IN RE GABRIELLA A.*
(AC 36632)

Lavine, Alvord and Harper, Js.

*Argued October 16—officially released November 25, 2014***

(Appeal from Superior Court, judicial district of Hartford, Juvenile Matters, T. Santos, J.)

Dana M. Hrelic, with whom was *Brendon P. Levesque*, for the appellant (respondent mother).

John E. Tucker, assistant attorney general, with whom, on the brief, were *George Jepsen*, attorney general, and *Benjamin Zivyon* and *Patricia E. Naktenis*, assistant attorneys general, for the appellee (petitioner).

Valeria Caldwell-Gaines, for the minor child.

Opinion

ALVORD, J. The respondent mother, Tanesha E.,[1] appeals from the judgment of the trial court terminating her parental rights and denying her motion to revoke commitment as to her daughter, Gabriella A.[2] The respondent claims that the court improperly (1) found that the Department of Children and Families (department) had made reasonable efforts to reunify her with Gabriella, (2) found that she was unable to benefit from reunification efforts, and (3) considered the best interests of the child in the adjudicatory stage of the proceedings. We disagree with the respondent's claims, and accordingly, affirm the judgment of the trial court.

The following facts and procedural history are relevant to the respondent's appeal. The trial court described the respondent as having endured "extreme long-term trauma . . . ." She reported having been exposed to domestic violence between her mother and her stepfather, and that her stepfather had tried to rape her. The respondent gave birth to Gabriella on February 28, 2011, while visiting the United States for her brother's funeral.[3] In April, 2011, the respondent left Gabriella in Connecticut with a woman named Nicolette R. and returned to Jamaica. Gabriella was removed from Nicolette's home on August 25, 2011. The court described the circumstances under which Gabriella was removed as "relatively horrific . . . ." The petitioner, the Commissioner of Children and Families, filed a motion for an order of temporary custody, which was granted on August 29, 2011. Also on August 29, 2011, the petitioner filed a neglect petition. The respondent returned to the United States in September, 2011. On November 18, 2011, Gabriella was adjudicated neglected and committed to the care and custody of the petitioner. Gabriella has been in her current foster placement since December, 2011.[4] The respondent filed a motion to revoke commitment in February, 2013. In March, 2013, the petitioner filed a petition pursuant to General Statutes § 17a-112 to terminate the respondent's parental rights as to Gabriella for, inter alia, failure to achieve a sufficient degree of personal rehabilitation.

The trial was held over the course of five days, and the court issued an oral decision rendering judgment terminating the parental rights of the respondent as to Gabriella.[5] The court issued its findings on February 26, 2014. This appeal followed.

I

We first review the respondent's claimed error as to two findings made by the trial court. She claims that the court improperly found (1) that the department had made reasonable efforts toward reunification and (2) that she was unable to benefit from reunification efforts.[6]

"A hearing on a petition to terminate parental rights

consists of two phases, adjudication and disposition. . . . In the adjudicatory phase, the trial court determines whether one of the statutory grounds for termination of parental rights [under § 17a-112 (j)] exists by clear and convincing evidence. If the trial court determines that a statutory ground for termination exists, it proceeds to the dispositional phase . . . [in which] the trial court determines whether termination is in the best interests of the child." (Footnote omitted; internal quotation marks omitted.) *In re Etta H.*, 146 Conn. App. 751, 755–56, 78 A.3d 295 (2013).

"To terminate parental rights under [§ 17a-112 (j)] the department is required to prove by clear and convincing evidence that it has made reasonable efforts to reunify the children with the parent unless the court finds that the parent is unable or unwilling to benefit from reunification efforts. In accordance with [§ 17a-112 (j)], the department may meet its burden concerning reunification in one of three ways: (1) by showing that it made such efforts, (2) by showing that the parent was unable or unwilling to benefit from reunification efforts or (3) by a previous judicial determination that such efforts were not appropriate. . . . The trial court's determination of this issue will not be overturned on appeal unless, in light of all of the evidence in the record, it is clearly erroneous." (Citation omitted; internal quotation marks omitted.) *In re Ebony H.*, 68 Conn. App. 342, 348, 789 A.2d 1158 (2002). "A finding is clearly erroneous when either there is no evidence in the record to support it, or the reviewing court is left with the definite and firm conviction that a mistake has been made. . . . [G]reat weight is given to the judgment of the trial court because of [the trial court's] opportunity to observe the parties and the evidence. . . . [An appellate court does] not examine the record to determine whether the trier of fact could have reached a conclusion other than the one reached. . . . [Rather] every reasonable presumption is made in favor of the trial court's ruling." (Internal quotation marks omitted.) *In re Keyashia C.*, 120 Conn. App. 452, 455, 991 A.2d 1113, cert. denied, 297 Conn. 909, 995 A.2d 637 (2010).

A

The respondent first argues that the court erred in finding that the department had made reasonable efforts to reunify her with Gabriella. Specifically, the respondent claims that the department's efforts were per se unreasonable, in that it (1) terminated the only assistance, provided by Radiance Innovative Services (Radiance), that she was receiving with regard to her immigration status, (2) referred her to Dr. Beverly Coker, a licensed clinical social worker, and then filed a petition to terminate the respondent's parental rights before receiving Dr. Coker's report, and (3) "contended that the respondent failed to rehabilitate sufficiently because she received the wrong type of trauma therapy

from [Dr. Coker], the therapist to which it referred her." (Emphasis omitted.) The petitioner argues in response that just because the treatment was unsuccessful does not mean that the department did not make reasonable efforts and that the department provided the respondent with "a myriad of services," including "mental health treatment . . . to address [her] severe history of trauma." We conclude that there was sufficient evidence in the record to support the court's finding.

"The reasonableness of the department's efforts must be assessed in the context of each case. The word reasonable is the linchpin on which the department's efforts in a particular set of circumstances are to be adjudged, using the clear and convincing standard of proof. Neither the word reasonable nor the word efforts is, however, defined by our legislature or by the federal act from which the requirement was drawn. . . . [R]easonable efforts means doing everything reasonable, not everything possible. . . . [R]easonableness is an objective standard . . . and whether reasonable efforts have been proven depends on the careful consideration of the circumstances of each individual case." (Internal quotation marks omitted.) *In re Kyara H.*, 147 Conn. App. 855, 872–73, 83 A.3d 1264, cert. denied, 311 Conn. 923, 86 A.3d 468 (2014).

The trial court, in its February 19, 2014 oral decision, recounted the efforts made by the department. First, it noted that the department consistently had referred the respondent to providers who were of similar cultural background, which the court recognized as a benefit in seeking out appropriate treatment for her. Second, the trial court discussed the parent education program provided through Radiance and remarked that the respondent was able to make some gains, but was unable to achieve the goal of "provid[ing] a safe environment for her children."[7] Third, the trial court discussed the other services provided by Radiance, which consisted of counseling to assist the respondent with depression and unstable housing. Fourth, the court discussed the treatment provided by Dr. Coker, and it explained that the respondent also made some progress in that setting. Fifth, the trial court noted the availability of a nonoffender caregiver program, which the respondent attended early in her involvement with the department. The trial court found that the department had made reasonable efforts toward reunification, as required by § 17a-112 (j).

Our review of the record reveals that the evidence presented at trial supports the finding that the department made reasonable efforts to reunify the respondent with Gabriella. The trial court issued specific steps; see General Statutes § 46b-129 (b); which, in relevant part, required the respondent to take part in both parenting and individual counseling, and to make progress toward the treatment goals of meeting Gabriella's need for

safety and developing appropriate parenting techniques, cooperate with service providers recommended for counseling, and acquire and maintain adequate housing and a legal income.

The court heard testimony describing the services provided to the respondent to achieve these goals. By October, 2011, the department already had made two referrals. The respondent was referred to the Wheeler Clinic for a substance abuse evaluation, which revealed that substance abuse was not an issue for her. The respondent was also referred to the Greater Hartford Children's Advocacy Center's nonoffender caregiver group, a seven week program designed for parents whose children have been sexually abused, to better help her parent her child through the healing process.[8] While the respondent completed the program and scored high on the posttests, the program manager testified to her concerns that "most of the sharing was about her own trauma or her own difficulties as compared to—you know, how to support—how to better support the child."

The respondent was referred to Radiance in January, 2012, for services that included case management, mental health assessment, and individual therapy. The respondent was treated by Tamar Draughn, a licensed professional counselor, who provided counseling and individual psychotherapy. Draughn testified that the respondent "did not keep her sessions regularly," and according to the discharge summary prepared by Radiance, the respondent attended fourteen of the twenty-four counseling sessions available to her from June, 2012, to December, 2012. The discharge summary, which stated the reason for discharge as "[p]ayment approval ended," also noted that "[d]ue to inconsistency in therapy sessions client has not made adequate progress in reaching her goals."

Based partly on the recommendation from Radiance that the respondent would "better benefit from a referral for individual counseling to a more intensive provider," the department made a referral to the New Beginnings Family Center, LLC (New Beginnings), with Dr. Coker. The goals for treatment, which began with Dr. Coker in January, 2013, included addressing the respondent's history of trauma, anger management, and the impact of the respondent's history on her ability to parent her children adequately. Dr. Coker testified as to the treatment she provided to the respondent, which included establishing a good relationship, allowing her to share her thoughts and feelings, and providing cognitive behavioral therapy, among other modalities of treatment.

Despite being provided with a number of services, the respondent argues that the department did not make reasonable efforts toward reunification. She first argues that the cessation of services through Radiance termi-

nated her only assistance with her immigration issues, and for that reason this action by the department was unreasonable. A review of the testimony presented shows that the department's termination of services through Radiance was not unreasonable.[9]

First, the department's social worker testified to having attended a meeting with the respondent's case manager and the director of the program at Radiance, Charles Frazier. Frazier indicated that there was not much more that Radiance could do to help the respondent with regard to case management because her ability to obtain housing and employment was contingent on her resolving her immigration status, which she could not resolve without having a sponsor.[10] Second, the respondent had a poor record of attendance at Radiance, having attended fourteen of the twenty-four sessions available to her. Third, Radiance indicated in a monthly service report that the respondent was "working closely with immigration and her lawyer to change her status." Therefore, the trial court's determination that the department made reasonable efforts is not clearly erroneous merely because the department ceased services through Radiance. The evidence showed that the respondent was not solely relying on Radiance to assist her with her immigration issues. Furthermore, the other evidence related to the decision to terminate services through Radiance was sufficient such that the decision to cease services was not unreasonable.

The respondent next argues that the petitioner wrongly filed a petition for the termination of her parental rights on March 14, 2013, days before receiving Dr. Coker's report, which is dated March 20, 2013. The failure to await receipt of Dr. Coker's report before filing a petition to terminate the respondent's parental rights, in light of the entire record, "does not make the overall efforts of the department fall below the level of what is reasonable." *In re Alexander T.*, 81 Conn. App. 668, 673, 841 A.2d 274 (failure to provide referral for psychiatric examination after psychologist who conducted evaluation recommended such was not sufficient to render department's efforts unreasonable), cert. denied, 268 Conn. 924, 848 A.2d 472 (2004). Prior to referring the respondent to Dr. Coker, the department already had provided the respondent with case management services, parenting education, a nonoffender caregiver program to help her support her child in healing from sexual abuse, and treatment with a licensed professional counselor at Radiance. When those treatment sessions the respondent actually attended at Radiance were not sufficient, the department provided more intensive treatment through New Beginnings and Dr. Coker. We thus conclude that the petitioner's decision to file the petition to terminate the respondent's parental rights prior to receiving Dr. Coker's report does not render the trial court's determination that the depart-

ment made reasonable efforts clearly erroneous.[11]

The respondent also contends that the trial court's finding that the department made reasonable efforts is clearly erroneous in light of the department's position that the respondent failed to rehabilitate because Dr. Coker, to whom the department referred the respondent, provided her with the wrong type of therapy. In response to this argument, we note that the trial court did not making a finding that Dr. Coker's therapy was the wrong type. In fact, the court stated to the respondent that "[Dr. Coker had stated] that her integrative approach to therapy was really helpful to you. And clearly, you have made progress." We cannot determine that the trial court's finding that the department had made reasonable efforts is clearly erroneous where the court heard evidence not only that the department followed the recommendation of Reliance that the respondent be provided treatment in a more restrictive setting by referring her to Dr. Coker, but that the department had already made significant efforts to provide the respondent with appropriate services prior to referring her to Dr. Coker.

There is sufficient evidence to support the court's determination that the department made reasonable efforts to reunify the respondent with Gabriella. We thus conclude that the court's finding that the department made reasonable efforts was not clearly erroneous.

B

The respondent next argues that the court erred in finding that she was unable to benefit from reunification efforts. Specifically, she argues that "[w]here the trial court expressly based its decision that [she] was unable to benefit from appropriate services on Dr. [Derek A.] Franklin's opinion that [she] was unable to benefit from *inappropriate* services, its finding is clearly erroneous . . . ." (Emphasis in original.) We are not persuaded.

The trial court found that the respondent was unable to benefit from the services provided to her, and stated that its finding was based, "primarily, on Dr. Franklin's cognitive findings. . . . And his personality findings. . . . Particularly in the personality area." Dr. Franklin, a clinical psychologist who performed an evaluation of the respondent, issued a report containing a personality functioning section, which presented information on the various assessments he conducted and concluded that "[o]verall, the data indicated that [the respondent] is generally satisfied and sees little reason to change and therefore unlikely to benefit from treatment. She is capable of engaging in services; however, long-term treatment efficacy is not likely." The court expressed in its articulation of its decision that "it was highly unlikely, given Dr. Franklin's testimony, that the respondent would benefit from the services to the point where

she could ever become a capable parent for three year old Gabriella. It is crucial to understand that the overarching inhibitor and obstacle here is the extreme long-term trauma that the respondent has endured. The likelihood that this could occur in the foreseeable future was simply not supported by the evidence in this matter."

The court's reliance on its understanding of the testimony and written report of Dr. Franklin, who performed a psychological evaluation of the respondent, does not render the court's conclusion clearly erroneous. Dr. Franklin spoke with Dr. Coker, reviewed data from various reports, and administered tests to the respondent. Dr. Franklin did testify as to concerns with the treatment being provided by Dr. Coker, including that timetables and goals were not set, and that he thought that the treatment was not sufficiently focused on trauma, which he opined should precede any work on insight oriented therapy. He also testified as to attachment theory and expressed concern that to begin trauma focused therapy would prolong the period for which Gabriella has been out of the care of the respondent. Additionally, he shared his view about the respondent's capability of engaging in therapy, noting that "she is capable of engaging in [therapy]. But it—you know, in the same sense, I think I was saying that she doesn't believe that she has any problems that need to have addressed. So, she is engaging in therapy, but why is she engaging in therapy?"

The respondent's argument in essence is that the trial court based its finding on "an incomplete and inaccurate understanding of Dr. Franklin's testimony." We are mindful that our standard of review provides that "[g]reat weight is given to the judgment of the trial court because of [the trial court's] opportunity to observe the parties and the evidence." (Internal quotation marks omitted.) *In re Keyashia C.*, supra, 120 Conn. App. 455; see also *In re Jorden R.*, 293 Conn. 539, 559, 979 A.2d 469 (2009) ("[t]he trial court, having heard the testimony and observed the witnesses, [is] in a position far superior to the [Appellate Court] to judge the evidentiary record as a whole" [internal quotation marks omitted]). A review of Dr. Franklin's testimony and report in its entirety reveals sufficient support for the trial court's expressed understanding of his testimony, which the court credited in finding that the respondent was unable to benefit from reunification efforts.

We note that the trial court also made other findings that would support its conclusion that the respondent was unable to benefit from the reunification efforts. First, the court noted that the respondent was unable to achieve the goal of providing a safe environment for her children because her immigration status was a significant barrier. Second, the court found that the respondent "did not attend the individual counseling

sessions on a regular basis . . . .'' Third, the court discussed the respondent's close relationship with Beverly Dixon, who opened her home to the respondent and invited her to live there for as long as the respondent wanted. The court was troubled that the respondent got married without informing Dixon, noting that ''it's those kinds of actions that would concern a court, who is responsible for a small child.'' Fourth, the court noted the testimony of Regina S. Dyton, the program manager at the Greater Hartford Children's Advocacy Center, that the respondent was more focused on her own trauma than on learning how to respond to her children's trauma, and the court credited this testimony as a more representative indication of ''where I think you might be along the spectrum of rehabilitation.''

In support of her argument, the respondent relies on *In re Vincent B.*, 73 Conn. App. 637, 645, 809 A.2d 1119 (2002), cert. denied, 262 Conn. 934, 815 A.2d 136 (2003), a case in which this court determined that the trial court's finding that the respondent father was unable or unwilling to benefit from reunification efforts was not supported by clear and convincing evidence. The trial court in *In re Vincent B.* relied on a psychologist's report that was based on evaluations completed prior to the respondent's successfully completing alcohol abuse treatment. Id., 646. In that case, this court noted that the trial court had heard testimony from a substance abuse counselor that the respondent father was in a much better position to benefit from the reunification efforts by the department after completing his alcohol treatment than he had been prior to completing such treatment. Id., 645. Unlike the respondent father in *In re Vincent B.*, who had resolved his alcohol abuse issues, the respondent in the present case has not sufficiently addressed her history of trauma or her immigration status, both of which prevented her from being able to benefit from the reunification efforts.

We thus conclude that the trial court did not commit clear error in making the additional determination that the respondent was unable to benefit from reunification efforts.

II

The respondent finally argues that the trial court ''improperly commingled consideration of the best interests of the child with a determination of whether the respondent was able to rehabilitate in the adjudicatory phase of the proceedings.'' The respondent contends that the court improperly considered that removing Gabriella from her foster home and returning her to the care of the respondent could have potential psychological harm. The respondent further argues that certain remarks made by the trial court provide evidence that the court improperly considered the best interests of the child in the adjudicatory phase. We disagree.

"The factual determination for the court is whether the parent has achieved rehabilitation as contemplated under the statute, that is, rehabilitation sufficient to render the parent able to responsibly care for the child." *In re Kyara H.*, supra, 147 Conn. App. 866. "Personal rehabilitation as used in the statute refers to the restoration of a parent to his or her former constructive and useful role as a parent. . . . [Section 17a-112] requires the trial court to analyze the [parent's] rehabilitative status as it relates to the needs of the particular child, and further, that such rehabilitation must be foreseeable within a reasonable time. . . . Rehabilitate means to restore [a handicapped or delinquent person] to a useful and constructive place in society through social rehabilitation. . . . The statute does not require [a parent] to prove precisely when she will be able to assume a responsible position in her child's life. Nor does it require her to prove that she will be able to assume full responsibility for her child, unaided by available support systems. It requires the court to find, by clear and convincing evidence, that the level of rehabilitation she has achieved, if any, falls short of that which would reasonably encourage a belief that at some future date she can assume a responsible position in her child's life." (Internal quotation marks omitted.) *In re Janazia S.*, 112 Conn. App. 69, 94, 961 A.2d 1036 (2009).

"Our statutes and [case law] make it crystal clear that the determination of the child's best interests comes into play only after statutory grounds for termination of parental rights have been established by clear and convincing evidence. . . . [A] parent cannot be displaced because someone else could do a better job of raising the child. . . . The court, however, is statutorily required to determine whether the parent has achieved such degree of personal rehabilitation as would encourage the belief that within a reasonable time, *considering the age and needs of the child*, such parent could assume a responsible position in the life of the child . . . ." (Citation omitted; emphasis in original; internal quotation marks omitted.) *In re Zion R.*, 116 Conn. App. 723, 738, 977 A.2d 247 (2009).

The trial court found by clear and convincing evidence, in accordance with § 17a-112 (j) (3) (B), that the respondent had "failed to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable time, considering the age and needs of the child or youth, [she] could assume a responsible position in the life of the child . . . ."

The respondent argues that the trial court improperly relied on Dr. Franklin's testimony concerning whether removal of Gabriella from her foster home would cause psychological harm. The court did reference Dr. Franklin's testimony on this point, but the court's observation, when considered in context, was related to the court's concern that the respondent potentially would not be

able to provide Gabriella with the necessary emotional support. The respondent cites *In re Zion R.*, supra, 116 Conn. App. 739, in which this court concluded that "the [trial] court did not improperly consider the child's best interest during the adjudication phase but that it properly considered the child's young age and need for permanency in finding that the respondent's rehabilitation was not foreseeable within a reasonable time."[12] In the adjudicatory section of its memorandum of decision in *In re Zion R.*, the trial court discussed the child's need for permanency and expressed concern about the disruption of removing the child from his foster parents and being placed in the care of someone who had not yet appropriately addressed his own mental health issues. Id., 737–38. The court noted that the child would be almost three years old before possible placement with the respondent. Id., 738–39. This court reviewed these findings and concluded that the trial court properly had considered both the young age of the child and his need for permanency. Id., 739. The substance of the trial court's adjudicatory considerations in this case are substantially similar to the adjudicatory considerations noted by this court in affirming the judgment in *In re Zion R.* Thus, we are guided to conclude in this case that the trial court did not improperly consider the best interests of the child in the adjudicatory phase of the proceeding.

The balance of the respondent's argument concerns remarks the court made from the bench, both in the trial court's oral decision and in its subsequent decision denying the respondent's motion for a stay, in which the court framed its remarks using the best interests of the child language. We are not persuaded, however, that these remarks amount to the court's improperly considering the best interests of the child in the adjudicatory phase. For example, the respondent points to the court's language in its oral decision: "But it's the—it's this nurturing and caring that in a young child is so critical. And because the court is charged foremost and first concerning the—that my concern has to be the best interest of this child, I feel that I really cannot give you even one minute more."[13] Reading the remark in context, we agree with the petitioner that it is reflective of the court's underlying concern for the respondent's ability to nurture and emotionally support a child as young as Gabriella. Additionally, the remark supports the court's finding that the respondent would not be able to assume a responsible position in Gabriella's life within a reasonable time. We are again mindful of our standard of review, which provides that "every reasonable presumption is made in favor of the trial court's ruling." (Internal quotation marks omitted.) *In re Melody L.*, 290 Conn. 131, 145, 962 A.2d 81 (2009), overruled in part on other grounds by *State* v. *Elson*, 311 Conn. 726, 746–47, 754, 91 A.3d 862 (2014). We therefore determine that the remarks cited by the respondent, when

viewed in context, do not warrant a conclusion that the court improperly considered the best interests of the child during the adjudicatory phase.

The judgment is affirmed.

In this opinion the other judges concurred.

* In accordance with the spirit and intent of General Statutes § 46b-142 (b) and Practice Book § 79a-12, the names of the parties involved in this appeal are not disclosed. The records and papers of this case shall be open for inspection only to persons having a proper interest therein and upon order of the Appellate Court.

** November 25, 2014, the date that this decision was released as a slip opinion, is the operative date for all substantive and procedural purposes.

[1] The court terminated the parental rights of the child's father in the same proceeding, but he is not a party to this appeal. We therefore refer to the respondent mother as the respondent in this opinion.

[2] The respondent has seven children. Five of her children reside with their father in Jamaica.

[3] The respondent, a citizen of Jamaica, explains that she entered the United States on a visitor's visa.

[4] The court found that Gabriella has bonded with her foster parents and that they have indicated that they would like to be an adoptive resource.

[5] The respondent filed a motion for articulation on May 1, 2014. The trial court denied the motion, and the respondent filed a motion for review. This court granted the motion for review and the relief requested therein. The trial court issued an articulation on July 24, 2014.

[6] The respondent challenges both of the trial court's findings that the department made reasonable reunification efforts and that she was unable to benefit from reunification efforts. The respondent would have to prevail on both of these claims in order to obtain relief because the petitioner is not required to prove both circumstances. "Because the two clauses are separated by the word 'unless,' this statute plainly is written in the conjunctive. Accordingly, the department must prove *either* that it has made reasonable efforts to reunify *or*, *alternatively*, that the parent is unwilling or unable to benefit from reunification efforts. Section 17a-112 (j) clearly provides that the department is not required to prove both circumstances. Rather, either showing is sufficient to satisfy this statutory element." (Emphasis in original.) *In re Jorden R.*, 293 Conn. 539, 552–53, 979 A.2d 469 (2009).

[7] The respondent had orders of temporary custody pending with respect to her two children residing in Connecticut. On October 21, 2013, the respondent consented to termination of parental rights as to the older child, who is not subject to this appeal.

[8] E., the older of the two children living in Connecticut, reported being sexually abused while she lived in Jamaica, and a forensic interview was conducted at the Greater Hartford Children's Advocacy Center.

[9] The trial court noted in its oral decision that the respondent had made achievements while at Radiance, but that she could not achieve all of her goals because her immigration status prevented her from providing a safe environment for Gabriella, and she was unable to connect the early trauma she experienced with her current behavior. The respondent has failed to cite legal authority for the proposition that the department's many responsibilities include providing assistance as to immigration issues.

[10] The department's social worker also testified that she prepared letters for the respondent that the respondent could provide to immigration authorities explaining that the respondent's children were in the care of the petitioner and that the plan, at that time, was for reunification.

[11] More importantly, Dr. Coker's report was available to the trial court adjudicating the petition for termination of the respondent's parental rights.

[12] See also *In re Janazia S.*, supra, 112 Conn. App. 96 (noting that respondent mother "correctly assert[ed] that it would be improper for a court to consider the child's best interests *in disregard of* the statutory criteria" but that trial court instead properly had considered respondent's rehabilitation in light of child's emotional issues and need for permanency [emphasis added]).

[13] The respondent cites other remarks made by the court in support of her argument that the court improperly considered the best interests of the child in the adjudicatory phase. First, the court noted in its oral decision: "And I do think that based on all of the evidence that I have before me—including other evidence, other than what I have stated, but I did the highlights—that Dr. Franklin is correct in that it's best at this time to terminate

your parental rights [as to] Gabriella . . . . And *I feel that it is in the child's best interest to do so*." (Emphasis added.) Second, the court noted during the hearing on the respondent's motion for a stay of the judgment pending appeal: "Again, we're not putting any blame on [the respondent]. In fact, when she stood before me, when I rendered the decision, I told her it wasn't her fault. And I also told her, I hoped she would go on with her therapy. But it was my charge *to deal with prong two*, *most importantly*. And looking at Dr. Franklin's evaluation, which—and he—I can't say—I'm not going to say everything is—pin everything on Dr. Franklin in this matter. Because there is plenty of other evidence that told me *this was in the child's best interest*. One of which is her birth date. It was just about the time the termination occurred, and she was three." (Emphasis added.)