Docket #

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: SUPERIOR COURT

IN RE: DOE, JOHN :

: JUVENILE MATTERS AT ROCKVILLE

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_: DATE

**MOTION FOR VISITATION**

Pursuant to Conn. Gen. Stat. § 17a-10a and DCF Policy Manual § 34-10-7.1, the undersigned attorney for John Doe hereby moves for visitation between John Doe and his brother, Jaime Doe and his sisters, Jane and Jessica Doe. In support of this motion, the undersigned attorney offers the following.

1. John was removed on an OTC as a result of a petition of neglect filed

against his parents in May 31, 2013. He was subsequently returned to his mother’s care on July 15, 2005, and removed again on December 2, 2013. On February 23, 2015, his parental rights were terminated, which decision was the subject of an appeal. The Connecticut Supreme Court affirmed the trial court decision, contrary to John’s position, and he was subsequently adopted by his foster father on March 19, 2017. Thereafter, DCF removed John on June 25, 2017 due to the sexual abuse perpetrated on John by his adopted father.

ORAL ARGUMENT REQUESTED

TESTIMONY NOT REQUIRED

2. As evident from the procedural history cited below, John’s family life has been severely disrupted. He has had numerous placements, and lost both his biological mother and his adopted father in the past two years.

3. In 2010, at age one, John Doe was living with his six biological siblings when he was removed from his biological mother under an Order of Temporary Custody. John was placed in foster care at this time.

4. He was reunified with his biological mother and his brother Jaime in July 2013, at age four.

5. Subsequently, in December 2013, John was removed from his biological family again and recommitted to DCF at age five.

6. John had two foster placements up until July 2015, when he was placed with Jim Smith.

7. During this entire period of time, from 2009 until 2017, he had regular contact and visitation with his sisters, Jane, and Jessica. From 2009 until approximately 2014, he had regular visitation and contact with Jaime.

8. Jaime is currently living in a stable foster home. He has had no contact with any persons from his biological family since April 2017.

9. As Jaime, Jane, and Jessica Doe are the only family members that John wants to see, it is important for the Court to consider John’s opinion. John has expressed his desire to see these siblings multiple times and on multiple occasions. Despite the separation of the siblings into different foster and adoptive families, they had regular visitation with each other up until April 2017. *See* DCF’s Family Treatment Plan, dated July 22, 2017.

A. Visitation with Jaime Doe

1. Jaime is presently 23 years old. He lives and works in Hartford.

He does not reside with John biological mother.

1. Jaime has expressed great interest and excitement when asked if he would like to visit with his brother John. He is eager to see him as soon as possible.

3. Upon information and belief, he has no criminal record nor does he have any present involvement with DCF.

C. Visitation with Jane and Jessica Doe

1. Jane and Jessica were adopted by their foster parents, the Lopez family, in 2017.

2. Jane is 10 years old, and Jessica is 7 years old.

3. John invited Jane and Jessica to his March 2017 adoption party, which they attended, and he was invited to their adoption party.

4. Although DCF has represented that their adopted mother declined to resume regular visitation, based upon her last contact with John’s adopted father, there is no reason to believe she would not agree to some infrequent contact (such as twice a year).

E. There is a presumption in Connecticut law in favor of sibling visitation.

1. Conn. Gen. Stat. § 17a-10a provides that sibling visitation occurs whenever there is an established sibling relationship. The statute requires that DCF, “based upon consideration of the best interests of the child, ensure that such child has access to and visitation rights with such sibling throughout the duration of such placement.” Furthermore, “in determining the number, frequency and duration of such visits, the Commissioner shall consider the best interests of each sibling, given each child's age and developmental level and the continuation of the sibling relationship.” *Id.*

2. DCF Policy Manual § 34-10-7.1 further provides that the social worker must ensure that the child has visitation with his siblings as “frequently as reasonably possible” and in consideration of the child’s best interests.

10. This Motion is in the best interests of John Doe. John has been in more than five Department placements in less than ten years. Because of his numerous placements and inconsistent visitation with his siblings, John’s connection to his biological family has been severed. John is finally in a stable, foster home placement, and he is longing for ties to his biological family to be rebuilt. Sibling visitation is, thus, clearly in John’s best interest.

11. DCF opposes this motion. The GAL for John has taken no position at the present time on this motion.

WHEREFORE, for the foregoing reasons, the attorney for the minor child respectfully requests that this court approve their motion.

Respectfully submitted,

BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ATTORNEY

ADDRESS

Juris #

PHONE

FAX

Attorney for John Doe

O R D E R

The foregoing Motion for Visitation having been heard, it is hereby

GRANTED/DENIED

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Judge, Superior Court for Juvenile Matters

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been mailed, postage prepaid to the Assistant Attorney General, and [other parties] this day of February, 2018.

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ATTORNEY