
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.

All opinions are subject to modification and technical correction prior to official publication in the Connecticut Reports and Connecticut Appellate Reports. In the event of discrepancies between the advance release version of an opinion and the latest version appearing in the Connecticut Law Journal and subsequently in the Connecticut Reports or Connecticut Appellate Reports, the latest version is to be considered authoritative.

The syllabus and procedural history accompanying the opinion as it appears in the Connecticut Law Journal and bound volumes of official reports are copyrighted by the Secretary of the State, State of Connecticut, and may not be reproduced and distributed without the express written permission of the Commission on Official Legal Publications, Judicial Branch, State of Connecticut.

IN RE CAMERON H. ET AL.*
(AC 45534)

Bright, C. J., and Elgo and Suarez, Js.

Syllabus

The respondent mother appealed to this court from the judgments of the trial court terminating her parental rights with respect to her minor children. She claimed that the trial court erroneously concluded, *inter alia*, that she was unable or unwilling to benefit from the reunification services offered to her by the Department of Children and Families pursuant to statute (§ 17a-112 (j) (1)) and that she failed to achieve a sufficient degree of personal rehabilitation. The minor children, who had previously been adjudicated neglected and committed to the care of the petitioner, the Commissioner of Children and Families, had complex needs, having been diagnosed with, *inter alia*, attention deficit hyperactivity disorder and post-traumatic stress disorder, which the department provided services to address and support. *Held*:

1. The respondent mother could not prevail on her claim that the trial court improperly concluded that the department made reasonable efforts to reunify her with her children and that she was unable or unwilling to benefit from such reunification efforts: because the petitioner did not allege in the petitions to terminate parental rights that the department had made reasonable efforts to reunify the mother with her children, this court did not address this portion of her claim; moreover, contrary to the mother's claim that the department's services were inadequate to assist her to meet the complex needs of her children, and that without adequate services, she was unwilling or unable to benefit from such services, the trial court's uncontested subordinate findings established that the department took various steps to facilitate the mother's reunification with her children before the petitioner sought to terminate the mother's parental rights, including referring her to several parenting education and supervision programs, and the department's social worker testified as to the mother's struggles with accountability for her actions and her difficulties accepting her children's special needs; furthermore, the record reflected the report of the court-appointed psychological evaluator, who noted that the mother did not incorporate the information learned from the parenting education programs into her behavior when interacting with the children, did not reach out to her children's service providers to further understand their special needs, and was resistant to making changes, particularly as to her parenting style.
2. The trial court properly concluded that the respondent mother had failed to achieve the requisite degree of personal rehabilitation, as required by § 17a-112 (j) (3) (B) (ii), to reasonably encourage the belief that, within a reasonable time, considering the ages and needs of the children, she could assume a responsible position in the children's lives: contrary to the mother's claim that she failed to acquire the knowledge necessary to care for the children because the department's services, as provided to her, were not adequate given the children's special needs, the record contained sufficient evidence to support the trial court's findings that the petitioner had proven by clear and convincing evidence that the mother failed to rehabilitate given the ages and needs of the children; moreover, although the mother participated in numerous parenting programs aimed to improve her skills as a parent given the special needs of the children, she failed to benefit from such services, as the department's social worker testified that the mother was not receptive to the children's special needs and had not contacted her children's service providers to better understand those needs, and the court-appointed psychological evaluator testified that the mother had difficulty addressing her own mental health needs, mistrusted service providers, which prevented her from making significant progress in learning from the services provided to her, did not believe in her children's diagnoses and was not familiar with the diagnoses or the services her children received.

Procedural History

Petitions by the Commissioner of Children and Families to terminate the respondents' parental rights with respect to their minor children, brought to the Superior Court in the judicial district of New Britain, Juvenile Matters, and tried to the court, *Taylor, J.*, judgments terminating the respondents' parental rights, from which the respondent mother appealed to this court. *Affirmed.*

Matthew C. Eagan, assigned counsel, for the appellant (respondent mother).

Evan O'Roark, assistant attorney general, with whom was *Ciarra J. Minacci-Morrey*, assistant attorney general, and, on the brief, *William Tong*, attorney general, for the appellee (petitioner).

Opinion

SUAREZ, J. The respondent mother, Joyce F., appeals from the judgments of the trial court terminating her parental rights as to her minor children, Cameron H. and Noah H. (children),¹ pursuant to General Statutes § 17a-112 (j) (3) (B) (ii). On appeal, the respondent claims that the court improperly concluded that (1) the Department of Children and Families (department) made reasonable efforts to reunify her with her children, and that she was unable or unwilling to benefit from the reunification services; and (2) she failed to achieve such a degree of personal rehabilitation as would encourage the belief that, within a reasonable time, considering the age and needs of the children, she could assume a responsible position in their lives. We affirm the judgments of the court.

The following facts, which the court found by clear and convincing evidence or are otherwise undisputed, and procedural history are relevant to this appeal. The respondent has three adult children from previous relationships and three minor children.² She has an extensive history with the department dating back to 1994, which includes thirty-nine referrals, related to issues of physical abuse, medical neglect, physical neglect, inadequate supervision, domestic violence, parenting issues and inappropriate sexual contact between the older siblings.

On March 2, 2018, the petitioner, the Commissioner of Children and Families, filed neglect petitions and motions for orders of temporary custody (OTCs) on behalf of the children. The court granted the OTCs, finding that the children were in immediate physical danger from their surroundings and that the department had made reasonable efforts to prevent their removal. The court vested temporary custody of the children in the care and custody of the petitioner. On March 16, 2018, following a contested hearing, the OTCs were sustained and specific steps to facilitate reunification of the respondent with the children were ordered.

On July 16, 2018, the children were adjudicated neglected and committed to the care and custody of the petitioner. At that time, the court issued new specific steps.

On September 22, 2020, the petitioner filed motions to review and approve permanency plans, which included the termination of parental rights and adoption of the children. On November 5, 2020, following a hearing, the court approved the permanency plans.

On February 8, 2021, the petitioner filed petitions to terminate the parental rights of the respondent with respect to the children (petitions). As to each child, the petitioner alleged, as the grounds for termination, that the children had been found in a prior proceeding to have been neglected, abused, or uncared for and that

the respondent had “failed to achieve [such a] degree of personal rehabilitation [as] would encourage the belief that within a reasonable time, considering the age[s] and needs of the [children], [she] could assume a responsible position in [their lives]” The petitioner further alleged that the department had made reasonable efforts to locate the respondent, that she was unable or unwilling to benefit from reunification efforts, and that reasonable efforts to reunify were not required because the court had previously approved a permanency plan other than reunification.

A trial on the petitions was held over the course of four nonconsecutive days beginning on August 30, 2021. The respondent was represented by counsel. Numerous witnesses testified, and several exhibits were admitted into the record. On March 28, 2022, the court issued a memorandum of decision in which it granted the petition as to each child. The court found by clear and convincing evidence that the children had previously been adjudicated neglected and that the respondent had failed to rehabilitate sufficiently to satisfy the requirements of § 17a-112 (j) (3) (B) (ii). The court also found by clear and convincing evidence that the department had made reasonable efforts to reunify the respondent with the children, and that she was unable or unwilling to benefit from the reunification services.

In its memorandum of decision, the court made the following relevant findings concerning Cameron. “Cameron was born [in] 2014 in Hartford. [He] has a child protection history relating to physical neglect. This resulted in his hospitalization on January 26, 2018, and again on February 14, 2018, after he ingested Risperdal and on the subsequent occasion, presented as lethargic. There were also concerns regarding [the respondent’s] delay in securing medical treatment. . . .

“Cameron has been engaged in individual therapy . . . to address his emotional and behavioral needs [He] displayed impulsive and aggressive behaviors as well as hyperactivity. His inability to self-regulate was disruptive to his foster home, and his impulsive behaviors had frequently presented a risk for his own safety. The treatment goals for Cameron were to reduce risky behaviors, have periods of focus, and increase his ability to express himself verbally. Cameron has been focusing on simple tasks and reducing impulsive and risky behaviors. Cameron also received play therapy to allow him the experience of calm, focused, and reduced hyperactivity by increasing his self-awareness through mindfulness and finding alternate and healthy methods of self soothing.

“Cameron’s diagnoses include attention deficit/hyperactivity disorder (ADHD), other specified trauma-related disorder, pica, sensory sensitivity and integration disorder, and [post-traumatic stress disorder (PTSD)] by history.” The court further noted that a

clinician who worked with Cameron while he attended the YWCA LEAP program believed that his “behaviors were a result of trauma, voids, rejection, and a need to fulfill his social and emotional needs. . . . His behaviors usually included self-harming behaviors (biting and hitting his head against things), flipping his body, and eating nonfood items (rock salt, paper, paper clips, or playdough).”

The court made the following relevant findings concerning Noah. “Noah was born [in] 2015 in Hartford. [He] has been in [the department’s] care since 2018, due to concerns of physical neglect related to inadequate supervision by [the respondent]. Noah’s sibling, Cameron, was hospitalized on January 26, 2018, and again on February 14, 2018, after he ingested Risperdal and, on the subsequent occasion, presented as lethargic. There were concerns regarding [the respondent’s] delay in securing medical treatment. Noah was two years old at the time. . . .

“Noah participated . . . and engaged in weekly [therapeutic] sessions” The goals of his treatment plans were to “identify his triggers for aggression, increase coping skills, reduce dysregulation, reduce [the] amount of emotional dysregulation, reduce enco- p- resis, and reduce sibling fighting.” The court further found that, according to his treatment provider, Noah “displayed hyperactive behavior, and his insight and judgment appear[ed] to be poor.” Noah “was diagnosed with ADHD, other specified trauma-related disorder, enuresis-diurnal, and sensory sensitivity and integration disorder.” The court noted that “Cameron and Noah were very emotional about being separated.”

In addition, the court made the following relevant findings concerning the respondent. “[The respondent] participated in individual therapy on a weekly basis with Nadia Rivera, [a certified addiction counselor], until approximately November, 2020. [Rivera] reported that [the respondent] was diagnosed with anxiety and [PTSD] from childhood maltreatment. [Rivera] reported that [the respondent] exhibit[ed] symptoms of bipolar disorder but [was] not diagnosed with this condition at [that] time. [Rivera] suggested that [the respondent] meet with the [advanced practice registered nurse] for medication management, but [the respondent] declined medication.

“[Rivera] reported that [the respondent’s] treatment goals were to work on coping and organizational skills, maintaining stability in the community, maintaining housing, and maintaining employment. Her main goal was to control her impulsivity. [Rivera] reported that [the respondent] appeared to be doing better emotionally. However, maintaining and developing social relationships continued to be a barrier for [the respondent]. [Rivera] reported that [the respondent] did not display mindfulness as she was unaware of her body language

and had a difficult time adjusting in certain situations. She also reported that [the respondent] was not happy about her children not being in her care and she had a difficult time processing it.”

With respect to reunification efforts, the court found by clear and convincing evidence that the department “offered [the respondent] administrative case reviews (ACRs), casework services, considered removal meeting, supervised visitation, and transportation assistance. All Pointe Care, [LLC (All Pointe Care)] offered parenting education and supervised visitation. Klingberg Family Center provided individual therapy and parenting education. St. Francis’ Parenting Support Service offered parenting education. Unlimited Family Services, LLC (Unlimited Family Services), offered individual therapy, parenting education, and supervised visitation. Western Connecticut Behavioral Health, LLC, (Jessica Biren-Caverly, Ph.D. [a psychologist]) offered psychological evaluations. Wheeler Clinic offered [a] reunification and therapeutic family time . . . program.”

Additionally, the court found by clear and convincing evidence that the respondent was “encouraged to engage with the children’s service providers to gain insight into [the children’s] trauma symptoms, presenting behaviors, and child specific strategies that may be more effective in managing [their] behaviors.” She, however, “failed to follow through with contacting [the children’s] service providers in order to be able to understand their situation and issues better.”

The court noted that the respondent “has been unable to correct the factors that led to the initial commitment of her children, insofar as she is concerned. The clear and convincing evidence reveals that, from the date of commitment through the date of the filing of the . . . petition[s], and continuing through the time of trial, [the respondent] has not been available to take part in her sons’ lives in a safe, nurturing, and positive manner, and, based on her issues of mental health, parenting deficits, and a failure to engage, complete, and benefit from counseling and services, [the respondent] will never be consistently available to [the children].

“Unlike many [termination of parental rights] cases, the issue is not the respondent’s . . . attendance with service providers and with visitation. There is no question that [her] attendance with service providers has been generally satisfactory. [The respondent’s] issues have been related to her inability to gain benefit from her services. [She] has consistently refused to acknowledge her responsibility in Cameron’s poisoning. This factor was noted by several witnesses and service providers. [The respondent’s] understanding of [the children’s] issues remains poor. As a result, she has difficulty in regulating their behavior or controlling them without resorting to violence.

“The clear and convincing evidence indicates that [the respondent] failed to follow through with contacting [the children’s] service providers in order to be able to understand their situation and issues better. . . . [The respondent] has failed to master minimally acceptable parenting skills to meet the children’s emotional and behavioral needs, as she was unable to appreciate the extent of their mental health diagnoses and trauma. While [the respondent] has engaged in parenting services, she continues to need increased knowledge of the children’s specific care needs, supervision needs, and age appropriate discipline in light of the children’s trauma history. She has failed to acquire such knowledge.”

In reaching its conclusion that the respondent had failed to rehabilitate and was not reasonably likely to do so in the future, the court discussed, in part, the court-ordered psychological evaluation of the respondent and the children. A report thereof was admitted into evidence along with the testimony of the court-appointed evaluator, Biren-Caverly. The court noted that Biren-Caverly “testified that [the respondent] did not have much insight into her own mental health needs. She indicated that [the respondent’s] therapist related that [the respondent] was reluctant to discuss her mental health issues during therapy. . . .

“[Biren-Caverly] concluded that [the respondent’s] individual therapy was of limited effectiveness. She testified that [the respondent] mistrusts everyone and cannot incorporate the recommendations of the service providers into her parenting. Furthermore, [the respondent] does not believe that her parenting is wrong.

“[Biren-Caverly] recommended against reunification. She noted that, without [the respondent] incorporating the service providers’ recommendation[s] into her parenting, it was unlikely that [the respondent] would be successful in raising her sons.”

In light of the foregoing findings, the court concluded that there was clear and convincing evidence that (1) the department had made reasonable efforts to reunify the respondent with her children, (2) she was unable or unwilling to benefit from the reunification efforts, and (3) the respondent had failed to rehabilitate. The court then found that terminating the respondent’s parental rights was in the best interests of the children.³ Accordingly, the court rendered judgments terminating the parental rights of the respondent and appointed the petitioner as the children’s statutory parent. This appeal followed.⁴ Additional facts and procedural history will be set forth as necessary.

Before turning to the respondent’s claims, we first set forth the following legal principles. Section 17a-112 (j) provides in relevant part: “The Superior Court, upon notice and hearing as provided in [General Statutes §§]

45a-716 and 45a-717, may grant a petition filed pursuant to this section if it finds by clear and convincing evidence that (1) the [department] has made reasonable efforts to locate the parent and to reunify the child with the parent in accordance with subsection (a) of [General Statutes §] 17a-111b, unless the court finds in this proceeding that the parent is unable or unwilling to benefit from reunification efforts, except that such finding is not required if the court has determined at a hearing pursuant to [§] 17a-111b, or determines at trial on the petition, that such efforts are not required, (2) termination is in the best interest of the child, and (3) . . . (B) the child (i) has been found by the Superior Court or the Probate Court to have been neglected, abused or uncared for in a prior proceeding, or (ii) is found to be neglected, abused or uncared for and has been in the custody of the [petitioner] for at least fifteen months and the parent of such child has been provided specific steps to take to facilitate the return of the child to the parent pursuant to [General Statutes §] 46b-129 and has failed to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child”

“Proceedings to terminate parental rights are governed by § 17a-112. . . . Under [that provision], a hearing on a petition to terminate parental rights consists of two phases: the adjudicatory phase and the dispositional phase. During the adjudicatory phase, the trial court must determine whether one or more of the . . . grounds for termination of parental rights set forth in § 17a-112 [(j) (3)] exists by clear and convincing evidence. The [petitioner] . . . in petitioning to terminate those rights, must allege and prove one or more of the statutory grounds. . . . Subdivision (3) of § 17a-112 (j) carefully sets out . . . [the] situations that, in the judgment of the legislature, constitute countervailing interests sufficiently powerful to justify the termination of parental rights in the absence of consent. . . . Because a respondent’s fundamental right to parent his or her child is at stake, [t]he statutory criteria must be strictly complied with before termination can be accomplished and adoption proceedings begun.” (Internal quotation marks omitted.) *In re Ryder M.*, 211 Conn. App. 793, 806–807, 274 A.3d 218, cert. denied, 343 Conn. 931, 276 A.3d 433 (2022).

I

The respondent first claims that the court improperly concluded that the department had made reasonable efforts to reunify her with her children and that she was unable or unwilling to benefit from the reunification efforts. Because the petitioner did not allege in the petitions that the department had made reasonable efforts to reunify the respondent with the children, we

limit our analysis to the question of whether the court erred in concluding that the respondent was unwilling or unable to benefit from reunification services, which the petitioner did allege. The respondent argues that the evidence was insufficient for the court to conclude that she was unwilling or unable to benefit from services because, although the department provided the respondent with services, all of which were aimed at improving her skills as a parent, these services were “grossly inadequate to meet the needs of these complex children.” We are not persuaded.

In order to evaluate the respondent’s claim, we first review the services the department provided.⁵ The respondent does not contest the court’s subordinate findings made in support of its reasonable efforts determination. She acknowledges that “[t]here is no dispute that the [d]epartment offered the respondent . . . casework and other administrative services, parenting education, supervised visitation, transportation to the visits, individual therapy and therapeutic family time program” and that these services were aimed at improving her skills as a parent. Rather, the respondent maintains that the services provided by the department were inadequate to assist her in adjusting her circumstances so that she could realistically care for the complex needs of the children, and that, without such services being offered to the respondent, there was insufficient evidence that she was unwilling or unable to benefit from them.

The petitioner argues that the department made numerous service referrals directed at “addressing . . . [the respondent’s] impediments to reunification with [the children], specifically her untreated mental health concerns and parenting incapacities.” The petitioner further argues that, despite these efforts, the respondent was unable or unwilling: “to fully appreciate her role in Cameron[’s] and Noah’s trauma, behaviors, and mental health needs”; recognize the emotional and behavioral needs of the children; and adequately engage and address her own mental health issues.

We first set forth the standard of review that governs the resolution of this claim. On appeal, “we review the trial court’s ultimate determination that a respondent parent was unwilling or unable to benefit from reunification services for evidentiary sufficiency and review the subordinate factual findings for clear error. . . . [We do] not examine the record to determine whether the trier of fact could have reached a conclusion other than the one reached. . . .

“In our review of the record for evidentiary sufficiency, we are mindful that, as a reviewing court, [w]e cannot retry the facts or pass upon the credibility of the witnesses. . . . Rather, [i]t is within the province of the trial court, when sitting as the fact finder, to weigh the evidence presented and determine the credi-

bility and effect to be given the evidence.” (Citations omitted; internal quotation marks omitted.) *In re Gabriella A.*, 319 Conn. 775, 790, 127 A.3d 948 (2015). “Under this standard, the inquiry is whether the trial court could have reasonably concluded, upon the facts established and the reasonable inferences drawn therefrom, that the cumulative effect of the evidence was sufficient to justify its [ultimate conclusion]. . . . When applying this standard, we construe the evidence in a manner most favorable to sustaining the judgment of the trial court.” (Internal quotation marks omitted.) *In re Ryder M.*, supra, 211 Conn. App. 809.

The court’s uncontested subordinate findings establish that the department took various steps to facilitate the respondent’s reunification with her children before the petitioner sought to terminate the respondent’s parental rights. The record reveals that the department referred the respondent to Unlimited Families Services, a parenting education and supervision program, which offered the respondent supervised visitation with the children and helped her develop strategies to better regulate the children’s behaviors. Although the respondent was successfully discharged from that program, it was recommended that she continue to engage in parenting services due to her inability to accept responsibility for her actions that led to the department’s removal of the children. In addition, Unlimited Family Services recommended mental health treatment for the respondent. Thereafter, the department referred the respondent to All Pointe Care, another supervised visitation service with a parenting education component. The respondent was discharged from this program shortly after an incident in which she was physically aggressive with one of the children. After she was discharged from All Pointe Care, the respondent was resistant to other services, as she believed she did not need any supervised visits and briefly moved to North Carolina where she did not engage in any services.⁶ Upon her return from North Carolina, the department referred the respondent to another parenting support service through Saint Francis Hospital, which was a curriculum based program during which the respondent received parenting education aimed at helping her gain insight into the children’s emotional and behavioral needs.

The record further reveals that, despite the services that were offered to the respondent to facilitate reunification with the children, she was unable or unwilling to benefit from them. At trial, the court heard testimony from the department’s social worker, Tenika Campbell. Campbell testified that the respondent still struggles with accountability for her actions. Campbell further testified that the respondent did not seem to be receptive when they spoke about the children’s emotional and behavioral needs. According to Campbell, the respondent believes that the children are just regular hyperactive children. Campbell further testified that the

department had provided the respondent and the respondent's therapists and parenting educators, on various occasions, with the contact information of the children's providers in order for the respondent to better understand the children's needs. To Campbell's knowledge, the respondent never contacted the children's providers to discuss their needs.

At trial, the petitioner also introduced into evidence the written report of the court-ordered psychological evaluation, which supports the court's conclusion that the respondent was unable or unwilling to benefit from reunification efforts. In the report, Biren-Caverly indicated that she asked the respondent about Cameron's needs. The respondent replied that Cameron had been diagnosed with ADHD and pica, however, she indicated that all of her children that have been in foster care have been diagnosed with ADHD. When asked about Noah's special needs, the respondent indicated to Biren-Caverly that Noah did not have any special needs and that he was just an active normal child. In Biren-Caverly's opinion, the respondent would require significant education to learn about the children's individual mental health needs. In her report, Biren-Caverly noted that the respondent had a history of attending services, however, it appeared that the respondent did not incorporate the information learned into her interactions with the children. Biren-Caverly further noted that the respondent had a limited understanding and acceptance of the children's mental health needs and that she had a minimal appreciation of her role in their current functioning. Biren-Caverly opined that, in order for the respondent to reunify with the children, she would need to engage in the children's therapy, gain understanding of their needs, and acknowledge that the children experienced trauma in her care. Biren-Caverly, however, believed that the respondent is resistant to making changes and that the respondent does not believe that she needs to make changes to her parenting style.

In the present case, the court's uncontested cumulative findings amply support its determination that, despite the department's reasonable efforts to reunify the respondent with the children, given their special needs, the respondent was unable or unwilling to benefit from such efforts.

II

Next, the respondent claims that the court improperly concluded that she had failed to achieve such a degree of personal rehabilitation as would encourage the belief that, within a reasonable time, considering the ages and needs of the children, she could assume a responsible position in their lives. We are not persuaded.

We begin by setting forth the established principles of law and the applicable standard of review that govern the resolution of this claim. "The trial court is required,

pursuant to § 17a-112, to analyze the [parent's] rehabilitative status as it relates to the needs of the particular child, and further . . . such rehabilitation must be foreseeable within a reasonable time. . . . The statute does not require [a parent] to prove precisely when [she] will be able to assume a responsible position in [her] child's life. Nor does it require [her] to prove that [she] will be able to assume full responsibility for [her] child, unaided by available support systems. It requires the court to find, by clear and convincing evidence, that the level of rehabilitation [she] has achieved, if any, falls short of that which would reasonably encourage a belief that at some future date [she] can assume a responsible position in [her] child's life. . . . Personal rehabilitation as used in [§ 17a-112 (j) (3) (B)] refers to the restoration of a parent to [her] former constructive and useful role as a parent. . . . [I]n assessing rehabilitation, the critical issue is not whether the parent has improved [her] ability to manage [her] own life, but rather whether [she] has gained the ability to care for the particular needs of the [children] at issue. . . .

“[The] completion or noncompletion [of the specific steps], however, does not guarantee any outcome. . . . Accordingly, successful completion of expressly articulated expectations is not sufficient to defeat a department claim that the parent has not achieved sufficient rehabilitation. . . . Whereas, during the adjudicatory phase of a termination proceeding, the court is generally limited to considering events that precede the date of the filing of the petition or the latest amendment to the petition, also known as the adjudicatory date, it may rely on events occurring after the [adjudicatory] date . . . when considering the issue of whether the degree of rehabilitation is sufficient to foresee that the parent may resume a useful role in the child's life within a reasonable time. . . .

“A conclusion of failure to rehabilitate is drawn from *both* the trial court's factual findings and from its weighing of the facts in assessing whether those findings satisfy the failure to rehabilitate ground set forth in § 17a-112 (j) (3) (B). Accordingly . . . the appropriate standard of review is one of evidentiary sufficiency, that is, whether the trial court could have reasonably concluded, upon the facts established and the reasonable inferences drawn therefrom, that the cumulative effect of the evidence was sufficient to justify its [ultimate conclusion]. . . .⁷ When applying this standard, we construe the evidence in a manner most favorable to sustaining the judgment of the trial court. . . . We will not disturb the court's subordinate factual findings unless they are clearly erroneous. . . . A factual finding is clearly erroneous when it is not supported by any evidence in the record or when there is evidence to support it, but the reviewing court is left with the definite and firm conviction that a mistake has been made.” (Citations omitted; emphasis in original; foot-

note added; internal quotation marks omitted.) *In re G. H.*, 216 Conn. App. 671, 683–85, 286 A.3d. 671 (2022).

In its memorandum of decision, the court found by clear and convincing evidence that the respondent had failed to rehabilitate given the ages and needs of the children. It found that the respondent “ha[d] failed to master minimally acceptable parenting skills to meet the children’s emotional and behavioral needs as she was unable to appreciate the extent of their mental health diagnoses and trauma.” It further found that, “[w]hile [the respondent] has engaged in parenting services, she continues to need increased knowledge of the children’s specific care needs, supervision needs, and age appropriate discipline in light of the children’s trauma history. She has failed to acquire such knowledge.” Significantly, the court also found that the respondent has “consistently refused to acknowledge her responsibility in Cameron’s poisoning.”

The court concluded that, when considering the “high level of care, patience, and discipline that [the children’s] needs will require from their caregivers, it is patently clear that [the respondent] is not in a better position to parent her children than she was at the time of [the children’s] commitment” and that the respondent “is no better able to resume the responsibilities of parenting at the time of filing the termination petition[s] than [she] had been at the time of the children’s commitment.” (Internal quotations marks omitted.) The court noted that the children “cannot wait for the remote possibility that their biological mother might overcome her mental health issues, her parenting issues, and her failure to appropriately benefit from referrals, recommendations, and services and acquire sufficient parenting ability to care for them one day in the future.” Accordingly, the court found that the petitioner had proven, by clear and convincing evidence, that the respondent had failed to rehabilitate pursuant to § 17a-112 (j) (3) (B) (ii).

The respondent maintains that the court could not properly find that she had failed to rehabilitate because the reunification services that were provided to her were not adequate given the children’s needs. She argues that she failed to acquire the knowledge necessary to care for the children because the services provided to her by the department were not tailored to address the high level of care, patience and discipline that the children’s special needs require from their caretakers.⁸

The record contains abundant evidence from which the court reasonably could have found that the respondent had failed to rehabilitate, considering the age and needs of the children. The undisputed evidence is that the children have special needs and that they have participated in services designed to address their needs. There also is undisputed evidence in the record estab-

lishing that the respondent participated in numerous services aimed to help her improve her skills as a parent given the special needs of the children but failed to benefit from such services. In support thereof, at trial, the petitioner presented testimony from the department's social worker, Tenika Campbell, who testified that she discussed with the respondent the behaviors and emotional needs of the children. According to Campbell, the respondent was not receptive to the children's needs. Additionally, Campbell testified that the respondent was provided with the contact information for the children's service providers and was encouraged to contact them directly in an effort to help her understand and accept their needs. According to Campbell, however, the respondent never contacted the children's service providers.

In addition to the department's social worker, the court heard testimony from Biren-Caverly. Biren-Caverly testified that the respondent told her that she did not have a mental health diagnosis. On the basis of that statement, Biren-Caverly opined that the respondent did not have much insight into her own mental health needs and that she was reluctant to discuss her mental health needs with her therapists. According to Biren-Caverly, because of the respondent's unwillingness to discuss her mental health, any mental health treatment would be of limited effectiveness. Biren-Caverly further testified that the respondent's mistrust of service providers prevented her from making significant progress in learning from the resources provided to her. Regarding the respondent's understanding of the children's needs, Biren-Caverly testified that the respondent did not believe the children had ADHD and that the respondent was not familiar with the diagnoses of the children nor the services they had received. In light of the children's extensive mental health diagnoses, Biren-Caverly opined that the children would need a highly structured environment and, based on her evaluation, the respondent would not be able to meet the needs of the children. Biren-Caverly, therefore, recommended against reunification.

Construing the record in the manner most favorable to sustaining the judgments of the trial court, as we are obligated to do, we conclude that the record contains sufficient evidence to support the court's finding that the petitioner had proven by clear and convincing evidence that the respondent failed to rehabilitate such that, considering the ages and needs of the children, she could assume a responsible position in their lives. Accordingly, the court properly concluded that the respondent had failed to rehabilitate.

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.

** May 4, 2023, the date that this decision was released as a slip opinion, is the operative date for all substantive and procedural purposes.

¹ The father of Cameron and Noah, Milecom H., also was named as a respondent in the petitions for termination of parental rights. Milecom consented to the termination of his parental rights as to both children and is not participating in this appeal. We hereinafter refer to the respondent mother as the respondent.

² In addition to Cameron and Noah, the respondent has another minor child who resides with his biological father and is not a subject of this appeal.

³ We note that the respondent in this appeal does not challenge the court's finding that the termination of her parental rights was in the best interests of the children.

⁴ In this appeal, the attorney for the children filed a statement in accordance with Practice Book § 67-13 adopting the brief filed by the petitioner and asking the court to affirm the judgments of the trial court.

⁵ “[A]lthough it is true that a finding that the department made reasonable reunification efforts is not a necessary predicate to a finding that a parent is unable to benefit from such efforts, this does not mean that a trial court could never view those two issues as interrelated.” *In re Elijah C.*, 326 Conn. 480, 497–98, 165 A.3d 1149 (2017). “[T]he question of whether the petitioner made reasonable efforts to reunify the respondent with her child is inextricably linked to the question of whether the respondent can benefit from such efforts.” *In re Gabriella A.*, 319 Conn. 775, 814, 127 A.3d 948 (2015). “Depending on the case, a trial court might well conclude that the department’s reunification efforts were so lacking as to preclude both a finding that the department made reasonable reunification efforts *and* that a parent is unable to benefit from such efforts.” (Emphasis in original.) *In re Elijah C.*, *supra*, 498. However, the department is only required to “prove *either* that it has made reasonable efforts to reunify *or, alternatively*, that the parent is unwilling or unable to benefit from reunification efforts. Section 17a-112 (j) clearly provides that the department is not required to prove both circumstances. Rather, either showing is sufficient to satisfy this statutory element.” (Emphasis in original.) *In re Jorden R.*, 293 Conn. 539, 552–53, 979 A.2d 469 (2009). Because the petitioner did not allege in the petitions at issue in the present case that reasonable reunification efforts had been made, we review the court’s reasonable reunification efforts finding only as it relates to its conclusion that the respondent is unable or unwilling to benefit from such reasonable reunification efforts.

⁶ The record reflects that the respondent moved to North Carolina in June, 2020, without the knowledge of the department. She returned to Connecticut in November, 2020.

⁷ The respondent claims in her brief to this court that evidentiary sufficiency is an improper standard of review in child protection cases. However, she concedes that, as an intermediary court of appeals, this court is bound by our Supreme Court’s decision in *In re Shane M.*, 318 Conn. 569, 588, 122 A.3d 1247 (2015), in which the court held that the appropriate standard of review is one of evidentiary sufficiency.

⁸ In support of her claim that the department did not provide her with adequate reunification services, the respondent compares the services provided to the foster mother with the services provided to her. Specifically, she asserts that the foster mother received accurate diagnoses of the children’s behavioral and psychological conditions, appropriate medication for the children’s needs, weekly in-home services, coaching, counseling, and additional funding to facilitate any further enrichment that might help the children and the family to function. This argument assumes that the foster mother and the respondent are similarly situated in terms of their respective skill sets, circumstances and willingness and ability to benefit from the same services. The services offered to the respondent, because they must also be specifically tailored to the respondent’s specific impairments before a return of the children to her custody can be considered, are not comparable to the services accepted by the foster mother under the circumstances of this case. We are, therefore, not persuaded by this argument because our review of the evidence reflects that the services provided to the foster mother were necessary to address the children’s needs while in the physical care of the foster mother.
