H12-CP14-015687A

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: SUPERIOR COURT

IN RE: :

: JUVENILE COURT AT HARTFORD

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_: NOVEMBER X , 20XX

**CHILD’S OBJECTION TO APPOINTMENT**

**OF GUARDIAN AD LITEM**

The minor child in the above-captioned matter, through undersigned counsel, hereby objects to the Motion for Appointment of Guardian Ad Litem filed by the Department of Children and Families (DCF). In support of this Objection, counsel for the child states the following:

1. Connecticut General Statutes § 46b-129a (2)(C)(D) provides that “a child shall be represented by counsel…[who] shall…advocate for the child in accordance with the Rules of Professional Conduct…” “If the court…determines that the child cannot adequately act in his or her own best interests and the child’s wishes, as determined by counsel, if followed, could lead to *substantial physical, financial or other harm* to the child unless protective action is taken…the court may order that a separate guardian ad litem be assigned for the child…” *Id.* (Emphasis added) *See also* Connecticut Practice Book § 32a-1 (stating that the “judicial authority…may appoint a separate guardian ad litem for the child or youth upon a finding that such appointment is *necessary* to protect the best interest of the child or youth.”) (emphasis added)

2. In June 2005, guardianship of (Child) was transferred to his maternal aunt, (Aunt).

3. (Aunt) raised and cared for (Child) since he was five years old, and has been his most significant family tie throughout his life.

4. (Aunt) has no history of criminal convictions.

5. At the time of (Child)’s removal in late August 2014, (Aunt) stated that she did not want (Child) in her home due to behavioral concerns. Since that time, however, (Aunt) has vacillated with respect to this decision.

6. Since his removal, (Child) has often gone to visit (Aunt) at her home in (Town). (Aunt) has consistently received (Child) at her home, and the visits have taken place without verbal or physical altercations or otherwise.

7. (Child) has consistently articulated to counsel his desire to return to the home of (Aunt).

8. (Child) is currently receiving individual counseling, and has indicated that he is willing to engage in multidimensional family therapy if it will aid in reunification.

9. A case plan meeting was held on November X, 20XX. Counsel for (Child) worked with the Department and several service providers to develop a more comprehensive plan for the provision of services to (Child) and (Aunt). Further case plan meetings are scheduled.

10. During this meeting, (Aunt) affirmed her willingness to accept (Child) back in her home at some future time if he could show that he would be more cooperative, and her willingness to engage in any services that will aid in successful reunification.

11. The Department misstated counsel’s position with respect to (Child)’s commitment. Counsel does not intend to seek a trial as a means of forcing an unwilling party to accept a child back in her home. To the contrary, counsel has simply articulated (Child)’s desire to return to the home of (Aunt) and her willingness to accept reunification.

12. Guardians ad litem are appointed, in part, to “seek cooperative solutions on behalf of the best interest of the ward.” *In re Jeremy M*., 100 Conn.App. 436, 465 (2007). Counsel for (Child) is actively representing (Child)’s position and working with the Department and other service providers to effect a cooperative solution that will eventually lead to reunification.

13. The Department has failed to articulate why the appointment of a guardian ad litem is *necessary* to protect (Child)’s best interests at the present time, since (Aunt) is not willing to take (Child) back in her home and so her interests and the Department’s interests are consonant.

14. The Department is always free at some future time to renew this motion, but presently, it is premature.

For the above-stated reasons, counsel for the minor child respectfully requests that the Department’s Motion for Appointment of Guardian Ad Litem be denied.

Respectfully submitted,

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Martha Stone

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Juris # xxxxxx

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Attorney for (Child)

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing has been faxed to the Assistant Attorney General, 860 808-xxxx, and (Attorney), 860-413-xxxx, this x day of November, 20xx.

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Martha Stone