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IN RE K. M. ET AL.*
(AC 45269)

Bright, C. J., and Alvord and Seeley, Js.

Syllabus

The respondent father appealed to this court from the judgments of the trial court vacating prior visitation orders and entering new visitation orders with respect to his minor children, A and B. The children had been adjudicated neglected and committed to the care of the petitioner, the Commissioner of Children and Families, after the Department of Children and Families had engaged the family concerning neglect and abuse. While the children were under protective supervision, and A was committed to the department, the father moved for therapeutic visitation, which the trial court granted. The petitioner thereafter filed a motion to suspend paternal visitation, asserting that the children did not want to visit the father or his family, and attached a letter from the children's clinical social worker, who recommended that visitation should be suspended. The father subsequently filed a motion for supplemental orders regarding therapeutic visitation, and a motion to enforce prior existing visitation orders. After hearings on these motions, the trial court granted the petitioner's motion, finding credible the testimony of the children's guardian ad litem that they did not want to visit or have contact with the father or his family. The trial court denied in part the father's motion for supplemental orders regarding therapeutic visitation and denied the father's motion to enforce compliance with court visitation orders. The trial court ordered that the father's visitation with the children may resume when he has provided documentation to the children's therapists that he had engaged in and had made significant progress on the clinical issues that had been identified by the court-appointed psychologist. Thereafter, the court granted the motion of the children's mother, which was supported by the petitioner, to terminate protective supervision of the children. The court vested custody of the children with the mother, after finding that the mother had, inter alia, made substantial progress with parenting as well as meeting the children's needs, and that the children had improved significantly while in the mother's care. The court found that the father had not presented evidence that he had engaged in the clinical work that had been previously ordered and reiterated that his visitation with the children may resume when he has provided documentation that he had done so. *Held* that the trial court did not abuse its discretion in modifying the visitation orders pursuant to statute (§ 46b-121): the record reflected that the court carefully considered the entirety of the evidence before it and properly modified its order regarding the father's visitation in accordance with the best interests of the children, the court credited the expert testimony of a psychologist, who conducted court-ordered evaluations of the family and whose testimony thoroughly was supported by the testimony of a licensed clinical social worker and the children's guardian ad litem, and the court did not abuse its discretion in relying on that evidence in making its visitation orders; moreover, the court recognized that the children had an array of mental health, medical, and developmental needs, which required significant caregiver support, considered the children's desire not to have contact with their father or the father's family, considered the acrimonious relationship between the father and the mother, and considered the father's capacity to meet the needs of the children in light of expert testimony that the father lacked insight into his behavior as well as how his actions and behavior impacted his children, and found that the father, having been previously permitted to have therapeutic visitation on the condition that he comply with court-ordered therapy and demonstrate substantial progress on the clinical issues that had been identified, failed to present any evidence that he has done so, and, instead, merely provided general evidence that he had engaged in therapy, successfully completed a parenting program, and submitted supportive documents that pertained to events, reports, and services prior to the children's refusal to visit with him, all of which

were not specific to the court's order, and, accordingly, the trial court's finding that he had not presented evidence of compliance with services was not clearly erroneous; furthermore, the record sufficiently demonstrated that, contrary to the father's contention, the trial court considered the relationship between the children and the paternal family as part of its best interests analysis when it modified its visitation orders.

Argued November 15, 2022—officially released February 21, 2023**

Procedural History

Petition by the Commissioner of Children and Families to adjudicate the respondents' minor children neglected, brought to the Superior Court in the judicial district of Waterbury, Juvenile Matters, where the court, *Aaron*, *J.*, adjudicated the minor children neglected and committed them to the care of the petitioner; thereafter, the younger child was returned to the respondent mother's care under protective supervision; subsequently, the older child was returned to the respondent mother's care under commitment; thereafter, the court, *Grogins*, *J.*, granted the respondent father's motion for therapeutic visitation; subsequently, the court, *Hon. John Turner*, judge trial referee, granted the petitioner's motion to suspend paternal visitation, denied in part the respondent father's motion for supplemental orders regarding therapeutic visitation, denied the respondent father's motion to enforce prior existing visitation orders, and opened and modified the dispositional order regarding the older child and placed the minor children under protective supervision with custody vested in the respondent mother, and the respondent father filed an appeal to this court; thereafter, the court, *Hon. John Turner*, judge trial referee, granted the respondent mother's motion to terminate protective supervision, and the respondent father filed an amended appeal. *Affirmed.*

David B. Rozwaski, assigned counsel, for the appellant (respondent father).

John E. Tucker, assistant attorney general, with whom, on the brief, were *William Tong*, attorney general, and *Evan O'Roark*, assistant attorney general, for the appellee (petitioner).

Opinion

ALVORD, J. The respondent father, Michael M.,[1] appeals from the judgments of the trial court in which the court denied in part the respondent's motion for supplemental orders regarding therapeutic visitation, denied the respondent's motion to enforce compliance with court orders, and granted the motion of the petitioner, the Commissioner of Children and Families, to suspend the respondent's visitation with his minor children, A and B.[2] The respondent's sole claim on appeal is that the trial court erred in vacating prior visitation orders and entering new visitation orders.[3] We affirm the judgments of the trial court.

The following facts, as found by the trial court, and procedural history are relevant to this appeal. The respondent and Katherine were married in August, 2006, and their marriage was dissolved in 2016. The respondent and Katherine have two minor children issue of the marriage, A, born in 2008, and B, born in 2010.[4] Pursuant to the separation agreement incorporated into the dissolution judgment, the respondent and Katherine shared joint legal custody of the children, Katherine was awarded primary physical custody of the children, and the respondent "was awarded reasonable and flexible visitation."

The Department of Children and Families (department) has been engaged with the respondent and Katherine since 2010.[5] On March 15, 2019, the petitioner filed neglect petitions on behalf of A and B,[6] and, on October 3, 2019, the children were adjudicated neglected and placed under a six month period of protective supervision with Katherine. On April 1, 2020, the period of protective supervision was extended "until further order of the court." On August 20, 2020, the petitioner moved to revoke the protective supervision and sought a court order of temporary custody for A and B. On September 1, 2020, A and B were adjudicated neglected and were committed to the care of the petitioner.

On November 13, 2020, the petitioner moved to revoke commitment of B because "[t]he grounds for the [order of temporary custody] no longer exist since there are no safety concerns or issues." By agreement of the parties, the court revoked the commitment of B, and she was returned to Katherine's care under a six month period of protective supervision.[7] Additionally, the court entered an order for B to engage in supervised visitation with the respondent.

That same day, November 13, 2020, the petitioner filed a motion to revoke commitment of A, asserting that "a cause for commitment no longer exists and revocation of commitment and reunification with [Katherine] under orders of protective supervision is in the best interest of the child." On December 24, 2020, the petitioner returned A to Katherine's care, although A

remained committed to the petitioner.

On March 18, 2021, the respondent filed a motion for therapeutic visitation, in which he "move[d] for an order allowing him therapeutic visitation with his . . . minor children [A and B] . . . [and] further move[d] for an order directing the [department] to pay for the therapeutic visitation." The court granted the respondent's motion on April 1, 2021.

One week later, on April 8, 2021, the petitioner filed a motion to suspend paternal visitation, asserting that "[t]he children have expressed that they do not wish to visit with [the] respondent." Additionally, the petitioner attached to the motion a letter from Trina Shuptar, a licensed clinical social worker, who was engaged by the department to provide therapeutic visitation "at the respondent father's request." The letter from Shuptar "[recommended] that visitation be suspended, citing safety concerns."

On May 4, 2021, hearings began on a panoply of outstanding motions. The court heard testimony over the course of five days, May 4, May 6, May 24, July 28 and November 15, 2021, and the court issued a memorandum of decision dated December 22, 2021. Throughout the course of the hearings, the petitioner, the respondent, Katherine, and the children's attorney, among others, filed various additional motions and objections thereto.[8] As relevant to the present appeal, on June 11, 2021, the respondent filed a motion for order, in which he "move[d] for an order to preserve his relationship with his . . . minor children," and averred that he had not had contact with A or B "since in or about March, 2021, nor has he been informed of their health and well-being." Thereafter, on September 9, 2021, the respondent filed a motion "for supplemental orders in connection with this court's order of March 18, 2021, directing that the respondent father have therapeutic visitation with his . . . minor children, and that the petitioner pay the cost of the therapeutic visitation." Finally, on September 17, 2021, the respondent filed a motion to enforce compliance with court orders, specifically its visitation orders, in which he renewed his assertion that he "has had no visitation at all with his children since in or about March, 2021," and asserted that "[t]he integrity of the court's orders in this case has been disregarded in that the orders are not being followed, but ignored, as if they do not exist."

During the hearings, the petitioner presented testimony from Shuptar; Suzanne Ciaramella, a psychologist; and Kevin Berry.[9] Dr. Ciaramella testified as an expert in the fields of clinical psychology, forensic psychology, and in the evaluation of children and families. Additionally, she conducted court-ordered evaluations of the family in March, 2020, and July, 2021. Berry is a department social worker who was assigned to the family's case in March, 2021.

The respondent presented testimony from Heather LaSelle and the respondent's parents, A and B's paternal grandmother and grandfather.[10] LaSelle is a clinical social worker and the executive director of an outpatient behavioral health clinic who treated B from March, 2019, through September, 2020. Prior to hearing oral argument from the parties, the children's guardian ad litem gave a report and subsequently was questioned by counsel for the petitioner, the respondent, Katherine, and the children.

The court issued a memorandum of decision, dated December 22, 2021, in which, relevant to the present appeal, the court granted the petitioner's motion to suspend paternal visitation, denied in part the respondent's motion for supplemental orders regarding therapeutic visitation, and denied the respondent's motion to enforce compliance with court visitation orders. In support of its decision, the court found that the respondent "has been diagnosed with generalized anxiety disorder and [post-traumatic stress disorder (PTSD)]" and that Katherine "is diagnosed with anxiety and . . . PTSD." The court further found that the respondent and Katherine have a "markedly unhealthy" relationship, which "has been and continues to be acrimonious and toxic and has adversely affected their children," and that they "have struggled unsuccessfully to co-parent effectively" and "have involved their children in their continuing very contentious relationship."

The court noted that "both [B] and [A] have resided exclusively and continuously with [Katherine] since November and December, 2020." The court found that A is engaged in individual and family therapy,[11] receives support at Transgender Youth and Family Coaching,[12] and also receives in-home Applied Behavior Analysis services. The court further found that A is consistent with therapy and services and is "doing well." Additionally, the court noted that A "attends a therapeutic school and is doing quite well behaviorally and academically." The court found that B is engaged in therapeutic counseling,[13] equine therapy, and "has weekly pediatric appointments for weight checks." The court also found that B "is bright and doing very well at school behaviorally and academically." Additionally, the court noted that B is engaged in extracurricular activities, including soccer, swimming, and yearbook club. The court further found that "[B] is happy and has been doing very well in [Katherine's] care since November, 2020."

The court found that in January, 2021, A and B "were both happy to have an in-person visit with [the respondent] and wanted visits with him to continue." The court noted that shortly thereafter, however, A and B "no longer wanted visitation or any contact with [the respondent] or with the paternal side of the family." The court stated that "[A] and [B] are very verbal and expressive . . . and described [the respondent] as crit-

ical, angry, and blaming. They've expressed fear of him because they feel he's easily angered, and they never know when it's going to happen." The court found that A believes that the respondent does not "understand [A] and has made disparaging comments about [A] and [Katherine]." The court also noted that B believes that the respondent "does not listen to her, try to understand her perspective, or validate her concerns or feelings." Additionally, the court found that A "refuses in-person and virtual visits with [the respondent]" and that B "struggles with the relationship with [the respondent]." The court stated that A and B do not want to see the respondent "until they know he has changed." Additionally, despite having had a good relationship with their paternal grandparents since they were young, the court found that A and B no longer want to have visitation with the paternal side of their family. The court stated that A and B "have come to believe that [their paternal grandparents] cannot keep appropriate boundaries with [the respondent] . . . often justify [the respondent's] behaviors and interactions, [and] . . . cannot and will not protect them from [the respondent]."

The court found that Katherine "has consistently participated in many recommended services, has made significant progress, and is doing well." Additionally, the court recognized that Katherine "is able to advocate and protect [A] and [B] [and] [s]he has satisfactorily met their needs since they were returned to her care more than one year ago." As a result, the court concluded that "there has been significant improvement in [Katherine's] ability to meet the needs of the children, and the children are doing well and flourishing in her home." The court noted that the respondent "has not provided any updated information regarding his progress or services in which he has been participating" and "has refused to provide [the department] with any documentation or releases for the [department] . . . to ascertain whether he has engaged in recommended services and has made significant progress." The court credited "Dr. Ciaramella's expert testimony that [the respondent] lacks insight into his behaviors and how his actions and behaviors impact his children." Moreover, the court noted that, "[o]n April 23, 2021, the children participated in an interactional assessment conducted by Dr. Ciaramella with [Katherine] . . . [but] they adamantly refused to participate in an interactional assessment with [the respondent]."

In setting forth its orders, the court stated that the respondent "may have therapeutic visits with [A] and/or [B] after he has provided documentation to the children's therapists evidencing that he has engaged in and has made significant progress in the clinical work identified by Dr. Ciaramella and the children's therapists as necessary before therapeutic visits with him can begin. Therapeutic visits shall be conducted with clinical oversight and as recommended by their [therapists] includ-

ing time, place, frequency, and duration." Additionally, the court found "that cause for the continued commitment of [A] to [the department] no longer exists and it is in the child's best interest to revoke the commitment." Accordingly, the court reunified A with Katherine under orders of three months of protective supervision. Additionally, the court placed B under an additional three month period of protective supervision to align with A's period of protective supervision. The respondent filed an appeal following the court's decision.

On February 4, 2022, Katherine filed a motion for termination of protective supervision, in which she requested, inter alia, "that this court end protective supervision as scheduled and award [Katherine] and [the respondent] joint legal custody of the minor children, [A] and [B]; and grant [Katherine] primary/final decision-making authority." The respondent filed an objection to Katherine's motion to terminate protective supervision, in which he argued that Katherine's "motion, styled as one to terminate protective supervision, is really a motion to modify the disposition in this case; however, the motion fails to allege a material change in circumstances warranting a modification of the court's dispositional orders [dated] December 22, 2021." Additionally, he asserted that he "is in the process of working with his therapist to comply with the court's decision in this matter," he "has had no contact with his children in almost one year upon claims that the children do not wish to see him or communicate with him," and that "[l]eaving final decision making in [Katherine] would be inequitable in that [Katherine] is hostile to the presence of the respondent . . . in the children's lives."

On February 18, 2022, the petitioner filed a response to Katherine's motion for termination of protective supervision in which she supported Katherine's motion to allow protective supervision to expire as scheduled. Additionally, the petitioner asserted that "there needs to be orders that remain in place following the expiration of protective supervision as follows: (1) that the children remain in the sole physical custody of [Katherine] with final decision-making [authority] vested in [Katherine], (2) that visitation be clinically supervised and only resume when respondent father has demonstrated that he has made substantial progress on the clinical issues identified by the court-appointed psychologist."

On March 9 and 14, 2022, the court held an evidentiary hearing on the motions.[14] In support of his objection to Katherine's motion to terminate protective supervision, the respondent presented the testimony of LaSelle and his mother. In support of her motion, Katherine testified and called Berry as a witness. Thereafter, the respondent recalled his mother in rebuttal to the testimony presented by Katherine and Berry. Finally, the court

heard testimony from the children's guardian ad litem, who was called by Katherine. Additionally, the parties submitted five exhibits into evidence.

On March 22, 2022, the court issued a memorandum of decision in which it noted that it had reviewed the exhibits submitted by the parties, "carefully considered the testimony of the witnesses," and taken judicial notice of the "orders, decisions, pleadings, and the contents thereof in the court's file . . . including the court's memorandum of decision issued December 21, 2021."[15] As to Katherine, the court stated that "she has made significant and substantial progress strengthening her parenting skills, addressing certain anxieties, improving her coping skills, and managing life stressors." Additionally, the court recognized that A and B "have improved very much mentally, emotionally, socially, and academically while in her care since December, 2020." Furthermore, the court found "credible [Katherine's] assurances to [the department] that she will continue to participate in and cooperate with her service providers, and that she will continue to engage [A] and [B] in recommended services and participate in same as recommended by them." In conclusion, the court found that "there is no longer any cause or need for continued [protective supervision] of [A] and/or [B]. It is in their best interest to terminate [protective supervision] immediately."

Regarding the children's visitation with the respondent, the court stated that the children's guardian ad litem "credibly and convincingly testified that [A] and [B] still do not want to visit or otherwise have contact with [the respondent]." Additionally, after reiterating the order from its previous decision dated December 22, 2021, extending to the respondent therapeutic visitation with A and B after he provided the requisite documentation to the children's therapists evidencing significant progress in his clinical work, the court stated that the respondent "has failed to present evidence [that] he has complied with this order."

In setting forth its orders, the court reiterated that the respondent's "visitation with [A] and [B] may resume when he has complied with the conditions set forth in the court's decision, dated December [22], 2021, and he has demonstrated substantial progress on the clinical issues identified by the court-appointed psychologist." Finally, the court ordered that "[t]he Juvenile Court does not retain jurisdiction over this matter. These orders are subject to modification by the Family Court."[16] Thereafter, the respondent amended his appeal of the December 21, 2021 decision, to include a challenge to the March 22, 2022 decision. Additional facts and procedural history will be set forth as necessary.

On appeal, the respondent claims that the trial court erred in vacating the "existing visitation orders and

[entering] an order that . . . for there to be visitation [with A and B] . . . the respondent . . . would have to comply with the recommendation from the court-ordered evaluation."[17] In support of his claim, the respondent argues that several of the court's factual findings are clearly erroneous. The petitioner responds that "[t]he [respondent's] claim . . . ignores the central and undisputed fact in this case that [A] and [B] consistently and adamantly refuse to visit with [him]." We conclude that the court did not abuse its discretion in setting forth its visitation orders.

We first set forth the applicable legal principles and standard of review that guide our resolution of this appeal. General Statutes § 46b-121 (b) (1) provides that "[i]n juvenile matters, the Superior Court shall have authority to make and enforce such orders directed to parents . . . as the court deems necessary or appropriate to secure the welfare, protection, proper care and suitable support of a child subject to the court's jurisdiction . . . ." Our Supreme Court has held that § 46b-121 (b) (1) grants "the trial [court] broad authority in juvenile matters . . . to make and enforce such orders . . . including orders impacting parental rights, such as termination and visitation." (Citation omitted; internal quotation marks omitted.) *In re Annessa J.*, 343 Conn. 642, 668, 284 A.3d 562 (2022); see also *In re Ava W.*, 336 Conn. 545, 572–76, 248 A.3d 675 (2020).

"[T]he primary focus of the court is the best interests of the child, the child's interest in sustained growth, development, well-being, and in the continuity and stability of its environment." *In re Alexander C.*, 60 Conn. App. 555, 559, 760 A.2d 532 (2000). "We have stated that when making a determination of what is in the best interest of the child, [t]he authority to exercise the judicial discretion under the circumstances . . . is not conferred upon this court, but upon the trial court, and . . . we are not privileged to usurp that authority or to substitute ourselves for the trial court. . . . A mere difference of opinion or judgment cannot justify our intervention. Nothing short of a conviction that the action of the trial court is one which discloses a clear abuse of discretion can warrant our interference. . . . In determining whether there has been an abuse of discretion, the ultimate issue is whether the court could reasonably conclude as it did. . . . [G]reat weight is given to the judgment of the trial court because of [the court's] opportunity to observe the parties and the evidence. . . . [Appellate courts] are not in a position to second-guess the opinions of witnesses, professional or otherwise, nor the observations and conclusions of the [trial court] when they are based on reliable evidence." (Internal quotation marks omitted.) *In re Kadon M.*, 194 Conn. App. 100, 108, 219 A.3d 985 (2019).

The record reflects that the court carefully considered the entirety of the evidence before it and properly

modified its order regarding the respondent's visitation in accordance with the best interests of the children. During the trial, the court heard testimony from Dr. Ciaramella, the court-appointed psychologist. She testified that, in March, 2020, she conducted a court-ordered evaluation of the family, which included individual evaluations of the respondent, Katherine, and the children, and interactional assessments between the parents and children. As part of the March, 2020 evaluation, she identified concerns with the respondent's "present[ation] . . . his behavior, and [his] lack [of] insight into how his behavior was received or perceived by others." Dr. Ciaramella testified that those concerns impacted the respondent's "ability to not only parent the children safely," but also his ability to understand "the impact of that behavior and his presentation on the children's mental health issues and the ability to then therefore meet those needs."

Dr. Ciaramella further testified that she conducted an updated evaluation in July, 2021, in which she was directed to review her prior recommendations from March, 2020, consider updated information and provider reports, and conduct updated interactional assessments. She successfully completed an interactional assessment of Katherine and the children, but the interactional assessment between the respondent and the children "did not move forward." She testified that upon reviewing recent documentation, she learned that the children were refusing visitation with the respondent, and when she met with the children to "see if moving forward would be clinically appropriate," the children "both declined fairly adamantly to move forward with an interactional [assessment] with [the respondent]." Thereafter, Dr. Ciaramella opined that it would not be "in the children's best interests clinically, emotionally, psychologically, somewhat globally to be forced to visit with [the respondent]." In support of her opinion, she testified that she believed the children have developed "awareness that the way that [the respondent] conducts himself in the way that they have been interacting with him or, in certain cases, treated by him have been uncomfortable and unhealthy for the children." Additionally, Dr. Ciaramella recognized that the children have "specific concerns about [the respondent's] ability to validate them, to be supportive, to stay in control, to manage his anger, [which] are all things that have become clinically very disruptive for them." Accordingly, she opined "that if [the respondent] has not made progress into those areas, has not been able to demonstrate any insight into how his behavior affects other people, in particular children who have special needs, in particular one child with very specific and chronic special needs, that continuing to subject them to that kind of behavior from a parent who lacks insight and awareness would be detrimental to their well-being in general."

Dr. Ciaramella also opined that, in order to resume paternal visitation, the respondent should participate in services that address the clinical issues she identified in her evaluation, particularly, "his lacking insight . . . [h]is inability to reflect, his inability to take responsibility, the ongoing issues of being justified and rationalized and aberrant behavior because he feels he is right." Additionally, she testified that "it would . . . be . . . important that the clinicians involved collaborate so that they can speak to each other and they can get a sense of what's happening for the children, how they're progressing, what's happening for [the respondent] and how he's progressing, and then to be able to create a structure and a path moving forward as to what would be the most appropriate way to reintroduce first contact and then in-person time together, you know, hopefully through clinical oversight."

The court also heard testimony from Shuptar, who stated that she met with Katherine in early April, 2021, to obtain background and developmental information regarding the children. Shortly thereafter, Shuptar met with the children "to understand from their perspective what their understanding of the situation [regarding paternal visitation] is, their feelings about it and how it's affecting them to be able to move forward together." Shuptar testified that, despite never having previously met the children, they readily entered her office and "their very first statement was that they did not want to have visitation with their father." Further, Shuptar testified that "[t]he most profound thing that . . . the children said to me at the end of the session is that they . . . couldn't go forward with any visit. They didn't want to be involved in any visits unless they knew that their father had changed something. . . . [T]hey wanted to know . . . has he received help somewhere? Has he been to a doctor? Has he seen somebody for some help?" On the basis of her consultation with the children, Shuptar opined that the children's visits with the respondent "should be suspended . . . until we have further information to help us to evaluate the best way to go forward with visits . . . [and] how to help the children better."

The court also heard testimony from the children's guardian ad litem, who echoed the statements and opinions of Dr. Ciaramella and Shuptar and supported Dr. Ciaramella's recommendations regarding visitation. See *In re Kadon M.*, supra, 194 Conn. App. 107 ("'a guardian ad litem must promote and protect the best interest of a child' "). The children's guardian ad litem reported to the court that "[n]either child at this point has a desire to have any contact with the paternal . . . side of the family. I don't think that that's in their best interest going forward. However, there is a recommendation by a court-ordered psychologist, Dr. Ciaramella. The recommendation is for [the respondent] to engage in

therapy. And the purpose of [him] engaging in therapy is so that he can understand from the children's perspective, how they see things. Right or wrong. I think it's important that the [respondent] validate how the children see things and understand how they see things and come to terms with how the children see things and how to deal with that going forward. I will say that with the children, that a lot of their concern, while it may be couched . . . they use the word that they don't feel safe. I think a lot of it has to do with their disappointment that [the respondent] does not understand their perspective in certain issues and does not valid[ate] their concerns." Thereafter, the guardian ad litem opined that "what should happen at the very least, is that there be . . . some type of indication from a properly credentialed therapist . . . [that] [h]as engaged [the respondent] in services, and [that he] has completed or substantially completed the recommendations of Dr. Ciaramella. I think once that's done, as soon as possible thereafter, that the department [should] look at and engage in ways to commence visitation between [him] and the children." Additionally, on direct examination by the attorney for the petitioner, the children's guardian ad litem testified that visitation between the children and the respondent "should be suspended right now until such time as [the respondent is] able to produce documentation from a properly credentialed licensed therapist." Although the guardian ad litem recognized that the decision regarding visitation should not "be solely within the children's say so," he emphasized that the court "[has] to take into account these two children's mental health needs in deciding what's in their best interests."

In its memorandum of decision dated December 22, 2021, the court ordered that the respondent "may have therapeutic visits with [A] and/or [B] after he has provided documentation to the children's therapists evidencing that he has engaged in and has made significant progress in the clinical work identified by Dr. Ciaramella and the children's therapists as necessary, before therapeutic visits with him can begin. Therapeutic visits shall be conducted with clinical oversight and as recommended by [the children's] therapists including time, place, frequency, and duration."[18] "It is well established that, [i]n a case tried before a court, the trial judge is the sole arbiter of the credibility of the witnesses and the weight to be given specific testimony. . . . The credibility and the weight of expert testimony is judged by the same standard, and the trial court is privileged to adopt whatever testimony [it] reasonably believes to be credible. . . . On appeal, we do not retry the facts or pass on the credibility of witnesses. . . . It is the quintessential function of the fact finder to reject or accept certain evidence, and to believe or disbelieve any expert testimony. . . . The trier may accept or reject, in whole or in part, the testimony of an expert

offered by one party or the other." (Internal quotation marks omitted.) *In re G. H.*, 216 Conn. App. 671, 688, 286 A.3d 944 (2022). The court clearly credited Dr. Ciaramella's testimony, which thoroughly was supported by the testimony of Shuptar and the children's guardian ad litem, and the court did not abuse its discretion in relying on that evidence in making its visitation orders.[19]

Furthermore, the court recognized that A and B have an array of mental health, medical, and developmental needs, which require significant caregiver support. Additionally, the court emphasized that the children are "very verbal and expressive" and report that "they no longer want visitation or any contact with [the respondent] or with the paternal side of the family." See *In re Kadon M.*, supra, 194 Conn. App. 108–109 ("[i]t is the province of the trial court to determine the best interests of the minor child . . . including . . . evidence of the child's wishes").

The children's preference was not the only factor the court considered in formulating its orders. See *In re Paulo T.*, 213 Conn. App. 858, 887 n.17, 279 A.3d 766 ("[w]e recognize that, [a]lthough the child's wish is one factor for the court to consider in making [its] decision, it is certainly not the only one" (internal quotation marks omitted)), cert. granted, 344 Conn. 904, 281 A.3d 460 (2022). The court acknowledged that the relationship between the respondent and Katherine "has been and continues to be acrimonious and toxic and has adversely affected their children" and that the parents "have involved their children in their continuing very contentious relationship." After acknowledging the difficult relationship between the parents, the court recognized that Katherine has taken significant steps to parent effectively, that she "has consistently participated in many recommended services, has made significant progress, and is doing well." Notably, the court found that "there has been significant improvement in [Katherine's] ability to meet the needs of the children, and the children are doing well and flourishing in her home."

However, turning to the respondent's capacity to meet the needs of his children, the court relied on and "[credited] Dr. Ciaramella's expert testimony that [the respondent] lacks insight into his behaviors and how his actions and behaviors impact his children." See *In re G. H.*, supra, 216 Conn. App. 688 ("[i]t is the quintessential function of the fact finder . . . to believe or disbelieve any expert testimony"). In addition, the court found that the respondent "has refused to provide [the department] with any documentation or releases for [the department] to speak with his therapist and/or other providers to ascertain whether he has engaged in recommended services and has made significant progress." Therefore, in its memorandum of decision dated December 22, 2021, the court properly modified the visitation orders to permit the respondent therapeu-

tic visitation on the condition that he comply with the recommended orders to best serve the children's " 'interest[s] in sustained growth, development, well-being, and in the continuity and stability of [their] environment.' "[20] *In re Alexander C.*, supra, 60 Conn. App. 559.

On March 22, 2022, the court issued a second memorandum of decision in which it repeated, in its orders, that the respondent's "visitation with [A] and [B] may resume when [the respondent] has complied with the conditions set forth in the court's decision, dated December [22], 2021, and he has demonstrated substantial progress on the clinical issues identified by the court-appointed psychologist." As relevant to the present appeal, prior to setting forth its orders, the court stated that the respondent "has failed to present evidence he has complied with [the December 21, 2021] order, or the court-ordered specific steps, or with recommendations contained in the psychological evaluations dated March 18, 2020, and July 21, 2021." Additionally, the court found that the children's guardian ad litem "credibly and convincingly testified that [A] and [B] still do not want to visit or otherwise have contact with [the respondent]." Finally, the court ordered that "[t]he Juvenile Court does not retain jurisdiction over this matter. These orders are subject to modification by the Family Court."[21]

Therefore, because the respondent failed to present the court with any evidence that, between the issuance of the court's order on December 21, 2021, and the conclusion of the evidentiary hearing on March 14, 2022, he had "engaged in and . . . made significant progress in the clinical work identified by Dr. Ciaramella and the children's therapists," and for the reasons set forth previously in this opinion, we conclude that the trial court did not abuse its discretion in modifying the visitation orders.

The respondent additionally argues that several of the court's factual findings were clearly erroneous and that "[t]he trial court's decisions here are neither 'legally nor logically correct.' " At the outset, we note that "[t]o the extent that the [respondent] claims that the trial court should have credited certain evidence over other evidence that the court did credit, it is well settled that such matters are exclusively within the province of the trial court." (Internal quotation marks omitted.) *Weaver* v. *Sena*, 199 Conn. App. 852, 860, 238 A.3d 103 (2020).

Specifically, we are unpersuaded by the respondent's argument that the court's findings "that [he] had not presented any evidence of compliance with services and progress" and that he "was not in therapy" were clearly erroneous. In support of this argument, the respondent points to three documents that he submitted as evidence[22] and the testimony of LaSelle, who "testified how the [respondent] became more engaged with

treatment for [B] and that he would take the initiative to address concerns regarding [B].'' The evidence on which the respondent relies pertains to events, reports, and services provided prior to the children's refusal to visit with the respondent. The court explicitly set this temporal marker by stating that, ''[i]n January, 2021, [the children] were both happy to have an in-person visit with their father and wanted visits with him to continue . . . [but] [s]hortly thereafter, they no longer wanted visitation or any contact with him.'' Moreover, the respondent confuses the specifications of the court's order, requiring him to provide evidence ''that he has engaged in and has made significant progress *in the clinical work identified by Dr. Ciaramella and the children's therapists*,'' with general evidence that he has engaged in therapy and successfully completed one or more parenting programs. (Emphasis added.) Accordingly, the court's finding that the respondent ''has failed to present evidence [that] he has complied with [its] order'' is not clearly erroneous.

Last, the respondent argues that the trial court ignored the relationship that existed between the children and their paternal family ''in reaching its conclusions and orders to the detriment of the [paternal] family and children.'' To the extent that the respondent is arguing that the court failed to consider the relationship between the children and the paternal family as part of its best interest analysis, the record belies the respondent's contention.[23] The court explicitly stated that the children ''had a good relationship with their [paternal grandparents]'' and that ''[t]hey loved their [paternal grandparents] and [B] had a special bond with her [paternal grandmother].'' The court then recognized that the children ''have come to believe that the [paternal grandparents] cannot keep appropriate boundaries with [the respondent] and often justify his behaviors and interactions . . . [and] [t]hey believe that the [paternal grandparents] cannot and will not protect them from him.'' Thereafter, the court stated that the children ''no longer desire to have visitation or other contact with their paternal side of the family.'' The court's conclusion is supported by the testimony of the children's guardian ad litem who testified on November 15, 2021, that ''the children did express that they no longer desired contact with the paternal family.'' See *Cottrell* v. *Cottrell*, 133 Conn. App. 52, 65, 33 A.3d 839 (2012) (''[i]t is axiomatic that the trial court is free to accept or reject, in whole or in part, the evidence presented by any witness'' (internal quotation marks omitted)). Accordingly, we reject the respondent's contention that the court ignored the relationship that existed between the children and the paternal family because the court considered the relationship when modifying its visitation orders with respect to the respondent.

For the foregoing reasons, we conclude that the court

did not abuse its discretion in modifying the visitation orders because its factual findings were not clearly erroneous and it properly credited evidence in the record to support its determinations regarding the best interests of the children.

The judgments are 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 court.

** February 21, 2023, the date that this decision was released as a slip opinion, is the operative date for all substantive and procedural purposes.

[1] Katherine M., the mother of A and B, also was named as a respondent in the neglect petitions filed by the petitioner. We hereinafter refer to the respondent father as the respondent and to Katherine by her first name.

[2] According to the respondent's appeal form, he also purports to appeal from the court's granting of the petitioner's motion to revoke commitment of A and B and terminate their protective supervision. The respondent, however, has not briefed any specific claims of error with respect to these rulings and, thus, has abandoned those aspects of his appeal. See *Casiraghi* v. *Casiraghi*, 200 Conn. App. 771, 772 n.1, 241 A.3d 717 (2020). "It is necessary to this court's review of a party's claims on appeal that his brief contain, inter alia, argument and analysis regarding the alleged errors of the trial court, with appropriate references to the facts bearing on the issues raised." *Zappola* v. *Zappola*, 159 Conn. App. 84, 86, 122 A.3d 267 (2015).

[3] Pursuant to Practice Book §§ 67-13 and 79a-6 (c), both the attorney for the minor children and the children's guardian ad litem filed statements adopting the brief filed by the petitioner. Additionally, the attorney for Katherine filed a statement adopting the brief filed by the petitioner.

[4] The respondent is also father to an older child, C, who is not at issue in this action. Therefore, hereinafter, all references to the children are to A and B.

[5] Since 2010, there have been twenty-four referrals called into the department concerning physical neglect and abuse, emotional neglect and abuse, moral neglect, and sexual abuse of A and B. The department has also conducted seven Family Assessment Response investigations and seventeen other investigations, twelve of which were unsubstantiated and five of which were substantiated.

[6] The petitioner had previously filed neglect petitions on behalf of A and B in December, 2014. Thereafter, the children were adjudicated neglected on May 27, 2015, and placed under a period of protective supervision. The period of protective supervision "was allowed to expire on November 27, 2015."

[7] On April 29, 2021, the court extended the period of protective supervision of B until further order of the court.

[8] Both the respondent and Katherine were represented by counsel during the hearings.

[9] The petitioner also presented the testimony of Patrick Higgins and Anthony Ross. Higgins was contracted through the department to provide therapeutic services to A, address A's behavioral issues, conduct prosocial activities with A, and develop A's prosocial behavior within the home. [Ross is a social worker for the department who was assigned to the family's case from October, 2020, through March, 2021.

[10] The respondent also presented the testimony of two friends and Sergeant Sereniti Dobson of the Westport Police Department.

[11] The court found that A "is diagnosed with disruptive mood dysregulation disorder, nonverbal learning disorder, [attention deficit hyperactivity disorder (ADHD)] combined, [and] autism spectrum disorder." Additionally, the court noted that A "has been hospitalized five times since June 14, 2016, for psychiatric care." The court further found that from October 31, 2018, through March 5, 2019, A "was placed in a subacute setting due to physically aggressive behaviors."

[12] The court's memorandum of decision reflects that A is transgender.

[13] The court found that B "is diagnosed with an adjustment disorder, post-traumatic stress disorder, generalized anxiety, attention deficit hyperactivity disorder (ADHD), and she suffers with an eating disorder."

[14] Prior to the start of the evidentiary hearing, the court heard argument on several other outstanding motions and objections that had been filed since the court's memorandum of decision was issued on December 21, 2021, which matters are not relevant to this appeal.

[15] The court's first memorandum of decision, although dated December 22, 2021, was issued on December 21, 2021.

[16] The court's reference to the "family court" refers to potential postjudgment proceedings in the marital dissolution action. See *Katherine M.* v. *Michael M.*, Superior Court, judicial district of Stamford-Norwalk, Docket No. FA-15-6024118-S.

[17] The respondent also raises various arguments in which he expresses dissatisfaction with the department and the judicial system. Specifically, the respondent argues that "[t]he court heard extensive testimony about the services provided for the children individually and in [Katherine's] home to address their issues, but the petitioner never made similar services available to the respondent so that he could better understand his children's needs, work proactively on addressing his issues and in conjunction with the children's issues" and "[t]he prolonged separation without appropriate services in place only exacerbates the parental alienation which no one disputes exists in this case, which has now been worsened by the petitioner, and the court betraying the family relationships and unity." He further argues that he filed various motions "asking the court to issue orders to preserve the parent-child relationship . . . [and] for supplemental orders for therapeutic visitation, which . . . were all very reasonable requests to address the outstanding issues regarding the relationship between the respondent and his children, but none of these requests were fully pursued nor actively encouraged . . . ." The respondent asserts that he "has no confidence in the judicial system and its integrity when what was once a positive happy relationship no longer exists due to the failure of the system to provide reasonable, adequate, and timely services."

On appeal, this court is "not privileged to usurp [the trial court's] authority or to substitute ourselves for the trial court . . . [and] [g]reat weight is given to the judgment of the trial court . . . ." (Internal quotation marks omitted.) *In re Kadon M.*, 194 Conn. App. 100, 108, 219 A.3d 985 (2019). The respondent's assertions of deficiencies in the department and the trial court falter on the fact that the respondent has failed to direct us to any evidence that tends to support those claims. Rather, for the reasons set forth in this opinion, we conclude that the trial court did not abuse its discretion and properly considered the best interests of the children in modifying the visitation orders.

[18] On appeal, the respondent repeatedly argues that "no evidence was ever presented that the first court-ordered evaluation with its recommendation from 2020 [was] ever provided to any of the service providers, nor was there any evidence nor testimony that the children's therapists would be able to work with the children in addressing the issues, nor was there any evidence nor testimony that the [respondent's] therapist would be able to utilize these recommendations."

We first address the respondent's argument that no evidence was ever presented that Dr. Ciaramella's reports were in fact provided to the service providers in this case. The petitioner argues that the respondent's speculations that the reports were not sent has "no place in appellate review." See *In re Samantha S.*, 120 Conn. App. 755, 759, 994 A.2d 259 (2010), appeal dismissed, 300 Conn. 586, 15 A.3d 1062 (2011). Second, the petitioner argues that it filed a motion to release Dr. Ciaramella's first report to the clinicians involved with the children, the respondent, and Katherine, and that motion was granted on November 13, 2020. Additionally, the petitioner notes that it filed another motion to release both Dr. Ciaramella's original and updated evaluation to the clinicians involved with the children, the respondent, and Katherine, which the court granted by consent on July 26, 2021. Accordingly, the petitioner contends that, "[g]iven that the department sought and obtained at different times two orders allowing the release of Dr. Ciaramella's reports to [the respondent's] clinician, it is reasonable to infer that the reports were in fact sent to the clinician." We agree with the petitioner that the inference of receipt by the respondent's clinician is reasonable.

We next address the respondent's argument that no evidence was presented that the service providers would be able to use the information from Dr. Ciaramella's reports. The respondent does not explain why he believes that the service providers would be unable to use Dr. Ciaramella's reports, nor has he provided any evidence that supports his contention, and, thus, his argument is pure speculation. See *Konefal* v. *Konefal*, 107 Conn. App.

354, 360, 945 A.2d 484 (“‘[s]peculation and conjecture . . . have no place in appellate review’ ”), cert. denied, 288 Conn. 902, 952 A.2d 810 (2008).

[19] In his principal brief, the respondent argues that the court’s decision is neither “legally nor logically correct” because Shuptar “did not have all the information that would have been helpful in assessing and setting up a proper therapeutic visitation plan” and “Dr. Ciaramella testified that there was triangulation leading to parental alienation and that the custodial parent had an advantage over the non-custodial parent in being able to influence the children.” We repeat the well settled principle that “[i]t is within the province of the trial court . . . to weigh the evidence presented and determine the credibility and effect to be given the evidence.” *Brown* v. *Brown*, 132 Conn. App. 30, 40, 31 A.3d 55 (2011). Accordingly, and for the reasons set forth previously in this opinion, we are unpersuaded by the respondent’s argument.

[20] In his brief, the respondent asserts that “[t]he guardian ad litem and everyone agreed that it is in the best interests of the children that they should have a healthy relationship with the [respondent] and other paternal family members. However, with the present court orders, that will not [be] possible.”

We acknowledge that there was testimony from the children’s guardian ad litem that it would be in the children’s best interests to have a “healthy relationship” with the respondent and their paternal family. Such an aspirational goal, however, does not detract from the overwhelming testimony that it would not be in the children’s *present* best interests to have visitation with the respondent without evidence that he successfully pursued the recommendations of the court-appointed psychologist. See *In re Joshua S.*, 260 Conn. 182, 209–10, 796 A.2d 1141 (2002) (“the [trial] court was bound to consider the child’s *present* best interests” (emphasis in original)); see also *In re Juvenile Appeal (Anonymous)*, 177 Conn. 648, 664, 420 A.2d 875 (1979). Therefore, we disagree with the respondent’s contention that the court’s modification has made it “not . . . possible” for the children to have a “healthy” relationship with the respondent and their paternal family.

[21] We emphasize that, following the issuance of this opinion, in which we affirm the judgments of the court with respect to its visitation orders, should the respondent wish to demonstrate compliance with and, therefore, modify those orders, he may file a postjudgment motion in the dissolution matter. In its consideration of any motion to modify visitation, the family court will consider the March 22, 2022 orders as the operative orders regarding visitation and related matters.

[22] The three documents that the respondent refers to are: (1) a letter dated August 23, 2016, from an investigative social worker who reported that “there were no safety concerns for the children to go to [the respondent’s] home for visits”; (2) a “report of his discharge from the Circle of Security Parenting Program dated March 5, 2020, which noted that the [respondent] had a strength in a tight-knit family and that he tries to communicate with his children when they’re in his custody”; and (3) “a letter dated May 8, 2020, from social worker Margaret Greene informing the [respondent] that the [department] would be closing [a separate and unrelated] case [involving C] because the [respondent] had successfully achieved the case plan goals and objectives to ensure [C’s] safety.”

[23] We note that, on November 15, 2021, during the pendency of the proceedings at issue on appeal, the paternal grandmother filed a motion to intervene in which she set forth that she wanted “to be heard concerning visitation with the [children].” That same day, the court orally heard the paternal grandmother’s motion, to which the petitioner, Katherine, and the attorney for the minor children objected. The court denied without prejudice the paternal grandmother’s motion to intervene for the purpose of having visitation. The court’s decision with respect to the paternal grandmother’s motion is not at issue in this appeal.