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The "officially released" date that appears near the beginning of each opinion is the date the opinion will be published in the Connecticut Law Journal or the date it was released as a slip opinion. The operative date for the beginning of all time periods for filing postopinion motions and petitions for certification is the "officially released" date appearing in the opinion.

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IN RE AMANDA C. ET AL.*
(AC 45713)

Alvord, Clark and DiPentima, Js.

Syllabus

Pursuant to the Interstate Compact on the Placement of Children (§ 17a-175), which governs the placement of a minor child in a home in another state, no child shall be sent or brought or caused to be sent or brought into another party state "for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein."

The respondent mother appealed to this court from the judgments of the trial court granting the motion of the children's father to revoke the commitment of their three minor children to the custody of the petitioner, the Commissioner of Children and Families, approving the permanency plan requested by the petitioner to reinstate guardianship in the father, and to vest coguardianship in the children's paternal aunt, S. At the time the children were removed from the mother's care, adjudicated neglected, and committed to the custody of the petitioner, the father and S resided in Florida. On appeal, the mother claimed that the court improperly determined that the compact did not apply under the facts of this case including, inter alia, that the father has cognitive limitations, which occasioned the appointment of S as coguardian, and that the petitioner had previously sought to terminate the parental rights of both parents. *Held* that the trial court properly determined that the compact did not apply to the present case: by its plain and unambiguous language, the compact's applicability is limited to the out-of-state placement of children "in foster care or as a preliminary to a possible adoption," and the court's reunification of the children with the father did not constitute either foster care or adoption; moreover the appointment of S as coguardian did not convert the reunification into foster care or adoption, as the ruling to vest coguardianship in S was made in conjunction with the reinstatement of the father's guardianship, which fell outside the express provisions of the statute.

Argued February 8—officially released April 12, 2023**

Procedural History

Petitions by the Commissioner of Children and Families to adjudicate the respondents' minor children neglected, brought to the Superior Court in the judicial district of New Haven, Juvenile Matters, and tried to the court, *Maronich, J.*; judgment adjudicating the minor children neglected and ordering commitment to the custody of the petitioner; thereafter, the respondent father filed a motion to revoke the commitment of the children and to reunify the children with him; subsequently, the petitioner filed petitions to terminate the respondents' parental rights with respect to their minor children; thereafter, the petitioner filed motions to amend the permanency plan for each child to a plan of reunification with the respondent father and the appointment of a paternal aunt as a coguardian; subsequently, the cases were tried to the court, *Gonzalez, J.*; judgments revoking the commitment of the children and reinstating guardianship in the respondent father and vesting coguardianship in the paternal aunt, from which the respondent mother appealed to this court.

Affirmed.

James P. Sexton, assigned counsel, with whom was *Gail Oakley Pratt*, assigned counsel, for the appellant (respondent mother).

Andrew Mark Ammirati, 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 primary issue in this case is whether the Interstate Compact on the Placement of Children (compact), General Statutes § 17a-175,[1] applies to the revocation of commitment and reunification of children with their out-of-state parent, when such ruling also appoints the children's out-of-state paternal aunt as coguardian for the children. The respondent mother, Christine C. (respondent), appeals from the judgments of the trial court granting the motion of the children's father, Robert L. (father), to revoke the commitments of their three minor children, A, B, and D; approving the permanency plan requested by the petitioner, the Commissioner of Children and Families (petitioner); reinstating guardianship in the father; and vesting coguardianship in the children's paternal aunt, S.[2] On appeal, the respondent claims that the trial court improperly determined that the compact does not apply under the circumstances of the present case. We affirm the judgments of the trial court.[3]

The following facts and procedural history are necessary for our resolution of this appeal. The respondent and the father are the parents to three children: A, born in 2010; B, born in 2011; and D, born in 2016. On June 2, 2020, the children were removed from the respondent's care[4] under a ninety-six hour hold pursuant to General Statutes § 17a-101g. The reasons for removal were the respondent's unaddressed mental health issues and unstable housing. On June 4, 2020, the petitioner filed ex parte motions for orders of temporary custody with respect to each of the children, which the court granted, and petitions alleging that the children had been neglected. The father was living in Florida, and the children were placed in a nonrelative foster home in Connecticut. The orders of temporary custody were sustained by agreement of the respondent and the petitioner and were entered without prejudice to the father. On January 14, 2021, the court adjudicated the children as neglected, ordered specific steps for the respondent and the father, and committed the children to the custody of the petitioner.

On April 15, 2021, the court approved a permanency plan of revocation of commitment and reunification of the children with the respondent and the father. In November, 2021, the father filed a motion to revoke the commitment of the children and seeking reunification of the children with him, either with or without protective supervision. A permanency plan of termination of parental rights and adoption was sought by the petitioner on January 14, 2022, and approved by the court on February 17, 2022. On April 18, 2022, the petitioner filed motions to amend the permanency plan for each child to a plan of reunification of the children with the father and the appointment of S as a coguardian.

The court held a hearing virtually, via Microsoft Teams, on the father's motion to revoke the commitments and the petitioner's motions to amend the permanency plans on June 30, 2022.[5] At the beginning of the hearing, the petitioner's counsel represented to the court that the petitioner had adopted the father's motion to revoke the commitments and that she was prepared to take the lead on pursuing the motion during the hearing. The petitioner then presented the testimony of Renata Tecza, a social worker with the Department of Children and Families (department), and entered into evidence two exhibits—the department's April 12, 2022 study in support of the amended permanency plan[6] and an April, 2022 home study of the father's home, conducted by ISS-USA.[7] The father presented the testimony of S. Neither the respondent nor the father testified or introduced any documentary evidence.

During the cross-examination of Tecza, the respondent disconnected from the proceeding, declined to rejoin the proceeding, and represented to her counsel that she did not want the proceeding to go forward. Shortly after the hearing resumed, the respondent, who still declined to join the proceeding, sent a text message to her counsel requesting that the proceeding be continued. After hearing argument, the court denied the request for a continuance.

Following the presentation of evidence, the court heard oral argument. The respondent's counsel argued, inter alia, that the vesting of coguardianship in S necessitated an interstate compact study. The children's counsel disagreed, as did counsel for the petitioner and counsel for the father. Argument did not conclude by the end of the day and resumed the next morning. When argument resumed the next morning, the respondent's counsel represented that he had communicated with the respondent earlier that morning and that she "opt[ed] not to participate in the . . . proceedings."

At the conclusion of argument, the court issued an oral decision on the motions. The court first rejected the respondent's argument that an interstate compact study was required in the present case. It explained that "the proposed reunification and the proposed guardianship does not amount to a placement under the definition in the compact." The court reasoned that, because the children would be reunified with their father, to whom the interstate compact study requirement does not apply, the appointment of the children's aunt as a coguardian did not necessitate an interstate compact study.

Turning to the substance of the motions, the court found that the father and the petitioner had met their burden of demonstrating by a fair preponderance of the evidence that the cause for commitment of the children no longer existed. The court noted that the

prior permanency plan was termination of parental rights and adoption and explained that the plan changed when the father's sisters, S and K, agreed to be additional caretakers for the children. Specifically, the court found that, "[a]lthough the father has been cooperating with his court-ordered steps, including by attending biweekly [cognitive behavioral therapy] sessions, the father has cognitive limitations that prevent him from caring for the children independently. But the addition of his sisters as familial support, particularly [S's] willingness to serve as coguardian, alleviates any concerns regarding the father's limitations. The father has demonstrated that he can provide a safe and stable home and . . . has put himself in a position where he can support the children. According to . . . Tecza's credible testimony, the father has identified schools and . . . medical and mental health providers for the children in Florida. Both paternal aunts work in healthcare and have grown children of their own and, thus, have experience in caretaking. They are well versed in the needs of the children, the children's specific issues, and what resources they require." On the basis of these findings, the court concluded that the cause for commitment no longer existed.

The court next determined that the evidence "clearly demonstrates that revocation of the commitment and reunification with the father with [S] as coguardian is in the best interest[s] of the children." The court found that the father resides with his mother and S in a five bedroom home owned by the father's brother and located in Palm Coast, Florida.[8] The court noted that the father's brother has indicated that the father, the children, and S can live in the home indefinitely.

The court noted that the father had maintained contact with the children and, in March, had traveled with S and K for an extended visit with the children. The department check-ins during the visit revealed that the children were safe and "appeared to be having a great time with their father and their aunts." The court found that B reported to her therapist that she would like to move to Florida with her father and that A and D both reported that they "really enjoyed spending time with their father and aunts."

The court noted that S had traveled with the father from Florida for the hearing and indicated that "she was fully able to help take care of the children." The court found that S "presented as a willing and capable coguardian committed to supporting the father in the raising of the children." The court commended S and K for "their willingness to assist in this proceeding and to take on the responsibilities along with the father of raising the three children."

With respect to the respondent, the court found that she "is not a viable resource for [the] children." Furthermore, the court credited Tecza's testimony that the

children's foster family, with whom the children are bonded, "is not a permanent resource because [the respondent] has engaged in harassing behavior toward the foster family, including by sending multiple unwanted text message and [making] phone calls sometimes more than once per day." The court found this behavior consistent with information contained in the department's social study that indicates that the respondent had sent "repeated harassing and sometimes threatening communications to various people involved in this case."[9] The court found that the respondent's "mental health appears to be decompensating," noting that she was assisted at trial by a guardian ad litem because of competency concerns raised by her attorney. The court also noted that the respondent left the hearing and refused to return.[10]

On the basis of the foregoing, the court found by a fair preponderance of the evidence that the cause for commitment no longer existed and that revocation of commitment was in the best interests of the children. As to the motions to amend the permanency plan, the court found that it was in the best interests of the children to amend the plan to reunification of the children with the father, reinstatement of guardianship in the father, and the vesting of coguardianship in S. The court found that the petitioner and the father had proven that S is "a suitable and worthy guardian," and that awarding her coguardianship is in the best interests of the children. No motion for stay was filed and, accordingly, the children have moved to Florida. This appeal followed.

On appeal, the respondent claims that the trial court improperly determined that the compact does not apply under the facts of this case. Specifically, the respondent argues: "Given the unique facts of this case, where the petitioner had sought to terminate the parental rights of both the respondent and the father, the father was deemed not fit to parent independently, and the out-of-state paternal aunt of the children was appointed as a mandatory and necessary coguardian to assist the unfit father with the care of the children, the court was required to apply the . . . compact, and, by failing to do so, it acted in contravention of the statutory directives."[11] The petitioner responds that, "by its plain language, and as construed by our Supreme Court, the [compact] only applies when a child is sent, brought, or caused to be sent or brought, into another state for placement in foster care or as a preliminary to a possible adoption." Because the children were not sent into Florida for placement in foster care or as a preliminary to a possible adoption, the petitioner maintains that the compact is not applicable under the facts of this case. We agree with the petitioner.

We first set forth our standard of review. The respondent's claim concerning the application of the compact

requires this court to ascertain whether § 17a-175 applies under the facts of this case, which is a question of statutory interpretation subject to plenary review. See *In re Emoni W.*, 305 Conn. 723, 733, 48 A.3d 1 (2012). "When construing a statute, [o]ur fundamental objective is to ascertain and give effect to the apparent intent of the legislature. . . . In other words, we seek to determine, in a reasoned manner, the meaning of the statutory language as applied to the facts of [the] case, including the question of whether the language actually does apply. . . . In seeking to determine that meaning, General Statutes § 1-2z directs us first to consider the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered. . . . When a statute is not plain and unambiguous, we also look for interpretive guidance to the legislative history and circumstances surrounding its enactment, to the legislative policy it was designed to implement, and to its relationship to existing legislation and common law principles governing the same general subject matter . . . . Importantly, ambiguity exists only if the statutory language at issue is susceptible to more than one plausible interpretation. . . . In other words, statutory language does not become ambiguous merely because the parties contend for different meanings." (Internal quotation marks omitted.) *In re Alizabeth L.-T.*, 213 Conn. App. 541, 553–54, 278 A.3d 547 (2022).

As background, "Connecticut adopted the [compact] in 1967 and codified it as § 17a-175. All fifty states, the District of Columbia and the U.S. Virgin Islands have enacted the compact." *In re Yarisha F.*, 121 Conn. App. 150, 156, 994 A.2d 296 (2010). Article I of the compact provides in relevant part that "[i]t is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that . . . (a) [e]ach child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care. . . ." General Statutes § 17a-175, art. I (a).

General Statutes § 17a-175, article III (a), provides: "No sending state shall send, bring, or cause to be sent or brought into any other party state any child *for placement in foster care or as a preliminary to a possible adoption* unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein."[12] (Emphasis added.)

We conclude that the relevant language in § 17a-175

is plain and unambiguous. By its terms, the compact's applicability is limited to the out-of-state placement of children "*in foster care or as a preliminary to a possible adoption* . . . ." General Statutes § 17a-175, art. III (a). The ordinary meaning of that phrase does not encompass the court's action in the present case in revoking the commitment, reunifying the children with their father, and appointing S as coguardian.[13] The children were not sent into Florida for placement in foster care or as a preliminary to a possible adoption. To the contrary, the children were reunified with their father, who resides in Florida. As our Supreme Court has stated, "[c]hildren in the care of their own parents are not in 'foster care' in any ordinary sense of that phrase, and parents are not required to adopt their own children." *In re Emoni W.*, supra, 305 Conn. 734–36. We are not persuaded that the father's cognitive limitations that occasioned the appointment of a coguardian for the children brings the present situation within the reach of the statute. The appointment of the coguardian did not convert the reunification of the children with the father into a placement "in foster care or as a preliminary to a possible adoption."

Contrary to the respondent's assertions, this court's decision in *In re Yarisha F.*, supra, 121 Conn. App. 150, does not compel a contrary conclusion. In that case, this court considered, as a matter of first impression, whether, in light of § 17a-175, the trial court lacked "authority to transfer guardianship of the child to [the child's] great-grandmother in Florida without a supporting interstate compact study report from a suitable authority in that state." Id., 155. The petitioner had filed a petition to terminate the respondent mother's parental rights. Id., 152–53. The child's mother was the sole respondent because the child's father was deceased. Id., 153 n.1. Prior to adjudication of the petition, the child's maternal grandmother, a Florida resident, had intervened and moved that the child's maternal great-grandmother, also a Florida resident, be appointed as guardian for the child.[14] Id., 153. The termination petition and the motion to transfer guardianship were consolidated for trial. Id. Following trial, the trial court granted the motion to transfer guardianship to the child's great-grandmother, finding that she was a worthy and suitable caretaker for the child. Id. "The court ordered that the guardianship and placement would become effective following (1) receipt of a pending interstate compact study of the great-grandmother's suitability and (2) six months of visitation between the great-grandmother and the child. In response to further motions, the court clarified its judgment to hold that, in light of the evidence before it, the transfer of guardianship would become effective upon receipt of the interstate compact study, even if that study contained a negative evaluation of the great-grandmother." Id. The petitioner subsequently filed a motion to open the

judgment and reopen evidence to present newly discovered evidence. Id., 155. The commissioner offered the results of the completed interstate compact study, which did not support placement with the great-grandmother. Id. The court denied the commissioner's motion. Id.

On appeal in *In re Yarisha F.*, this court first recognized that, "[a]lthough Connecticut courts have rarely had an occasion to apply the compact, the majority of jurisdictions that have considered the issue have concluded that the compact prohibits courts from placing children out of state prior to the appropriate notification under article III (d)." Id., 157–58. This court noted that "[t]his prohibition has been applied to intrafamily placements" and cited cases involving placements of children with their extended family members. Id., 158. This court determined that the trial court's placement of the child in Florida with the child's great-grandmother without approval from Florida authorities contravened the directives of the statute. Id., 165. Specifically, it rejected the notion that the trial court could rely on its independent determination of the best interest of the child, explaining that "[t]he conditions for placement set forth in article III of the [c]ompact are designed to provide complete and accurate information regarding children and potential adoptive parents from a sending state to a receiving state and to involve public authorities in the process in order to ensure children have the opportunity to be placed in a suitable environment." (Internal quotation marks omitted.) Id., 164. Accordingly, this court determined that the trial court improperly transferred guardianship to the child's great-grandmother. Id., 165.

The respondent argues that the appointment of S as coguardian of the children requires the application of *In re Yarisha F.* We conclude that the facts of *In re Yarisha F.*, are substantially different from those of the present case and, therefore, that decision is not controlling here. In *In re Yarisha F.*, following the filing of, and consolidated trial on, a petition to terminate the respondent mother's parental rights and a motion to transfer guardianship, the trial court placed the child in Florida with, and transferred guardianship to, the child's great-grandmother. Id., 153. This placement of the child with a member of the child's extended family was encompassed within the categories of "placement in foster care or as a preliminary to a possible adoption . . . ." General Statutes § 17a-175, art. III (a). Rather than order the placement effective only on receipt of a supporting interstate compact study, the trial court improperly ordered the placement effective on receipt of the study regardless of its outcome. *In re Yarisha F.*, supra, 153.

Although the present case involves the vesting of coguardianship in a member of the children's extended

family, that ruling was not made disconnected to a parental placement. Rather, it was made in conjunction with the reunification of the children with their father and the reinstatement of his guardianship, which rulings, as we have previously discussed, fall outside the express provisions of the statute. Moreover, although the respondent emphasizes that the petitioner previously had proposed a permanency plan of termination of parental rights and adoption, the petitioner thereafter amended the proposed course of action regarding the children and proposed the permanency plan of reunification with the father and, in approving the reunification plan, the trial court found that the father had "demonstrated that he can provide a safe and stable home and . . . has put himself in a position where he can support the children." Thus, the present case is procedurally different from *In re Yarisha F.*, where the commissioner filed and pursued a petition for the termination of the sole remaining parent's parental rights.

Our reading of the compact as inapplicable under the facts of the present case is supported by our Supreme Court's decision in *In re Emoni W.*, supra, 305 Conn. 723. In that case, the court considered whether the compact applies to the placement of children with an out-of-state noncustodial parent. Id., 726. The children were removed from the respondent mother's home under a ninety-six hour hold after she was arrested and charged with drug related and other offenses. Id., 727. The children's father, who lived in Pennsylvania, sought to have the children live with him. Id., 727–28. Following oral argument, the trial court determined that § 17a-175 applied to the placement of children with an out-of-state, noncustodial parent, and the father appealed. Id., 728.

On appeal in *In re Emoni W.*, supra, 305 Conn. 734, our Supreme Court concluded that "the ordinary meaning of the phrase 'for placement in foster care or as a preliminary to a possible adoption' as used in § 17a-175, article III (a), does not encompass placement with a noncustodial parent." The court explained that "[c]hildren in the care of their own parents are not in 'foster care' in any ordinary sense of that phrase, and parents are not required to adopt their own children." Id., 734–36.

Rejecting the petitioner's claim that the court's determination was inconsistent with the overall purpose of the statute, the court reasoned that, although "the drafters reasonably *could have* applied the compact to out-of-state parents, nothing in the express language of § 17a-175 indicates that that is what they actually did. Moreover, it is reasonable to conclude that the drafters determined that the statute should not be applied to out-of-state parents in light of the constitutionally based presumptions that parents generally are fit and that their decisions are in the child's best interests. . . .

Also . . . the petitioner has the authority and the responsibility to investigate whether the placement of a particular child with an out-of-state parent would be consistent with the public policy goals underlying the compact when the child is under the petitioner's care and supervision and there is evidence rebutting the presumption of fitness."[15] (Citations omitted; emphasis in original.) Id., 736–37.

The court rejected the petitioner's reliance on article V of § 17a-175, which "provides that the 'sending agency' retains jurisdiction over children who have been placed pursuant to the statute until certain events occur." Id., 738. The court explained: "[T]here is nothing in the language of § 17a-175 that suggests that the 'sending agency' is authorized to apply the provisions of the compact to an out-of-state parent in the first instance. Moreover, it is apparent that the provisions of § 17a-175, article V, were designed to apply to cases in which a child is in foster care or is going to be adopted. For example, it seems highly unlikely that the drafters would have intended that agencies, like the petitioner in the present case, would 'continue to have financial responsibility for support and maintenance of the child during the period of the placement' when a parent obtains custody of the child." Id.

Finally, the court in *In re Emoni W.* rejected the petitioner's contention that the trial court's interpretation of § 17a-175 was inconsistent with the regulations that implement the compact. Id., 739–40. Our Supreme Court explained: "Article VII of § 17a-175 provides in relevant part that '[t]he executive head of each jurisdiction party to this compact shall designate an officer who . . . acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.' Pursuant to this provision, the Association of Administrators of the Interstate Compact on the Placement of Children (association) promulgated a regulation that provides in relevant part: '[I]f [twenty-four] hour a day care is provided by the child's parent(s) by reason of a court-ordered placement (and not by virtue of the parent-child relationship), the care is foster care.' Association of Administrators of the Interstate Compact on the Placement of Children Regulation 3 (5) (June 2010). Regulation 3 (6) (b) of the association's regulations provides: 'The [c]ompact does not apply whenever a court transfers the child to a noncustodial parent with respect to whom the court does not have evidence before it that such parent is unfit, does not seek such evidence, and does not retain jurisdiction over the child after the court transfers the child.' " Id. The court concluded that, even if it were to assume that regulations generally have the force of law, "association regulation[s] 3 (5) and (6) (b) are invalid because they impermissibly expand the scope of article III of § 17a-175." Id., 740.

Our Supreme Court's decision in *In re Emoni W.* supports affirming the decision of the trial court in the present case. The respondent seeks to distinguish *In re Emoni W.* on the basis that the petitioner did not pursue the termination of the respondent's parental rights in that case. The respondent argues that the compact is applicable here because, in contrast to *In re Emoni W.*, the father's "parental rights had been diminished by a court." In support of this argument, the respondent relies on a footnote in *In re Emoni W.*, in which our Supreme Court emphasized that it "express[ed] no opinion . . . as to whether the compact applies to placements by a court with a parent whose parental rights have been diminished or terminated by a court." *In re Emoni W.*, supra, 305 Conn. 735 n.8. We cannot construe our Supreme Court's statement in a footnote, in which it "express[ed] no opinion" as to whether the compact would apply in factual situations not before it and which was made in the context of distinguishing case law from other jurisdictions, to expand the reach of the statute. Therefore, we decline the respondent's invitation to rely on any claimed diminution in the father's rights as a basis for application of the compact.

Accordingly, we conclude that the trial court properly determined that the compact does not apply to the present case.

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.

** April 12, 2023, the date that this decision was released as a slip opinion, is the operative date for all substantive and procedural purposes.

[1] General Statutes § 17a-175, article III, provides: "(a) No sending state shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

"(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

"(1) The name, date and place of birth of the child.

"(2) The identity and address or addresses of the parents or legal guardian.

"(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

"(4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

"(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

"(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiv-

ing state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child."

[2] The attorney for the minor children filed a statement, pursuant to Practice Book § 79a-6 (c), adopting the brief of the petitioner in this appeal.

[3] Because we conclude that the compact does not apply, we need not address the respondent's claim, premised on the applicability of the compact, that the court exceeded its statutory authority by reinstating guardianship of the children in their father and vesting coguardianship in S without providing notice to, and receiving approval from, authorities in Florida.

[4] The file reflects that the respondent was staying at a shelter arranged hotel room in West Haven with the children at the time of their removal.

[5] The father's motion to revoke the commitments originally was scheduled for a hearing on May 4, 2022. At that time, the petitioner proposed continuing the hearing until June. Counsel for the father agreed with the request to continue the matter and stated that the father would like to see the children finish out the school year. Thus, the matter was continued until June 30, 2022.

[6] The April 12, 2022 study in support of the amended permanency plan describes the status of the children, the respondent, and the father. With respect to the respondent, the study states, among other things, that she "is not cooperating with the majority of her court-ordered specific steps and continues to make minimal progress towards her identified treatment goals to address her mental health needs and stabilize her life, despite being offered the recommended and required services." In contrast, the study states that the father "has been cooperating with his court-ordered specific steps and has been motivated to reunify with his children. . . . [He] is cooperating with [cognitive behavioral] therapy, as recommended by the court ordered evaluation." The study recommends that the children be reunified with the father with coguardianship in S "due to the recent efforts they have made toward reunification."

[7] ISS-USA is an independent agency engaged by the department to perform studies of parents in other states and other countries. The home study consisted of an assessment of the father and the household. The recommendation contained in the report following the study stated, inter alia, that "[the father] is interested, able, and appropriate to care for his children . . . . [The father] has consistent, reliable support from his biological sisters . . . . Both sisters seem to have a vested interest in the overall quality of life of their nieces and nephew. They are all well-versed in the needs of the children and seem to have clear understanding of the children's specific issues and the resources to accommodate them."

[8] The court found that K lives nine miles away from the father and S.

[9] The court did not credit uncorroborated allegations made by the respondent as to the father.

[10] Noting that the respondent had, in passing, challenged the father's paternity, the court stated: "Although I don't believe it's necessary for me to substantively address [the respondent's] paternity claims in this hearing, I will note that the father is on the birth certificate of all three children. And based on the social worker's testimony, which I credit, [the respondent] never challenged paternity prior to [the department's] involvement in this most recent case, which began, as I indicated, in June of 2020."

[11] Repeatedly in her principal appellate brief, the respondent refers to the father as "the unfit father" and asserts a lack of fitness as one reason for application of the compact. The petitioner responds that the argument that the father is an unfit parent lacks merit. Our review of the record reveals that the trial court found that the "father has cognitive limitations that prevent him from caring for the children independently," but it did not ever use the word unfit. To the contrary, in concluding that the cause for commitment no longer exists, the court found that the "[f]ather has demonstrated that he can provide a safe and stable home and . . . has put himself in a position where he can support the children." Moreover, the court credited the testimony of the department's social worker that the father had identified schools and medical and mental health providers for the children. Finally, the court concluded that any concerns regarding the father's limitations were alleviated by the addition of his sisters as familial support, particularly S's willingness to serve as coguardian. Thus, we reject the respondent's contention that the court's recognition that the father has cognitive limitations amounts to an implicit finding by the trial court that the father is "unfit."

[12] General Statutes § 17a-175, article II, provides in relevant part: "As used in this compact . . .

"(b) 'Sending agency' means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

"(c) 'Receiving state' means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

"(d) 'Placement' means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility."

[13] The respondent argues that, "[r]ather than taking but one sentence from the entirety of the [compact], this court should consider the whole of the statute, its purpose, and the legislature's directive to construe it liberally." See General Statutes § 17a-175, art. X ("[t]he provisions of this compact shall be liberally construed to effectuate the purposes thereof"). We cannot, however, construe the statute in the manner suggested by the respondent, as that construction would render the express limitation in article III meaningless.

[14] The intervenor, the child's grandmother, earlier had presented herself as a guardian and possible placement for the child. *In re Yarisha F.*, supra, 121 Conn. App. 154. "The [petitioner's] permanency plan initially called for the intervenor to take custody of the child as her guardian. Accordingly, the [petitioner] requested that Florida complete a study of the intervenor and her home in Florida, a home that she shared with her mother, the child's great-grandmother. Florida approved this placement, but the intervenor subsequently failed a drug test taken at the request of the [petitioner]." Id., 154 n.5.

[15] The court in *In re Emoni W.* also rejected the petitioner's argument that the phrase " 'placement in foster care' " was "clearly intended to encompass any placement by the court." (Emphasis omitted.) *In re Emoni W.*, supra, 305 Conn. 737.