody, and I am the Parent Legal Guardian of the following child or children for whom I am seeking this order (attach additional sheets if necessary):

Child's Name (First, Middle Initial, Last)	Date of birth (Month, day, year)
<u>Mia C Ambrose</u>	<u>1.28.07</u>
<u>Matthew C Ambrose</u>	<u>2.20.07</u>
<u>Sawyer E. Ambrose</u>	<u>7.6.10</u>

2. The Respondent (Name and address) Karen Riordan 19 Lake Dr. Madison, CT is the Parent Legal Guardian of the child or children named above. 06443

3. I am filing or there is already a pending matter in which I am a party for:
- divorce (dissolution of marriage).
 - annulment.
 - post-judgment modification of custody.
 - legal separation.
 - custody of the child or children named above.

4. I believe there is an immediate and present risk of physical danger or psychological harm to the child or children listed above as further explained in the attached affidavit.

I ask the Court to enter the following ex parte orders:

- Temporary legal and physical custody to _____
- Visitation as follows: _____
- No visitation.
- Respondent may not remove the child or children from the State of Connecticut.
- Respondent may not interfere with Applicant's custody of the child or children.
- Respondent may not interfere with the educational program of the child or children.

Other (specify): Arrest warrant issued for custodial interference with the youngest child Sawyer, and immediate return of custody to the sole custodial parent, Christopher Ambrose. My attorney is on vacation and unavailable this week and next. (Chris Goulder)

OFFICE OF THE CLERK
 SUPERIOR COURT
 JUL -7 P 1:51
 JUDICIAL DISTRICT OF
 FAIRFIELD AT BRIDGEPORT

Signed (Attorney or self-represented party) <u>Chris Goulder</u>	Printed name of person signing <u>Christopher Ambrose</u>	Date signed <u>7.7.23</u>
Address (Number, street, town or city, state, zip code) <u>381 Horsepond Rd Madison, CT 06443</u>		Telephone number <u>(203) 505-1889</u>

Ambrose, Christopher v. Ambrose, Karen

FBI-FA-196088163-

Affidavit

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I, (Name) Christopher Ambrose, am the Applicant in this matter and swear to the following (explain the events that have occurred, when they occurred, and why you believe that there is an immediate and present risk of physical danger or psychological harm to the child or children):

1. An emergency ex parte order is required because (attach additional sheets if necessary):

Please see attached sheets.

2. An emergency ex parte order is in the best interests of the child or children because there is an immediate and present risk of physical danger or psychological harm to the child or children named in this application.

3. (Select one) I [X] have [] have not been a party or a witness or participated in any other capacity in any other proceeding in Connecticut or in any other state concerning custody of or visitation with any child listed in this application. If you have, identify the name of any court(s), the court case number(s) and the date(s) of any order(s):

There is a matter (Contempt of custody #) on this docket number pending before Judge Rodriguez. There are also petitions in Juvenile Court New Haven with the

4. (Select one) Plaintiff as respondent.

[] I have or another person has taken the following actions to inform the respondent of this application (if it was another person, state who it is):

[X] No actions have been taken to inform the respondent of this application, but the court should consider this application on an ex parte basis for the following reasons: As explained on the attached pages, the plaintiff has a reasonable fear that the defendant, who is emotionally unstable and has fled with the children before, will flee again if she is aware of this.

I certify that the statements above are true to the best of my knowledge and belief

Signed (Affiant)

Christopher Ambrose

Print name of person signing

Christopher Ambrose

Subscribed and sworn to before me (Assistant Clerk, Commissioner of Superior Court, Notary Public)

[Signature] Clerk

Date signed

7-7-2023

Ambrose v. Ambrose

FBF-FA-19-6088163-

Order (To be completed by the court)

The Court has reviewed this application and finds that an immediate and present risk of physical danger or psychological harm to the child or children exists, and in the best interests of the child or children the Court enters the below ex parte order and orders that a hearing be held no later than 14 days from the date of this order.

Temporary legal and physical custody to Christopher Ambrose

Visitation as follows:

No visitation.

Respondent may not remove the child or children named in the application from the State of Connecticut.

Respondent may not interfere with Applicant's custody of the child or children named in the application.

Respondent may not interfere with the educational program of the child or children named in the application.

Other:

This application for ex parte orders is denied. A hearing shall be ordered on the application, pursuant to General Statutes § 46b-56f (c).

By the Court (Judge)

Signature of Judge

Date ordered

07/07/23 2:34 P.M

Order for Notice and Summons (To be completed by clerk)

The court orders that a hearing on this Application be held on (date) 7/21/23 at (time) 10:00 AM.

This hearing will be held

in person at:

Superior Court, Judicial District of: Fairfield	Room number (if known) 5 HR (5F)	Phone number (Area code first) 203 579 6827
Court location (Number, street and town) 1061 Main St. Bridgeport		

remotely (online by video). You are ordered to:

- File an Appearance form with a current, valid e-mail address at least 5 days before this hearing, unless you have already done so;
- Attend this hearing by following the instructions that are sent to your e-mail address by the court; and
- Contact the court clerk's office before the scheduled time of this hearing if you are unable to follow the instructions.

You must contact the court clerk's office at least 5 days before this hearing if you do not have or cannot get an e-mail address, or if you do not have access to an electronic device that you can use to participate in this remote hearing.

The court further orders the Applicant to give the Respondent notice of this Application, the Affidavit, any ex parte order, and this order, by having a true and attested copy served on the Respondent by any proper officer at least 5 days before the date of the hearing. Proof of service must be made to this Court.

To any proper officer: By the Authority of the State of Connecticut, you must serve a true and attested copy of the Application, Affidavit, Ex Parte Order (if any), and this order on the person named below in one of the ways required by law at least 5 days before the date of the hearing, and file proof of service with this Court.

Person to be served

Karen Ambrose

Address

By the Court

Assistant Clerk

Signature of Assistant Clerk

Date signed

7/1/23

Ambrose v Ambrose
FBT-FA -19-6088163-S
Reasons for Emergency *Ex Parte* Order

Memorandum of Decision divorced the parties on April 26, 2022 (the "Decision" #520.10), which provided unambiguous custody orders:

- awarding the plaintiff sole legal and physical custody of the three children, Mia, Matthew, and Sawyer; and
- forbidding the defendant to have contact with the children - even with supervision - until she (i) has a complete psychiatric evaluation "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;" and (ii) demonstrates to the court good faith progress in therapy. (The Decision, p. 37).

It has now been over a year since the final judgment. Unfortunately, the defendant has not taken the steps to see the children lawfully. Accordingly, the no-contact order remains in place. The father/plaintiff is the sole legal and physical parent.

On July 4, the defendant took unlawful custody of the youngest child, Sawyer. She had previously taken custody of the two older children (both 16) on April 22 and May 22, which has been reported to this court (most recently in #606) and is the subject of an "emergency" hearing before Judge Rodriguez scheduled for July 21.

As more fully explained below, because Sawyer is only 13 (his birthday is today), the Madison Police applied for a warrant for custodial interface against the defendant. The State Attorney's Office stated that the warrant must come from the Family Court. Therefore, the plaintiff respectfully seeks the court's immediate attention on this urgent matter.

FACTS OF THIS CASE

- On July 4, the plaintiff left Sawyer at a classmate's house for a playdate. Two hours later, the defendant texted the plaintiff, saying she had taken the boy.
- The plaintiff immediately called the Madison Police, who visited the defendant's home. (The plaintiff was suddenly blocked from Sawyer's cellphone, which the plaintiff provides him).
- The defendant refused repeated requests by multiple officers to speak privately with the child. She would not even allow them to enter the house; instead, she required them to observe him through a window while she recorded everything on her phone.
- The plaintiff also called DCF, who has a lengthy history with the family due to the defendant's relentless false reports of abuse against him. Because it was a holiday, DCF did not send an investigator that night.
- The next morning, July 5, DCF Investigator Nancy Stewart (203.537.4391) went with the Madison Police to the defendant's home. Again, the defendant refused to admit anyone and had the boy stand before a window while she filmed him with her cell phone.

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- DCF spoke on the phone with the defendant's attorney, who tried to coax his client to agree to permit DCF to speak with the child privately. The defendant refused. (The next day, the defendant's attorney left messages to arrange a meeting with DCF; she did not respond).
- On July 6, the Madison PD applied for a warrant for custodial interference (WHO'S ON DUTY TODAY).
- However, State Attorney Sara Jones (203.789.7455) declined to sign the warrant because she deemed it a civil matter, which required action by a family court judge.
- It should be noted that as the defendant took custody of each of the older children, she immediately had them file petitions of neglect with New Haven Juvenile Court.
- DCF (Nancy Stewart) has investigated the allegations in the petitions; children were interviewed the children at school because the defendant wouldn't allow them to into her home. DCF has concluded the allegations are baseless, which will be reported to Judge Bridget Conway on July 11 in Juvenile Court.
- A similar petition of neglect was filed on his behalf Sawyer in Juvenile Court. This was done on July 3, the day before the defendant unlawfully took custody of him. Sawyer was adopted at birth in a closed adoption. Strangely, the petition was filed by his birth mother, who lives out of state and has never had contact with him. It is unknown why the defendant involved a "stranger," doing so is not in Sawyer's best interest; it's also cruel to alert a birth mother that her child is a victim of neglect, especially when the claim is false.
- As part of the investigation into the older children's petitions, DCF interviewed Sawyer privately (he was still in the defendant's care) and determined he was safe with the plaintiff.

THE EXISTING CONTEMPT OF CUSTODY CASE AGAINST THE DEFENDANT

1. The defendant unlawfully took custody of the oldest child, Mia, on April 22. Just as with Sawyer, the defendant refused to admit the police to her home and would only allow them to speak with the child through a window while she filmed. Because Mia is 16, the police did not apply for a custodial interference warrant.
2. Therefore, the plaintiff, who did not yet have an attorney, made several filings with the court. He was granted an emergency *ex parte* hearing scheduled for May 19 before Judge Rodriguez.
3. On May 19, the defendant did not appear at the hearing. That morning, she filed a continuance, claiming the plaintiff had her served at the wrong address. The court granted the continuance, so the emergency hearing was pushed another week to May 26.
4. This delay enabled the defendant to take custody of the second child, Matthew, on May 22. Again, the defendant refused to permit the police to speak with him, except through a window as she filmed. Since Matthew is also 16, the police did not file for custodial interference. They instructed the plaintiff to return to family court.
5. The plaintiff filed an Emergency Motion for Contempt of Custody (#605), which was assigned to the scheduled May 26 hearing.
6. At the May 26 hearing, the court heard briefly from a Madison police officer and the defendant's landlord, who testified that the defendant did live at the address where the

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plaintiff had her served; in other words, the defendant lied in her request for a continuance.

7. A DCF supervisor also testified that there has been an open case on the family for the last three years because there have been so many "anonymous" reports against the plaintiff - all of which were deemed baseless.
8. The defendant, appearing *pro se*, also testified at such length that the court had to end the session and reschedule for June 16.¹
9. On June 16, the court informed the parties that ***there would not be a hearing that day, and pushed the case to July 21, three months from the date the defendant, who is not permitted any contact, let alone visitation - even with supervision - unlawfully took the first child.***
10. The defendant was able to use this lengthy delay to take custody of the third child on July 4th.

The parties were divorced after a 28-day divorce trial with many witnesses, including multiple DCF investigators, the police, the custody evaluator, the GAL, and the *defendant's* psychiatrist. Testimony showed that the defendant had made dozens of false abuse allegations, which required numerous investigations by DCF, Yale New Haven and Connecticut Children's Hospitals, the police, and the children's therapists. None of the allegations of abuse were substantiated. The trial Court (Adelman, J.) noted, "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... and police and DCF reported that] Mia's allegations were not credible." (Decision p. 19).

Testimony also revealed that the defendant denigrated the plaintiff in front of the children and deliberately tried to destroy his relationship with them. The court (Adelman, J.) determined that the defendant's general conduct was so abusive to the children's emotional well-being, she was not to have any contact with them - even with supervision - until she had a complete psychiatric evaluation and was in a course of treatment to correct her destructive behavior.

Since April 22 - almost three months - the defendant has been in egregious contempt of the Court's orders, mocked the judicial process, and obliterated the plaintiff's rights.

Her contempt has caused many police officers and DCF caseworkers to spend dozens of hours responding to and investigating her claims, all of which have proven baseless.

Her contempt has also wasted hours of time for the many professionals in the the Family Court, the Juvenile Court, and the State's Attorney's Office, as well as the time of the attorneys the Juvenile Court had to appoint to represent the baseless petitions that she had the children file.

¹ It is essential to note that the defendant frequently uses delays/continuances as a strategy, as she did on May 19. This strategy is discussed in the footnote on the very first page of the Decision. The plaintiff is encouraged that this court ruled that the May 19 continuance was final.

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Chris A.

The defendant's contempt has also visited considerable expense on the plaintiff. He has had to hire a family court and a juvenile court attorney,² and engage in multiple sessions with the children's therapists to determine how to help them navigate this the extraordinary situation the defendant has created since April 22.

More tragically, than the hours of wasted time and sums of money, is the fact that the defendant has turned each child viciously against their father. The trial court anticipated this eventuality and specifically sought to prevent it:

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. (p. 37)

It's been 15 months, the defendant's own testimony shows she has not taken any steps that would lawfully allow her to reconnect with the children. ³The defendant's abuse must be stopped immediately before the children are further harmed and their relationship with the plaintiff is destroyed irreparably. The longer the children remain in the defendant's custody, the more devastating the damage she will do.

Since April 22, the defendant's actions have revealed that she knows her allegations of abuse are false. For example, she's refused to cooperate with authorities charged with protecting the welfare of the children; in fact, she has impeded their work by repeatedly rescheduling appointments or not returning phone calls, even from attorneys appointed for the children.

Another example: the defendant has left the youngest and presumably most vulnerable child with the plaintiff since she took the older son on May 22. The petition for neglect filed on Sawyer's behalf was submitted on July 3, a full day before she took him. If she believes the allegations it contains, why didn't she call the police or DCF to "rescue" the child long before making that filing? As is her well-documented practice, the defendant fabricates a false narrative, ignores the court's orders and engages in self help.

The defendant's contemptuous conduct also betrays that she is more interested in "beating" the plaintiff than in doing what's in the best interest of the children. Surely, having children lie to their father and make false reports of abuse against him in affidavits is not responsible parenting. Nor is modeling an aggressive lack of respect for authority, including the police, DCF, court orders and the basic rule of law.

² Juvenile Court petitions are always filed by DCF. The defendant having the children file them was so unusual, the plaintiff was advised to get special counsel

³ The defendant testified that she had seen a therapist, Bandy Lee, but she was not approved by or provided with the documents the Decree required at p. 37

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The defendant's history (see, e.g., Decision at p. 12, 16, 17, 25, 28, and 34) as well as her current conduct, shows that the longer she is not held accountable, the more emboldened she becomes and the deeper the harm she causes. On April 22 the defendant took one child without consequence, and subsequent delays enabled her to take the second, then third. Unsanctioned, she also filed dozens of motions tying up the process in two different courts, and making false allegations that wasted countless hours of time and cost for public authorities.

While the defendant's custodial interference has resulted in immediate, significant emotional harm to the children, there is another need for urgency. As testimony explained, on May 18, Mia took her own and her brothers' passports from the plaintiff's house. The plaintiff has a reasonable fear that the defendant will take off and hide with the children, as she did in December 2020. While this court has issued an order directing her not to leave the state or country, it is well-documented that the defendant has no regard for court orders.

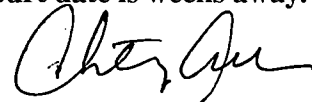
The divorce court repeatedly tried to coerce the defendant's compliance with significant monetary fines and other civil sanctions. Nothing has worked. As the Court (Adelman, J.) noted, "More importantly and more difficult to understand, the defendant continuously failed to follow the court orders that would allow her to see and be with her children." (Decision p. 17).

In family matters, the purpose of judicial intervention is remedial and designed to be coercive and non-punitive to ensure compliance and compensate the complainant for losses. *However, where the violation of a court order renders the order unenforceable, the judicial authority should consider referral for non-summary criminal contempt proceedings.* Conn. Practice Book Sec. 1-21A (2023).

While the plaintiff hopes the defendant gets the help the court ordered so she can have lawful contact, respectfully, immediate action must be taken to end her flagrant contempt for the Court and unconscionable abuse of the children. Due strictly to the court's scheduling challenges, the children have been left alone in the custody of the one person in the world a Superior Court judge determined is not safe to have contact with them - even with supervision - let alone custody

Therefore, the plaintiff respectfully requests that the Court issue:

- **an immediate warrant for the defendant's arrest for custodial interference with Sawyer;**
- **A separate order directing the Madison Police Department to return the children immediately to the plaintiff's care;**
- **Alternatively, if the court is reluctant to immediately return the children to the plaintiff, they should *immediately* be removed from the defendants unlawful custody, and placed with the third parties DCF has already approved, The next court date is weeks away.**



Christopher Ambrose

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CLERK
7-7-2023