****

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.

****

IN RE L. T.*
(AC 46069)

Bright, C. J., and Elgo and Cradle, 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, L and C. The mother had a history of mental health issues and, when she was a minor, had been a victim of sexual abuse and a perpetrator of sexual molestation. The respondent father was incarcerated for sexually assaulting the mother's two older children while they were in the home with L and C. After L and the mother's two older children disclosed to the Department of Children and Families inappropriate behaviors of the mother and a man that she had allowed in the home, the department invoked a ninety-six hour hold on behalf of L and C, and the disposition was later modified to commitment of L and C to the custody of the petitioner, the Commissioner of Children and Families. The petitioner thereafter filed petitions for termination of the mother's parental rights as to L and C. At a family therapy session thereafter arranged by the department, C disclosed to the therapist that L had been sexually abused by a man while in the mother's care, an incident that the mother had not reported to the department. The mother and L and C were thereafter discharged from family therapy, and they continued with their individual therapy. After a trial, the court terminated the mother's parental rights as to both L and C and denied her motion for posttermination visitation. *Held*:

1. The trial court did not improperly determine that the department made reasonable efforts to reunify the respondent mother with L and C and that the mother was unable or unwilling to benefit from those efforts: the court found that the mother was offered numerous services to aid in reunification, including supervised visitation, parenting education, individual counseling services, a psycho-sexual evaluation, in-home services and case management services, and, although the mother had successfully completed services offered, she remained in no better position to resume caretaking responsibilities of L and C; moreover, although the mother argued that the department's efforts were not reasonable because it failed to adequately implement family therapy for the mother and L and C, the court reasonably could have concluded that the individual treatment needs of L and C should take precedence over family therapy, especially given the mother's minimization of the impact of sexual abuse on them; furthermore, the department was not required to do everything possible, just everything reasonable, to promote reunification.
2. The respondent mother could not prevail on her claim that the trial court improperly determined that she failed to achieve such a degree of rehabilitation as would encourage the belief that within a reasonable time she could assume a responsible position in the lives of L and C: despite the mother's engagement in multiple services, she continued to demonstrate a limited understanding of her own trauma and how it negatively impacted her ability to parent her children and failed to gain an understanding of the trauma endured by L and C while in her care and her role in it; moreover, although the mother had substantially complied with her court-ordered specific steps and made improvements, the completion of specific steps alone is not sufficient to defeat the department's claim that a parent has not achieved sufficient rehabilitation.
3. The trial court did not improperly deny the respondent mother's motion for posttermination visitation with L and C: although the court found that the mother loves L and C and may have had frequent and positive interactions with them, that is just one factor that the court may consider in evaluating whether posttermination visitation is necessary or appropriate, and, even if the court had considered the nature of the mother's previous visitation with L and C, the court also properly considered the mother's inability to parent L and C and the harm that they had suffered

as a result of her shortcomings; moreover, the court also considered the mother's combative behavior with the foster parents and her fixation on advice that she perceived might have come from the foster parents, which demonstrated her difficulty coping with visitation; accordingly, the court did not err in determining that it would be neither necessary nor appropriate for the mother to have posttermination visitation with L and C.

Argued May 8—officially released July 21, 2023**

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 London, Juvenile Matters at Waterford, where the matter was tried to the court, *Hoffman*, *J.*; judgments terminating the respondents' parental rights, from which the respondent mother appealed to this court. *Affirmed*.

David E. Schneider, *Jr.*, assigned counsel, for the appellant (respondent mother).

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

D. Keith Foren, supervisory assistant public defender, for the minor child L. T.

Megan Maynard, for the minor child C. T.

Opinion

CRADLE, J. The respondent mother, Amy T.,[1] appeals from the judgments of the trial court terminating her parental rights and denying her motion for postterminination visitation as to two of her minor children, L. T. (L) and C. T. (C).[2] On appeal, the respondent claims that the trial court improperly (1) determined that the Department of Children and Families (department) made reasonable efforts to reunify her with the minor children and that she is unwilling or unable to benefit from reunification efforts, (2) determined that she has failed to achieve such a degree of rehabilitation as would encourage the belief that within a reasonable time she could assume a responsible position in the lives of the minor children, and (3) found that posttermination visitation with the minor children was not necessary and appropriate.[3] We affirm the judgments of the trial court.

The following facts, found by clear and convincing evidence by the trial court, and procedural history are relevant to our resolution of this appeal. The department became involved with the respondent in 1992, at age fifteen, when she disclosed that she had sexually molested her younger brother. She subsequently spent time in a residential setting under the care of the department and was diagnosed with post-traumatic stress disorder and conduct disorder. She later disclosed that she had been sexually abused by a babysitter when she was eight years old.

The respondent met the father of her two older daughters, A and I,[4] in 2003, but the two never married. In 2009, the respondent moved in with Steven T., whom she met while they both were in treatment for sexualized behaviors. She stated that she was not concerned about Steven's past offenses—having to do with sexual abuse of his sister—because he was "only a young man when he offended." They married in June, 2010. Their daughters, L and C, who are the minor children in this action, were born in 2010 and 2012, respectively. Subsequently, Steven was convicted of sexually assaulting A and I. The respondent stayed in contact with Steven while he was incarcerated for those offenses. The couple divorced in 2016.

Since the department's first involvement with this family in 2005, there have been seven investigations concerning sexual abuse pertaining to the respondent's children. On January 20, 2017, the petitioner, the Commissioner of Children and Families, filed petitions alleging that all four of the respondent's children had been neglected. On February 16, 2018, the court adjudicated the children neglected and placed them under an order of protective supervision for six months. The court issued specific steps to the respondent to facilitate reunification with the minor children.[5]

In May, 2018, A, I and L "all disclosed [to the department] inappropriate behaviors of [the respondent] and a man that [the respondent] allowed in the home. [The children] disclosed that this man and [the respondent] were acting 'funny' and 'tipsy' and the man pushed [the respondent] down during a yelling match. The man made sexual remarks [toward] I and hugged and kissed [the children] without their permission. [The respondent] also allowed this man to sleep with [the minor children] in the upper bunk. The older children informed [the department] that the man and [the respondent] were intoxicated." Following this disclosure, "[o]n May 18, 2018, the department invoked a [ninety-six] hour hold on behalf of [the minor children]."

On May 21, 2018, the petitioner filed motions for ex parte orders of temporary custody (OTC) for the minor children, which the court granted that day, temporarily committing them to the care and custody of the petitioner. Following a hearing, on May 24, 2018, the court sustained the OTCs. On July 17, 2018, the court modified the February 16, 2018 disposition from protective supervision to commitment of the minor children to the custody of the petitioner. The minor children remained in the petitioner's care at the time of trial.

On April 16, 2019, the court, *Hon. Michael A. Mack*, judge trial referee, approved a concurrent permanency plan of termination of parental rights and adoption or reunification with the respondent. On November 7, 2019, the petitioner filed petitions to terminate the respondent's parental rights as to the minor children, alleging that the department had made reasonable efforts to reunify the respondent with the minor children, that she is unable or unwilling to benefit from those efforts, and that she failed to achieve such a degree of rehabilitation as would encourage the belief that within a reasonable time she could assume a responsible position in the lives of the minor children pursuant to General Statutes § 17a-112 (j) (3) (B) (i).

On June 29, 2022, the respondent filed a motion for posttermination visitation, arguing that the minor children "have had consistent, positive visitations with [the] respondent . . . that the minor children remain conflicted about whether or not they should return to [the respondent's] care . . . that the minor children want to have a continuing relationship with [the] respondent . . . that the current foster parents . . . support [the respondent's] continued contact with the minor children . . . [and] continuing visitation . . . would be necessary or appropriate to secure the welfare, protection, proper care and suitable support of the minor children."

On October 4, 2022, following a trial, the court, *Hoffman, J.*, issued a memorandum of decision terminating the respondent's parental rights as to the minor chil-

dren.[6] In the adjudicatory phase,[7] the court found, by clear and convincing evidence, that the department made reasonable efforts to reunify the minor children with the respondent and, further, that she was unable or unwilling to benefit from the reunification efforts. The court next found, also by clear and convincing evidence, that the respondent "had failed to achieve such a degree of personal rehabilitation as would encourage the belief that, within a reasonable period of time, considering the ages and needs of [the minor] children, [she] could assume a responsible position in their lives." In the dispositional phase, the court considered the seven statutory factors of § 17a-112 (k)[8] before finding that it was in the best interests of the minor children to terminate the respondent's parental rights.

The court also denied the respondent's motion for posttermination visitation, "find[ing] by clear and convincing evidence that posttermination visitation is not necessary or appropriate to secure the [minor children's] welfare, protection, [or] proper care [and is not] necessary to provide suitable support to [the minor children]." This appeal followed. Additional facts and procedural history will be set forth as necessary.

I

The respondent first claims that the court improperly determined that the department made reasonable efforts to reunify her with the minor children and that she was unable or unwilling to benefit from those efforts. We are not persuaded.

"Section 17a-112 (j) (1) requires that before terminating parental rights, the court must find by clear and convincing evidence that the department has made reasonable efforts to locate the parent and to reunify the child with the parent, unless the court finds in this proceeding that the parent is unable or unwilling to benefit from reunification efforts provided such finding is not required if the court has determined at a hearing . . . that such efforts are not appropriate . . . . Thus, the department may meet its burden concerning reunification in one of three ways: (1) by showing that it made such efforts, (2) by showing that the parent was unable or unwilling to benefit from reunification efforts or (3) by a previous judicial determination that such efforts were not appropriate. . . . [I]n determining whether the department has made reasonable efforts to reunify a parent and a child . . . the court is required in the adjudicatory phase to make its assessment on the basis of events preceding the date on which the termination petition was filed. . . . This court has consistently held that the court, [w]hen making its reasonable efforts determination . . . is limited to considering only those facts preceding the filing of the termination petition or the most recent amendment to the petition . . . .

"The reasonableness of the department's efforts must

be assessed in the context of each case. The word reasonable is the linchpin on which the department's efforts in a particular set of circumstances are to be adjudged, using the clear and convincing standard of proof. Neither the word reasonable nor the word efforts is, however, defined by our legislature or by the federal act from which the requirement was drawn. . . . [R]easonable efforts means doing everything reasonable, not everything possible. . . . [R]easonableness is an objective standard . . . and whether reasonable efforts have been proven depends on the careful consideration of the circumstances of each individual case. . . .

"Our review of the court's reasonable efforts determination is subject to the evidentiary sufficiency standard of review . . . 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]. . . . In so doing, we construe the evidence in a manner most favorable to sustaining the judgment of the trial court and will not disturb the court's subordinate factual findings unless they are clearly erroneous." (Citations omitted; internal quotation marks omitted.) *In re Kylie P.*, 218 Conn. App. 85, 95–96, 291 A.3d 158, cert. denied, 346 Conn. 926, 295 A.3d 419 (2023).

In determining that the department made reasonable efforts to reunify the respondent with the minor children, the court recounted that the respondent was offered numerous services to aid in reunification, including "supervised visitation, parenting education, individual counseling services, a psycho-sexual evaluation, in-home services and case management services."

With respect to whether the respondent was willing and able to benefit from reunification efforts, the court found that, although "[the respondent] has successfully completed services offered . . . [s]he remains in no better position to resume caretaking responsibilities of [the minor] children despite services offered. While [the respondent] engaged in recommended treatment, she continues to demonstrate a limited understanding and lack of insight into her needs and [those] of [the minor] children in order to keep them safe." The court concluded that "[the respondent has] failed to gain the necessary insight needed to care for [the minor children]. [She has] been unable to do so for most of [the minor children's] young lives."

In challenging the court's determination that the department made reasonable efforts to reunify her with the minor children, the respondent does not dispute the court's finding that the department provided her with numerous services. Instead, she argues that the department's efforts were not reasonable solely because it failed to adequately implement family therapy for the respondent and the minor children.

The following additional facts and procedural history are relevant to this claim. On June 3, 2021, the petitioner filed a motion for a psychological evaluation of the respondent, which the court granted on June 14, 2021. The court appointed Nancy Randall, a psychologist, to conduct the evaluation. Randall conducted the evaluation of the respondent, as well as an interactional evaluation of the respondent with the minor children, and contacted the minor children's therapist, Laura Douglas, who had been treating them since November, 2020. Randall submitted her report to the court on August 8, 2021, a copy of which was admitted into evidence at trial. She reported that the respondent was making good progress toward reunification and concluded that, "[a]t this time, it appears likely that the [respondent] would be able to provide appropriate care for the [minor children] if they were reunified." Nonetheless, Randall also noted that the minor children's therapist "expressed concerns that the [minor children] would be highly disrupted if they were returned to [the respondent's] care." Thus, Randall concluded that it was "critical that family therapy be set up to deal with the trauma issues and that progress be made in this prior to the [minor children] being reunified. It cannot be adequately determined at this time how difficult that transition may be for the [minor children] and whether they would best be served by returning to [the respondent's] care if such treatment is unsuccessful."

On the basis of Randall's report, the court, on September 21, 2021, approved a concurrent plan of revocation of commitment and reunification of the minor children with the respondent or termination of the respondent's parental rights. In accordance with Randall's recommendation and to support the reunification plan, the department referred the respondent and the minor children for family therapy. At the first session on October 18, 2021, C disclosed to the therapist, James Robertson, that L had been sexually abused by a man while in the respondent's care. The respondent told Robertson that C's disclosure was false and that the department was aware of it. When Robertson reported the disclosure to the department, he was informed that the incident had not been reported. One week after the family session, Robertson met with the respondent alone and learned that the respondent and minor children had been attending individual therapy for various issues. Thereafter, Robertson, after discussing C's disclosure with his supervisor, decided to discharge the respondent and the minor children from family therapy and recommended that they continue with their individual therapy.

On January 13, 2022, the court ordered a psychological evaluation of the minor children, which Randall conducted on February 1, 2022. In her February 28, 2022 report, Randall recommended reinstating family

therapy in conjunction with the minor children's individual therapy. Randall noted, however, that, because the minor children had been in the petitioner's care for nearly four years at that time, she questioned "whether it is still appropriate to disrupt a stable preadoptive home in order to make the attempt at reunification, which [could] not be assured to be successful."

Despite that concern, the department again referred the respondent and minor children to family therapy, selecting a family therapist whom Randall had recommended. Antina Falk, the department's social work supervisor for the minor children's cases, testified that the department "scheduled some family therapy that would occur between [the respondent] and the [minor children]. Unfortunately, prior to that family therapy session, [L] was found to be masturbating while holding [C's] hand. . . . [I]t was very concerning because . . . the concern was that, possibly, [L] was going to engage [C] in her sexual, you know—basically, drawing her into the sexual act and potentially perpetrating [sexual abuse on] her younger sister. So based on these concerns, once we brought this information to the [minor] children's therapist, based on those concerns, and with it being timed so closely with the beginning of this family therapy happening again, [Douglas] really was concerned that [L] needed her own more intensive, more sexually reactive based therapy by someone who is certified to provide that therapy. . . . [Family therapy] was strongly frowned upon and [the department] thought that it could be harmful to start family therapy when [L] was going though such a significant process."

On appeal, the respondent argues that the department should have adhered to Randall's recommendation for family therapy instead of the recommendation of Robertson, who, she alleges, was relatively inexperienced.[9] In so arguing, the respondent ignores the fact that, even if Robertson was less experienced than Randall, he did not make the decision to discontinue family therapy on his own; rather, he did so in conjunction with his supervisor, who agreed with his assessment.[10] Furthermore, it is the province of the trial court to decide how much weight to give to each witness' testimony. See *In re Gabriella A.*, 319 Conn. 775, 790, 127 A.3d 948 (2015) ("[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" (internal quotation marks omitted)). Moreover, despite Robertson's decision to end family therapy, the department subsequently referred the respondent and the minor children to family therapy again, but, as Falk explained in her testimony, the department determined, after consulting with Douglas, that family therapy would be inappropriate due to a recent incident involving sexualized behavior by L. When assessing the reasonableness of the reunification efforts made by the department, we are mindful of the need to consider the

particular needs of the family involved. Although family therapy is one tool available to promote reunification in general, the court reasonably could have concluded that the individual treatment needs of the minor children should take precedence over family therapy, especially given the respondent's minimization, as noted by Randall, of the impact of the sexual abuse on the minor children. It also is significant that the respondent does not dispute that the department referred her for a variety of services tailored to address the concerns related to the sexual abuse of the minor children, including both the respondent's ability to protect the minor children and her own mental health. Specifically, the department offered the respondent case management services and referred her for mental health treatment, in-home services, psychological evaluations, dialectical behavior therapy,[11] and parenting education. In her August 8, 2021 report, Randall observed that, since 2018, the respondent mostly complied with the department's referrals and had "participated in individual therapy, a non-offending parents' program, and therapeutic parenting." Thus, the respondent's argument regarding additional family therapy ignores the principle that the department need not do everything possible, just everything reasonable, to promote reunification. See *In re Corey C.*, 198 Conn. App. 41, 59, 232 A.3d 1237, cert. denied, 335 Conn. 930, 236 A.3d 217 (2020). Indeed, our Supreme Court has upheld a court's determination of reasonable efforts "[e]ven [when] the evidence had established that additional family therapy might have been beneficial." *In re Melody L.*, 290 Conn. 131, 147, 962 A.2d 81 (2009), overruled on other grounds by *State* v. *Elson*, 311 Conn. 726, 91 A.3d 862 (2014).

Accordingly, on the basis of the foregoing, the court reasonably determined that the cumulative effect of the evidence was sufficient to justify its ultimate conclusion that the department made reasonable efforts to reunify the respondent with the minor children.[12]

II

The respondent also claims that the court improperly determined that she failed to rehabilitate within the meaning of § 17a-112 (j) (3) (B). Specifically, she argues that the court's determination is improper because she has substantially complied with her court-ordered specific steps. We disagree.

"Failure of a parent to achieve sufficient personal rehabilitation is one of six statutory grounds on which a court may terminate parental rights pursuant to § 17a-112. . . . That ground exists when a parent of a child whom the court has found to be neglected fails to achieve such a degree of rehabilitation as would encourage the belief that within a reasonable time, considering the age and needs of the child, the parent could assume a responsible position in the life of that child. . . .

"Personal rehabilitation as used in [§ 17a-112 (j) (3) (B)] refers to the restoration of a parent to his or her former constructive and useful role as a parent. . . . 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. . . . Rather, [§ 17a-112] requires the trial court to analyze the [parent's] rehabilitative status as it relates to the needs of the particular child, and further, that such rehabilitation must be foreseeable within a reasonable time. . . . [The statute] 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. . . . [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 child at issue. . . .

"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]. . . . 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 Isabella Q.*, 217 Conn. App. 837, 848–49, 290 A.3d 889, cert. denied, 346 Conn. 927, 292 A.3d 3 (2023).

In finding that the respondent failed to achieve such a degree of personal rehabilitation as would encourage a belief that within a reasonable time she could assume a responsible position in the lives of the minor children, the court explained that, "[a]lthough [the respondent] is engaged in individual counseling and receives [dialectical behavior therapy] services as well as psycho-sexual counseling, she continues to demonstrate a limited understanding of her own trauma . . . . It was reported in 2019, by [the respondent's] therapist . . . that [the respondent] did not have a concept of the negative impact of how her sexual abuse history has impacted her ability to parent [the minor] children. . . . [Douglas] credibly testified that, in her work with [the respondent], [the respondent] was often dismissive and minimized the sexual abuse endured by [the minor] children and that, in May of 2022, at a Child and Family

[Team] meeting,[13] [the respondent] appeared to be remaining in her own trauma as evidenced by her scattered discussion of her own sexual experiences as well as [the department's involvement] in her childhood as if it [were] happening to her today and not [to] the [minor children]. Clearly [the respondent] has failed to gain an understanding of the trauma the [minor children] endured while in her care and her role in it. [The respondent] has failed to gain an understanding and an ability to engage with [the minor] children related to the sexual abuse they experienced, navigate their feelings in a healthy way and support them appropriately, hence she cannot keep them safe in the future." (Footnote added.) The court further found that, "[d]espite [the respondent's] engagement in multiple services, [the respondent] continues to demonstrate a limited understanding of her own trauma and how it has impacted her parenting and keeping [the minor] children safe. She has clearly failed to gain an understanding of the negative impact of sexual abuse on [the minor] children and it has affected her ability to keep [them] safe." The court concluded that, "[d]espite [the department's] reasonable efforts, [the respondent is] unable to parent [the minor children] and serve as their caretaker. [She is] unable to meet the[ir] developmental and emotional needs. . . . [The respondent] has [not] made significant progress toward personal rehabilitation and clearly cannot assume a responsible position in the lives of [the minor] children given their ages and needs. It is clear that [the respondent] loves [the minor children], but her attempts to reunify with them have failed . . . . "

On appeal, the respondent argues that she has not failed to rehabilitate because she substantially complied with her court-ordered specific steps.[14] Particularly, she contends that she has addressed the factors that led to the initial removal of the minor children from her care, such as "exposure of the [minor] children to inappropriate individuals, parenting, and unaddressed mental health issues." In support of her argument, she refers to reports from her therapists that she has "gained both intellectual and emotional insight, as well as developed an understanding on how to make better choices" and has also been able to "reduce her anxiety and depressive symptoms." She further highlights that she is not involved with the criminal justice system, she is employed, and she has signed the requisite releases to allow the department to communicate with service providers.

Again, although the respondent has complied with the department's recommendations and has made improvements, the court found, and the record reflects, that she nevertheless remains unable to parent the minor children and serve as their caretaker. In so finding, the court referred to statements by the minor children's therapist that the respondent still does not understand her role in their sexual trauma. The court's

findings regarding the respondent's dismissive behavior during family therapy support the inference that she is not in a position to meet their developmental and emotional needs. Those findings are supported by the testimony of Randall, who explained that the respondent's minimization of the disclosure during family therapy with Robertson was "a concern . . . that would need to be addressed and changed in order for them to have a successful family therapy." The fact that the respondent minimized and denied her daughter's disclosure of sexual abuse during family therapy in October, 2021, after she had been engaged in services to assist her in supporting [the minor] children for more than three years, supports the court's finding that the respondent had failed to rehabilitate within the meaning of § 17a-112 (j) (3). Indeed, Randall also opined, "although I do believe the [respondent] has made some gains in being able to have better relationships with the [minor children], she, at least at this point, has not demonstrated that she's able to provide them with the home that [they need] . . . . I don't think that they can tolerate waiting much longer for [permanency]." This observation is in accord with the court's findings.

Consequently, despite some evidence of improvement, the totality of the evidence is sufficient to support a determination that the respondent has not "corrected the factors that led to the initial commitment." (Internal quotation marks omitted.) *In re Shane M.*, 318 Conn. 569, 586, 122 A.3d 1247 (2015).

Furthermore, "[the] completion or noncompletion [of specific steps] . . . does not guarantee any outcome. A parent may complete all of the specific steps and still be found to have failed to rehabilitate. . . . Conversely, a parent could fall somewhat short in completing the ordered steps, but still be found to have achieved sufficient progress so as to preclude a termination of his or her rights . . . ." (Citation omitted.) *In re Elvin G.*, 310 Conn. 485, 508, 78 A.3d 797 (2013). "Accordingly, successful completion of expressly articulated expectations is not sufficient to defeat a department claim that the parent has not achieved sufficient rehabilitation." (Internal quotation marks omitted.) Id.

Given the evidence of the respondent's continued minimization of the sexual abuse inflicted on the minor children, and considering the minor children's emotional needs due to the trauma they have experienced, we conclude that the court reasonably determined that the cumulative effect of the evidence was sufficient to justify its ultimate conclusion that the respondent has failed to achieve such a degree of rehabilitation as would encourage the belief that within a reasonable time she could assume a responsible position in the lives of the minor children.

III

The respondent last claims that the court improperly denied her motion for posttermination visitation. Specifically, she argues that the frequency and quality of her visitation with the minor children prior to the termination of her parental rights precluded a finding that posttermination visitation with the minor children was neither necessary nor appropriate. We disagree.

"[A] trial court has the authority to consider a motion for posttermination visitation when the court considers termination of parental rights pursuant to § 17a-112 (j). . . . This authority . . . originates from the trial court's broad authority in juvenile matters, codified at [General Statutes] § 46b-121 (b) (1), 'to make and enforce such orders . . . necessary or appropriate to secure the welfare, protection, proper care and suitable support of a child,' including orders impacting parental rights, such as termination and visitation." (Citation omitted; footnote omitted.) *In re Annessa J.*, 343 Conn. 642, 667–68, 284 A.3d 562 (2022). When evaluating whether posttermination visitation should be ordered, "the mo[st] prudent approach . . . is to adhere to the standard that the legislature expressly adopted [in § 46b-121 (b) (1)]—necessary or appropriate to secure the welfare, protection, proper care and suitable support of [the] child . . . ." (Internal quotation marks omitted.) Id., 668. "The term 'necessary,' when used in this context, has one fixed meaning: 'Impossible to be otherwise . . . indispensable; requisite; [or] essential.' " Id., 673. "In the context of posttermination visitation, we read the word 'appropriate' to mean 'proper,' " given its placement after "the more exacting term, 'necessary.' " Id., 674. The court's "necessary or appropriate" standard "is purposefully more stringent than the 'best interest of the child' standard, as the trial court must find that posttermination visitation is necessary or appropriate—meaning 'proper'—to secure the child's welfare." Id. It would be a "rare circumstance in which a trial court could simultaneously terminate parental rights and, in the same proceeding, order posttermination visitation." Id.

It is well settled that we review a trial court's exercise of authority under § 46b-121 (b) (1) for an abuse of discretion. *In re K. M.*, 217 Conn. App. 687, 702, 289 A.3d 1240 (2023). "Whether . . . posttermination visitation [is necessary or appropriate] is, of course, a question of fact for the trial court, which has the parties before it and is in the best position to analyze all of the factors which go into the ultimate conclusion that [posttermination visitation is in the best interest of the child]. . . . Our dedicated trial court judges, who adjudicate juvenile matters on a daily basis and must make decisions that concern children's welfare, protection, care and support, are best equipped to determine the factors worthy of consideration in making this finding. As examples—which are neither exclusive nor all-inclu-

sive—a trial court may want to consider the child's wishes, the birth parent's expressed interest, the frequency and quality of visitation between the child and birth parent prior to the termination of the parent's parental rights, the strength of the emotional bond between the child and the birth parent, any interference with present custodial arrangements, and any impact on the adoption prospects for the child." (Citations omitted; internal quotation marks omitted.) *In re Ava W.*, 336 Conn. 545, 589–90, 248 A.3d 675 (2020).

It is axiomatic that we review a trial court's factual determinations for clear error. "A finding is clearly erroneous when either there is no evidence in the record to support it, or the reviewing court is left with the definite and firm conviction that a mistake has been made. . . . On appeal, our function is to determine whether the trial court's conclusion was factually supported and legally correct. . . . In doing so, however, [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. . . . We do not examine the record to determine whether the trier of fact could have reached a conclusion other than the one reached. . . . [Rather] every reasonable presumption is made in favor of the trial court's ruling." (Internal quotation marks omitted.) *In re Anthony S.*, 218 Conn. App. 127, 153, 290 A.3d 901 (2023). On review for clear error, "the mere existence in the record of evidence that would support a different conclusion, without more, is not sufficient to undermine the finding of the trial court." (Internal quotation marks omitted.) *In re Anaishaly C.*, 190 Conn. App. 667, 682, 213 A.3d 12, cert. denied, 345 Conn. 914, 283 A.3d 505 (2019).

Here, in finding that posttermination visitation was neither necessary nor appropriate, the court explained that "[t]he record is replete with examples of [the respondent's] failure to acknowledge and validate the [minor children] as to their feelings and past experiences." The court found that "[t]he clear evidence in this matter shows that [the minor children] have suffered emotional and sexual abuse while in [the respondent's] care and that [the respondent] has little insight into her own trauma and how that has affected her parenting. [She] has been reluctant to talk about the trauma experienced by the [minor children]. The [minor children] do talk about [the respondent] in positive terms, but their relationship does not seem to be more than a visiting one. [L] has expressed a need for this matter to be 'over and done with' and [C] refers to [the respondent] as 'Amy' and has expressed a desire to stay in the foster home because 'it is safe and not crazy.' The [minor children] need to have a permanent resolution as to custody and visitation . . . ."

The respondent claims that the court erred in denying her motion for posttermination visitation because she

has had frequent and positive visits with the minor children. Specifically, she argues that she "had visited [the minor] children consistently during the four years they were in the care of the department"; that the trial court acknowledged her love for the minor children; and that "[t]he court-appointed evaluator [Randall] noted that stopping the visits in this case would be a significant loss to the [minor] children." The respondent also argues that "[she] and the minor children have a bond" and that "[t]he minor children spoke of [the respondent] in positive terms."

Although the respondent loves the minor children and may have had frequent and positive interactions with them, that is just one factor that the court *may* consider in evaluating whether posttermination visitation is necessary or appropriate. It was not required to do so. Moreover, even if the court did consider the nature of the respondent's previous visitation with the minor children, and agreed with her that it was frequent and positive in nature, that determination, in itself, would not have been dispositive of the required inquiry of whether posttermination visitation was necessary or appropriate. In denying the respondent's motion, the court properly considered the respondent's inability to parent the minor children and the harm that they have suffered as a result of her shortcomings. The court also explained that the respondent's combative behavior with the foster parents, and her fixation on advice that she perceives might have come from the foster parents, demonstrate her difficulty coping with visitation. We therefore conclude that the court did not err in determining that it would be neither necessary nor appropriate for the respondent to have posttermination visitation with the minor 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.

Moreover, in accordance with federal law; see 18 U.S.C. § 2265 (d) (3) (2018), as amended by the Violence Against Women Act Reauthorization Act of 2022, Pub. L. No. 117-103, § 106, 136 Stat. 49, 851; we decline to identify any person protected or sought to be protected under a protection order, protective order, or a restraining order that was issued or applied for, or others through whom that person's identity may be ascertained.

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

[1] The court also terminated the parental rights of the respondent father, Steven T. Because Steven T. is not involved in this appeal, our references in this opinion to the respondent are to the respondent mother.

[2] Although the respondent has other minor children, who are not at issue in this appeal, for the purposes of this opinion, we refer to L and C together as the minor children.

[3] Pursuant to Practice Book §§ 67-13 and 79a-6 (c), the attorneys for the minor children filed statements in this appeal. L's attorney filed a statement adopting the brief filed by the petitioner, the Commissioner of Children and Families, as to the first two issues, and adopting the brief of the respondent as to the third issue, concerning posttermination visitation. C's attorney

filed a statement adopting the brief of the petitioner without exception.

[4] A and I, who reside with their biological father, are not at issue in this appeal.

[5] The department provided specific steps to the respondent, designed to reunify her with the minor children. The steps are as follows: "[1] Keep all appointments set by or with [the department]. Cooperate with [the department's] home visits, announced or unannounced, and visits by the child(ren)'s court-appointed attorney and guardian ad litem. [2] Keep whereabouts known to [the department] and your attorney. [3] Participate in counseling and make progress toward the identified [parenting and individual] treatment goals. [4] Accept and cooperate with in-home support services referred by [the department], and make progress toward the identified goals. [5] [Do] [n]ot use illegal drugs. [6] Cooperate with court-ordered evaluations or testing. [7] Sign releases allowing [the department] to communicate with service providers to check on your attendance, cooperation, and progress toward identified goals, and for use in future proceedings with this court. Sign releases within [thirty] days. [8] Sign releases allowing your child's attorney and guardian ad litem to review your child's medical, psychological, psychiatric and/or educational records. [9] Get and/or maintain adequate housing and a legal income. [10] Immediately let [the department] know about any changes in the makeup of the household to make sure that the change does not hurt the health and safety of the children. [11] No involvement/further involvement with the criminal justice system. Cooperate with the Office of Adult Probation and comply with conditions of probation. [12] Take care of the children's physical, educational, medical or emotional needs, including keeping the children's appointments with his/her/their medical, psychological, psychiatric, or educational providers. [13] Cooperate with children's therapy. Make all necessary childcare arrangements to make sure the children is/are properly supervised and cared for by appropriate caretaker(s). [14] Keep the children in the state of Connecticut while this case is going on unless you get permission from [the department] or the court to take them out of state. You must get permission first. [15] Visit children as often as [the department] permits and demonstrate appropriate parent/child interaction during visits. [16] Within thirty . . . days of this order, and at any time after that, tell [the department] in writing the name, address, family relationship and birth date of any person(s) who you would like the department to investigate and consider as a placement resource for the children. [17] Tell [the department] the names and addresses of the grandparents of the children."

[6] The minor children have been together in their current foster placement since April, 2020, and have bonded with their foster family.

[7] "Proceedings to terminate parental rights are governed by § 17a-112. . . . Under § 17a-112, 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. . . . If the trial court determines that a statutory ground for termination exists, then it proceeds to the dispositional phase. During the dispositional phase, the trial court must determine whether termination is in the best interests of the child. . . . The best interest determination also must be supported by clear and convincing evidence." (Citation omitted; internal quotation marks omitted.) *In re Shane M.*, 318 Conn. 569, 582–83 n.12, 122 A.3d 1247 (2015).

[8] General Statutes § 17a-112 (k) provides: "Except in the case where termination of parental rights is based on consent, in determining whether to terminate parental rights under this section, the court shall consider and shall make written findings regarding: (1) The timeliness, nature and extent of services offered, provided and made available to the parent and the child by an agency to facilitate the reunion of the child with the parent; (2) whether the Department of Children and Families has made reasonable efforts to reunite the family pursuant to the federal Adoption and Safe Families Act of 1997, as amended from time to time; (3) the terms of any applicable court order entered into and agreed upon by any individual or agency and the parent, and the extent to which all parties have fulfilled their obligations under such order; (4) the feelings and emotional ties of the child with respect to the child's parents, any guardian of such child's person and any person who has exercised physical care, custody or control of the child for at least one year and with whom the child has developed significant emotional ties; (5) the age of the child; (6) the efforts the parent has made to adjust such parent's circumstances, conduct, or conditions to

make it in the best interest of the child to return such child home in the foreseeable future, including, but not limited to, (A) the extent to which the parent has maintained contact with the child as part of an effort to reunite the child with the parent, provided the court may give weight to incidental visitations, communications or contributions, and (B) the maintenance of regular contact or communication with the guardian or other custodian of the child; and (7) the extent to which a parent has been prevented from maintaining a meaningful relationship with the child by the unreasonable act or conduct of the other parent of the child, or the unreasonable act of any other person or by the economic circumstances of the parent."

[9] The petitioner argues that the "court is limited to considering events preceding the adjudicatory date—the date on which the termination petition[s] [were] filed or last amended . . . ." The respondent argues that considering later events, including Randall's recommendations about family therapy and the related department actions, is proper because of the concurrent plan of reunification. We need not resolve this question, because even considering the department's actions after the adjudicatory date, the respondent's claim fails.

[10] Notably, on cross-examination, counsel for the respondent asked Randall to comment on Robertson's competence given his lack of experience as a therapist, and Randall explained that "[Robertson] had limited experience at that point, but he also wasn't a fresh kid out of college. You know, twenty-two years old or something. I don't know what his background might have helped prepare him for, but I also know that he was working under supervision. So, I'll agree that he was fairly inexperienced, but I don't feel that I can speak to his competence level. . . . I understand that that's a discussion he had with his supervisor, to determine what to do. On the surface of it, from the information that I had, I think I would have liked to have seen them do something differently. I think that another therapist may have found some ways to try to work with the family in spite of the obstacles that he was identifying, but I will say that . . . some of that is—I believe there [are] probably other therapists who would agree with him. I think there's disagreement on some of those issues. But yes, I'll agree that I would have liked to have seen him make some further attempts to do family therapy."

[11] Dialectical behavior therapy "is a process in which the therapist helps the patient find and employ strategies and ultimately synthesize them to accomplish consistently the defined ultimate goal and is used to treat borderline personality disorders and addictive personality disorders. To be successful, it demands honesty both from the patient and the clinician." (Internal quotation marks omitted.) *In re Aubrey K.*, 216 Conn. App. 632, 660–61 n.14, 285 A.3d 1153 (2022), cert. denied, 345 Conn. 972, 286 A.3d 907 (2023).

[12] Because we conclude that the court properly determined that the department made reasonable efforts to reunify the respondent with the minor children, we do not consider the respondent's claim that the court improperly determined that she was unable or unwilling to benefit from such services. See *In re Elijah C.*, 326 Conn. 480, 493, 165 A.3d 1149 (2017) ("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." (Internal quotation marks omitted.)).

[13] The Child and Family Team meeting included the department, the respondent, the respondent's lawyer, and Douglas.

[14] The respondent also argues that she loves the minor children and has a positive relationship with them. It is well settled that "[t]he fact that the respondent may love the child[ren] does not in itself show rehabilitation." *In re Paul M.*, 154 Conn. App. 488, 500, 107 A.3d 552 (2014); see also *In re Ashley S.*, 61 Conn. App. 658, 667, 769 A.2d 718 (This court upheld the trial court's finding that "[a] parent's love and biological connection . . . is simply not enough. [The petitioner] has demonstrated by clear and convincing evidence that [the respondent] cannot be a competent parent to these children because she cannot provide them a nurturing, safe and structured environment." (Internal quotation marks omitted.)), cert. denied, 255 Conn. 950, 769 A.2d 61 (2001). Even in cases such as this, in which a parent makes efforts to reunify, "motivation to parent is not enough; ability is required." (Internal quotation marks omitted.) *In re Paul M.*, supra, 499 (determining that respondent had failed to rehabilitate despite remaining in constant contact about child's welfare and vigorously contesting motion to cease reunification efforts); see also *In re Alison M.*, 127 Conn. App. 197, 208, 15 A.3d 194 (2011) (determining that respondent had not demonstrated suffi-

cient rehabilitation even though she was able to maintain her mental stability and keep her home safer and cleaner). Therefore, the respondent's reliance on her love for and relationship with the minor children is unavailing.