

H12-xxxxxxxxxxxxxxxx

_____	:	SUPERIOR COURT
IN RE: CHILD	:	JUVENILE MATTERS AT HARTFORD
	:	
_____	:	December 15, 2008

MOTION FOR INCREASED VISITATION

Pursuant to Conn. Gen. Stat. §§ 46b-121 and 17a-10a, the undersigned attorney for CHILD hereby moves for increased, family-supervised visitation between the respondent mother, MOTHER , and her nine month old daughter, CHILD. In support of this Motion, the undersigned attorney offers the following:

1. CHILD, now a nine-month old baby, came into DCF care on September 5, 2008, when DCF exercised a 96 hour hold as a result of escalating concerns regarding domestic violence between CHILD’S parents. See Order of Temporary Custody, supporting social work affidavits (hereinafter “OTC affidavits”).

2. CHILD initially went to live in relative foster care with her great-aunt, but was subsequently moved to live with her maternal grandparents. CHILD has spent much of her life living in close proximity to her grandparents as she and the respondent mother lived with the grandparents until the summer of 2008. On October 2008, the grandparents successfully moved to intervene in this matter, and they are currently represented by Attorney xx.

3. Respondent mother is currently maintaining her own apartment. Though respondent father maintains a residence separate from respondent mother, he is presently incarcerated. See OTC Affidavits.

4. CHILD and respondent mother currently visit twice weekly in the grandparents' home. Initially, throughout September and October, visitation was supervised at the DCF office by agency employees. Subsequently, DCF agreed to supervise visitation in the family home and help the grandparents become comfortable with taking over the supervision role. As of the end of November, visitation is supervised only by the maternal grandparents.

4. The parties have had numerous conversations regarding working towards a liberal, family-set and supervised visitation schedule. Prior to the plea and disposition hearing on November 6, the parties discussed working towards a liberal, family-supervised visitation schedule. The parties' goal was to help nurture the bond between respondent mother and CHILD, as well as to help normalize the extended family relationships. The parties have talked extensively about a permanency option which includes respondent mother returning to live in the grandparents' home with CHILD. Recently, the DCF social worker assigned to the case changed and the parties have not been able to agree that the family should have more than two visits per week in the family home.

5. There is no apparent reason why visitation should be arbitrarily limited by the Department. The grandparents are competent caregivers and DCF has already supervised visits in their home. Respondent mother is cooperating with all service recommendations and specific steps and is eager to work towards reunification with her daughter. MOTHER. is currently participating in a domestic violence support group at Interval House in Hartford, has signed up for individual counseling at Wheeler Clinic, is complying with all visitation appointments with her daughter, maintains her own apartment, and is working part-time. She has attended all court appointments, participated in the case status conference, and attended

the DCF treatment plan conference. Additionally, the grandparents have been eager participants in DCF's treatment planning process, have participated in all court hearings and have demonstrated on numerous occasions that they recognize the issues that led to DCF involvement with their daughter and grand-daughter.

6. CHILD is less than a year old and needs as much time as possible to bond with her mother in order to promote attachment and strengthen the parent-child relationship. Child welfare experts advocate frequent and consistent visitation for very young children wherever possible so that the child will "know that their parent cares for and is there for them." Smariga, Margaret. *"Visitation with Infants and Toddlers in Foster Care: What Judges and Attorneys Need to Know"*, July 2007, 5, published by the ABA Center on Children and the Law and the Birth to Three Policy Center.

According to the American Academy of Pediatrics: "a young child's trust, love and identification are based on uninterrupted day-to-day relationships. Weekly ... visits stretch the bounds of a young child's sense of time and do not allow for a psychologically meaningful relationship with estranged biological parents For parent-child visits to be beneficial, they should be frequent and long enough to enhance the parent-child relationship." American Academy of Pediatrics Committee on Early Childhood, Adoption and Dependent Care, 2000, 1148.

Indeed, because physical proximity with the caregiver is central to the attachment process for infants and toddlers, experts recommend that "an infant should ideally spend time with the parent(s) daily, and a toddler should see the parent(s) at least every two-to-three days" and visitation should take place in the least restrictive yet still appropriate setting. Ohio Caseload Analysis Initiative in Partnership with Protect-Ohio Initiative, 2005. October 23,

2006, pg. [http://www.pcsao.org/ CLA/Visitation Guidefinal.pdf](http://www.pcsao.org/CLA/Visitation%20Guidefinal.pdf); Ginther, Norma M. and Jeffrey D. Ginther. "Family Interaction: The Expressway to Permanency—Facilitating Successful Visitation." Presentation prepared for Western Training Partnership at the University of Wisconsin River Falls, July 2005, 10, 21.

7. Moreover, Connecticut General Statute § 17a-10 provides that DCF must facilitate visitation between a child and her parents "as frequently as reasonably possible, based upon consideration of the best interests of the child, including the age and developmental level of the child, and shall be sufficient in number and duration to ensure continuation of the relationship." Section 17a-10 further provides that if DCF determines that such visits or the frequency of visits are not in the best interests of the child, DCF "shall include the reasons for such determination in the child's plan of treatment."

8. The treatment and reunification plans in this case articulate a goal of timely reunification with the respondent mother, potentially in the home of the maternal grandparents. It is in CHILD'S best interest that, barring any clinical or safety reasons to the contrary, that she be allowed to visit as often as possible with her mother. The grandparents are ready, willing and more than able to supervise visitation in the family home.

WHEREFORE, the undersigned attorney for CHILD respectfully requests that this court order DCF to permit the grandparents to set and supervise a visitation schedule in their home.

Respectfully submitted,

BY: _____

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O R D E R

The Motion For Increased Visitation, having come before this Court for consideration, it is hereby ordered: GRANTED/DENIED.

Judge, Superior Court

CERTIFICATE OF SERVICE