MARLENA ANDERSON-HARRIS *v.* DANA HARRIS (AC 45100)

Moll, Seeley and Pellegrino, Js.

Syllabus

The plaintiff appealed to this court from the judgment of the trial court dissolving her marriage to the defendant and issuing certain financial orders regarding child support, alimony and the distribution of the parties' property. The parties' marriage had been beset by financial difficulties. After the plaintiff, who had been diagnosed with bipolar disorder, was released from a psychiatric hospital, she began accusing the defendant of having sexually abused their two minor children. After the plaintiff filed the dissolution action, she began removing the children from school, creating significant issues with their academic progress. The court held hearings on the plaintiff's allegations of abuse and twice referred the parties to the family relations office of the Court Support Services Division before revoking the referral and ordering the parties and the children to undergo psychological evaluations. Several months later, when the evaluations had not been done due to the parties' inability to pay for them and the state's refusal to pay for them, the plaintiff moved for a continuance of the trial. The court denied the plaintiff's motions for a continuance, and she agreed to undergo a limited evaluation for the purpose of determining whether she could assume a custodial role in the children's lives. After a bifurcated trial, in which child custody issues were deferred, the court dissolved the parties' marriage and issued financial orders, although the psychological evaluations of the parties and the children had not been completed. The plaintiff then revoked the releases she had signed pertaining to her health records for the limited evaluation, and the court awarded the defendant sole legal and physical custody of the children. *Held*:

1. The plaintiff could not prevail on her claims that the trial court violated her right to due process when it rendered judgment before the court-ordered psychological evaluations were completed and improperly denied her motions for a continuance because the evaluations had not been completed:

   a. This court declined to review the plaintiff's unpreserved claim that the trial court's entry of child custody and visitation orders were violative of the statute (§ 46b-7) and rule of practice (§ 25-60) that proscribe the rendering of judgment before the evaluations were filed and counsel had a reasonable opportunity to examine them; because the plaintiff failed to distinctly raise her due process claim at trial and neither requested review pursuant to nor addressed the requirements of *State* v. *Golding* (213 Conn. 233), this court considered her claim abandoned.

   b. The trial court did not abuse its discretion in denying the plaintiff's motions for a continuance: the plaintiff had several months to prepare for trial, as the matter had been pending and scheduled for four to five months at the time she filed her motions, and the issue of child custody had been deferred so that family relations could determine whether the plaintiff was ready to assume a joint custodial role in the children's lives; moreover, the plaintiff informed the court at the start of trial that she had not participated in a psychological evaluation and had failed to comply with the court's orders to file a financial affidavit, disclose her expert witness and respond to the defendant's discovery requests.

2. Contrary to the plaintiff's claims, the trial court's financial orders did not constitute an abuse of its discretion, as the court's memorandum of decision provided the bases for its orders pertaining to child support and alimony and the applicable statutory (§§ 46b-81 and 46b-82) factors the court considered: although the court was not required to state specifically how it weighed those factors or what importance it assigned to them, the court stated that it considered the statutory criteria, closely examined the parties' financial affidavits and recognized that the parties' were "tottering on the brink of disastrous debt," and, as this court was required to make every reasonable presumption in favor of the correctness of the trial court's orders, the comments the court made

throughout its financial orders supported the conclusion that it considered the statutory factors; moreover, contrary to the plaintiff's assertions, the court did discuss the origins of the parties' debt and acknowledged that it stemmed from a tax warrant, it clarified in an addendum to its memorandum of decision its reasons for awarding both of the parties' vehicles to the defendant, and it did not err by not considering how the plaintiff's mental health issues impacted her ability to work, as it was not this court's function to review the evidence to determine if a conclusion different from the one the trial court reached could have been reached.

3. The plaintiff could not prevail on her claim that this court should order a new trial because the trial judge's retirement left her unable to obtain an articulation of the court's memorandum of decision and to provide an adequate record for appellate review: despite the plaintiff's contention that the court's orders were confusing and the record unclear as to what evidence the court relied on, the court's thorough memorandum of decision clearly set forth the basis for its financial and child custody orders, which included references to the criteria of the relevant statutes, §§ 46b-81 and 46b-82, and demonstrated the court's consideration of the controlling legal principles and relevant factors relating to those matters; moreover, the decision provided the bases for determining the reasoning underlying the court's orders and set forth the court's findings and credibility determinations as well as the efforts to obtain psychological and other evaluations of the parties; furthermore, the court summarized the relevant events of the marriage, which included the children's educational struggles and the plaintiff's mental health issues and repeated, unsubstantiated allegations of sexual abuse against the defendant, and detailed the plaintiff's actions that served to thwart the completion of its second referral of the parties to family relations for a determination of their fitness to act as custodians of the children.

Argued April 3—officially released August 22, 2023

Procedural History

Action for the dissolution of a marriage, and for other relief, brought to the Superior Court in the judicial district of Waterbury, where the defendant filed a cross complaint; thereafter, the court, *Ficeto*, *J.*, denied the plaintiff's motions for a continuance; subsequently, the case was tried to the court, *Hon. Marylouise Schofield*, judge trial referee; judgment dissolving the marriage and granting certain other relief, from which the plaintiff appealed to this court; thereafter, the plaintiff filed an amended appeal; subsequently, the court, *Ficeto*, *J.*, denied the plaintiff's motion for articulation. *Affirmed*.

Marlena Anderson-Harris, self-represented, the appellant (plaintiff).

Nicole S. Shepter, for the appellee (defendant).

Opinion

SEELEY, J. The self-represented plaintiff, Marlena Anderson-Harris, appeals from the judgment of the trial court dissolving her marriage to the defendant, Dana Harris. In this appeal, the plaintiff claims that (1) the court improperly rendered judgment in the dissolution action before court-ordered evaluations were completed, (2) the court abused its discretion in issuing certain financial orders, including those related to child support and alimony, and (3) a new trial is necessary because she was unable to provide an adequate record for appellate review as a result of the retirement of the trial judge. We affirm the judgment of the court.

The record and the court's memorandum of decision set forth the following facts and procedural history. The parties were married on December 14, 2007, and are the parents of twin girls (children) born in December, 2013. Prior to the birth of the children, the marriage had been strained due to multiple miscarriages suffered by the plaintiff. After the children were born, the parties struggled financially. The plaintiff stayed home to care for the children, while the defendant worked outside of the home for a telecommunications company in its sales department. The defendant, therefore, was the sole wage earner for the family, which made finances precarious and caused marital strain. In 2015, for instance, the parties were facing eviction, utility shut-offs for nonpayment, and food insecurity.

Between 2014 and 2015, the defendant grew increasingly concerned with the plaintiff's mental health. At the request of the defendant, the plaintiff eventually sought medical care for her mental illness in 2015. She entered inpatient treatment and was diagnosed with bipolar disorder. During this time period, the defendant changed jobs and took a pay cut to be at home more, and the plaintiff, an accomplished seamstress, began working from home making upholstery covers for chiropractor tables. The plaintiff did not, however, contribute her earnings to the household with any regularity.

In 2020, the parties' relationship and marriage deteriorated significantly. The plaintiff continued to struggle with her mental health and voluntarily committed herself into a psychiatric hospital. The hospital confirmed her diagnosis of bipolar disorder and recommended outpatient treatment upon her release, which "was not followed . . . ." After her release from the hospital, the plaintiff began to accuse the defendant of having sexually abused the children repeatedly starting in 2014, when they were six months old, although the record is unclear as to whom these allegations were made. The plaintiff also began to take the children to a casino so that she could gamble multiple times a week. The plaintiff frequently would put the children in a childcare facility, lose her money gambling at the casino, and then call the defendant to bring money so that they could pay the childcare costs. During June or July of that same year, the plaintiff ceased her upholstery business when she began to receive money on a weekly basis from a federal program due to the COVID-19 pandemic.

In July, 2020, the plaintiff surprised the defendant by filing the present dissolution action.[1] At the same time, the plaintiff also filed her first of many applications for an emergency ex parte order of custody. In her application, she alleged that the defendant was "potentially dangerous" and requested that the children receive counseling regarding "possible sexual abuse . . . ." The court denied her application. On September 14, 2020, after a hearing, the court, *Ficeto*, *J.*, ordered, inter alia, that the parties share joint legal custody of the children and referred the case to the Family Relations Office (family relations) of the Court Support Services Division of the Judicial Branch.[2] During the September 14, 2020 hearing, the defendant testified that his mother would come to the house during his custodial time to assist him. He further testified that, on occasion, the plaintiff would come over during his custodial time to "clean the insides" of the children's private areas.[3]

In the fall of 2020, the plaintiff began removing the children from school, creating significant issues with their academic progress. Specifically, schoolwork was not submitted during October and November, 2020, resulting in a notice in January, 2021, that the children might not advance to the next grade. Nevertheless, the plaintiff and the children travelled out of state in January, 2021, and "disappear[ed]" from February 5 until March 18, 2021, during which time the defendant lacked any knowledge of their location. It subsequently was revealed that the plaintiff and the children had lived in various homeless shelters during this time period.

During the time period between July, 2020, when the plaintiff first filed the dissolution action, and April, 2021, when the plaintiff returned from having "disappear[ed]," the plaintiff filed seven additional applications for emergency ex parte orders of custody. The majority of her applications alleged that, while the children were in the custody of their paternal grandmother, they had been sexually abused by either the defendant or the children's cousin, who was nine years old at the time. The court conducted multiple hearings in response to these allegations but ultimately denied each application.[4] Also during this time period, on December 29, 2020, the defendant filed a motion for the appointment of a psychologist to conduct a psychological evaluation of the plaintiff. On January 6, 2021, the court, *Ficeto*, *J.*, denied the motion without prejudice and, instead, referred the parties to family relations for a comprehensive evaluation,[5] which ultimately was not completed.[6]

In what the court called "an attempt to impose order and curtail the repetitive applications for emergency ex parte applications," it scheduled hearings in March, 2021, for all the various outstanding motions. During those hearings, testimony was elicited from, among others, the plaintiff, the defendant, and the guardian ad litem, Attorney Jill E. Alward, who had been appointed by the court, *Ficeto*, *J.*, on February 17, 2021.[7] At the outset of the hearing, the court observed that no one from family relations would be testifying, and that the issue to be determined was whether imminent harm existed as to the children.

The plaintiff testified that her concerns first began when she discovered child pornography on the computer that she shared with the defendant in 2008. She testified that, on various occasions after the children were left with the defendant, particularly after they were left with him when she voluntarily committed herself into the hospital, she noticed physical and behavioral indicators that concerned her. She testified in detail about specific incidents that made her concerned that the children were being sexually abused, and she introduced photographic exhibits that she claimed documented those incidents. The plaintiff also testified about the medical care she sought for the children due to her concern about the alleged abuse. On cross-examination, the plaintiff confirmed that the Department of Children and Families (department) had twice investigated this issue and was unable to substantiate her claims of abuse.

The defendant testified that he had never touched or looked at the children inappropriately. He stated that, in response to the plaintiff's complaints to the police, the police department investigated and determined that it had insufficient evidence to proceed further. The defendant was asked about the incidents raised by the plaintiff, and he rejected her characterization of the incidents and testified that he did not behave inappropriately at any point. He stated that, during his parenting time following the September, 2020 shared custody order, on multiple occasions the plaintiff would come over to clean the children's vaginas and that "she had been doing it since they were two years old . . . ." He also stated that the plaintiff had forced the children to breastfeed within the past year despite the children being seven years old.

The guardian ad litem testified that she interviewed the defendant, the plaintiff, an individual with the department, and the children. She explained that she was concerned about all the changes that the children were experiencing by being moved around, having to switch therapists, changing schools, not seeing their father or grandmother, and being removed from the care of their lifelong pediatrician, who was aware of the children's skin sensitivities and history of vaginal infections. She stated that, "first and foremost," her recommendation was that "each of the parties, as well as both children, undergo a psychological evaluation, court-ordered psychological evaluation." She further recommended that the children be returned to their lifelong pediatrician and original school and continue to see their current therapists; that the plaintiff and the defendant attend therapy themselves; and that the paternal grandmother have temporary custody of the children, and the plaintiff and the defendant have supervised visitation until the completion of the court-ordered evaluations.

The guardian ad litem explained that she was concerned that the plaintiff continued to attempt to breastfeed her seven year old children, and that the plaintiff admitted that she was recording the children and asking them questions about their vaginas, even though the police conducted an investigation and certain health care providers at Connecticut Children's Medical Center performed an evaluation of the children, which resulted in no findings demonstrating that the children had been sexually abused. She testified that she also was concerned that, if the children were not placed in the care of the paternal grandmother immediately after the hearing that day, the plaintiff could take the children out of the state of Connecticut. Finally, she stated that, if the court was not inclined to grant the grandmother temporary custody, she would request that the court order from the bench that the children be placed temporarily in the care of the Commissioner of Children and Families (commissioner).

The court, *Hon. Marylouise Schofield*, judge trial referee, ultimately entered an order that generally coincided with the guardian ad litem's recommendation. The court noted its concern regarding the plaintiff's "unhealthy preoccupation" with cleaning the children's vaginal areas. It stated: "There's something very wrong with this picture, and, at this stage of the game, I do not know exactly what it is. I tend to believe that we need to have more evaluations. I find that the [defendant's] inability to take control of part of the situation is disturbing to me. I find that the [plaintiff's] fixation on—and her preoccupation with this cleanliness and these issues is unhealthy. I believe that a court-ordered evaluation is necessary. It seems to—I need to have a—a very thorough, psychiatric evaluation of both of the parents." The court therefore gave the parties the option of either the paternal grandmother or the commissioner having temporary custody. The plaintiff reluctantly agreed to the paternal grandmother having temporary custody, and, consequently, the court ordered that the children be placed with the grandmother temporarily, pending further review by the court. The court also terminated the prior referral to family relations that had been ordered in September, 2020, and, instead, ordered the parties and the children to participate in a psychological evaluation.[8] The guardian ad litem relayed to the court that she would "work on contacting—figuring out who is going to do the—the evaluation and have that report for the court."

Following the March, 2021 hearings, in April and May, 2021, the plaintiff filed a motion for modification of child support, custody, and visitation, a motion to remove the guardian ad litem, and a motion to disqualify the judicial authority. The court denied those motions and, on May 6, 2021, specifically restricted the plaintiff "from filing any new ex parte applications or motions based on allegations previously heard and adjudicated."

Trial was scheduled to begin on July 20, 2021. On July 2, 2021, the plaintiff moved for a continuance of the trial until October 5, 2021, stating that the court-ordered psychological evaluations had not been done. The court, *Ficeto, J.*, denied the motion. On July 16, 2021, the plaintiff filed another motion for a continuance in which she recited the same basis and argued that "[c]ustody cannot be determined when the fitness of each party has not been assessed by [psychological evaluations] that were ordered as a vital piece of resolving custody issues." Judge Ficeto denied this motion on the same day. Four days later, when the trial commenced, the plaintiff reported to Judge Schofield that, although she had been seeing a psychiatrist, she had not participated in a psychological evaluation.[9] The court subsequently indicated its concern "that the custody issues could not be resolved until the therapy previously ordered had progressed sufficiently to adequately address the underlying issues" and, as result, bifurcated the trial, with the intention of addressing the parties' financial issues first.

The court also indicated that it was "extremely troubled by the plaintiff's mental state and hoped to address once and forever her inability to accept the findings of no substantiation of sexual abuse [perpetrated by the defendant] by state agencies and court-appointed referrals." Therefore, the court "inquired whether the plaintiff would consent to a single issue evaluation, i.e., whether the plaintiff was ready to assume a joint custodial role in her children's lives." As the court later noted in its memorandum of decision, "[i]n order to make that assessment, family relations would have to (1) accept the limited evaluation assignment; (2) the plaintiff and the defendant needed to provide authorization for release of their psychiatric, medical and therapist records [releases]; and (3) both parties would [have to] agree to cooperate fully with family relations." The court explained in its memorandum of decision that this was a " 'last ditch attempt' " to "determine if the plaintiff was, however reluctantly, willing to accept that the defendant was not a sexual predator, a fact proven throughout the case by overwhelming evidence, thus setting the stage for an eventual joint custody order."

(Emphasis omitted.)

At the start of the third day of trial on July 22, 2021, the court specifically inquired into whether the plaintiff would sign the releases necessary for family relations to obtain her mental health records to conduct that "very limited . . . issue related evaluation." The plaintiff initially agreed. The court subsequently repeated its intention to bifurcate the proceedings and stated its preference to defer a final resolution regarding the custody of the children until family relations completed the limited evaluation. During the guardian ad litem's testimony that day, the family relations supervisor entered the courtroom. The court explained that it hoped for an evaluation of the plaintiff's mental health to help with its determination of whether the plaintiff was "truly ready mentally to assume a custodial role, rather than supervised visitation." The court then recessed so that the plaintiff could sign the necessary releases.

Later that day, the family relations supervisor returned and reported to the court that the plaintiff had signed the various releases. The family relations supervisor confirmed with the court that the purpose of the evaluations of the plaintiff and the defendant was to determine, based on their presenting issues, diagnosis, current status, and prognosis, whether the parties were fit to act as custodians of the children. The plaintiff expressly requested that the children also be assessed by a child psychologist, and the court responded: "Remember, I had ordered psychological evaluations; they were not able to be done because the cost was prohibitive and the state would not pay."

After the parties rested, the court stated: "[A]s I stated earlier, [I] sua sponte bifurcated this trial into two parts, the first . . . being the dissolution of the marriage with a property distribution. Judgment will enter in the first part of this bifurcation, pursuant to a written decision to follow after review of the transcripts, the financial affidavits, etc., and that will be within the statutory framework.

"The second part concern[s] the custody and the parenting plan of the parties' two minor children. In order to resolve those issues, as I stated previously in response to [the plaintiff's] question, the court has ordered the family relations division to conduct a general case management to collect collateral information from the [plaintiff's] and the [defendant's] health providers. Both parties were ordered to and did sign appropriate releases . . . .

"Until that assessment is completed, the court will enter . . . interim orders [regarding] custody and visitation. There is going to be—interim full custody is to . . . the paternal grandmother.

"That custody of the two minor children . . . will continue until and at such time that the [children's] therapist determines that it is appropriate for the . . . children to transition from the temporary custody of her, to a temporary custody at this time to the defendant . . . . So, [it] will go from the grandmother, temporary guardianship/custody to temporary guardianship, to temporary custody of the defendant . . . [as the] primary residence." The court further ordered that the plaintiff have supervised visitation and iterated the interim nature of its custody orders.

On July 30, 2021, the defendant filed a motion for judgment. In that motion, he alleged that, although the plaintiff had testified earlier that month during trial that she no longer believed that he had sexually abused the children, she subsequently posted videos on social media reasserting her claims that the defendant had abused their children. He also filed (1) a motion for contempt on the ground that her "baseless and unfounded accusations" of abuse constituted a violation of the court's orders, as well as (2) an emergency motion to modify the court's custody orders to suspend the plaintiff's supervised in-person visitation and, instead, order that any visitation with the plaintiff be supervised and by video only. The defendant alleged in his emergency motion, inter alia, that the plaintiff had made numerous statements indicating that she was planning on disappearing with the children, and that the individual who was allegedly going to supervise the plaintiff's in-person visitations was unfit to do so and, moreover, had indicated to the guardian ad litem that he was unwilling to do so. On August 18, 2021, the court issued an order awarding the defendant temporary, sole physical custody of the minor children. It also suspended the plaintiff's visitation and contact with the children until further notice.

The court subsequently resumed the trial on September 17, 22 and 24, 2021. On September 17, 2021, the defendant's counsel represented to the court that, within one week of the conclusion of the hearings in July, 2021, the plaintiff had revoked her releases for family relations and for the guardian ad litem. The defendant's counsel argued that these actions "effectively [cut] off their ability to do what the court had asked both of them to do with regards to custody matters." On September 24, 2021, the court stated on the record that the plaintiff's counsel[10] had revoked the releases previously signed by the plaintiff.

On October 8, 2021, the court issued its memorandum of decision. The court dissolved the parties' marriage on the basis of irretrievable breakdown. It further awarded the defendant sole legal and physical custody of the children. The court also awarded the plaintiff limited visitation, reasoning: "Due to the plaintiff's continued allegations of abuse and refusal to cooperate pursuant to court order, the court finds it is in the children's best interests concerning their physical safety and mental well-being to limit visitation with the plaintiff . . . to two video meetings per week, on consistent time and dates chosen by the [defendant]."

With respect to the financial issues, the court found that, although the plaintiff was unemployed at the time of trial, she had earned between $18,000 and $21,000 per year in the past. She was ordered, therefore, to pay weekly child support in the amount of $119 starting on December 1, 2021, which was calculated based on a gross weekly income of $480 based on the minimum wage. The court also ordered the defendant to pay annual alimony to the plaintiff in the amount of $1 for a period of five years. It reasoned that, "[w]hile this award is negligible, it recognizes the current financial reality of the parties, which is tottering on the brink of disastrous debt." Additionally, the court ordered that the defendant was to remain at the former marital residence, and he was directed to execute a new lease solely in his name. Last, the court divided the assets and liabilities of the parties. The defendant was awarded his retirement accounts "free and clear of any claim . . . by the plaintiff."

On October 13, 2021, the court issued a correction to its memorandum of decision. It ordered, sua sponte, the defendant to transfer one half of his retirement accounts to the plaintiff. On October 29, 2021, following a hearing, the court issued an addendum to its memorandum of decision. In the addendum, the court noted that the plaintiff had objected to the reservation of jurisdiction for an educational support order pursuant to General Statutes § 46b-56c, and, therefore, jurisdiction was not reserved. The court also decided the defendant's March 24, 2021 motion for fees and awarded him $1500 in attorney's fees and $1250 in expert witness fees. Finally, the court clarified and confirmed its decision to award both of the parties' vehicles to the defendant. This appeal followed.

I

The plaintiff first claims that the court improperly rendered judgment in the dissolution action before court-ordered evaluations[11] were completed. Specifically, she argues that, pursuant to General Statutes § 46b-7 and Practice Book §§ 25-60 and 25-60A,[12] after an investigation or evaluation has been ordered in any family relations matter, the case should not be disposed of until the report of the investigation or evaluation has been filed and counsel and the parties have had a reasonable opportunity to examine it, and that the court's failure to comply with this statute and rules of practice amounts to a due process violation. Additionally, she claims that the court abused its discretion in denying her motions for a continuance on the ground that the court-ordered evaluations had not been completed. The defendant counters that "the requirements of . . . § 46b-7 are irrelevant because there was no evaluation pending at the time the court issued its judgment." We decline to review the plaintiff's unpreserved constitutional claim[13] and conclude that the court did not abuse its discretion in denying her motions for a continuance of the dissolution trial.

A

We first consider the plaintiff's argument that the court violated § 46b-7 and Practice Book § 25-60 when it entered custody and access orders prior to any court-ordered evaluations having been filed with the court, resulting in a violation of her right to due process.[14] We decline to review this unpreserved claim.

At no point in the proceedings before the trial court did the plaintiff[15] raise the specific claim that she advances on appeal, namely, that the court's failure to comply with § 46b-7 and Practice Book § 25-60 constituted a due process violation. "The requirement that [a] claim be raised distinctly means that it must be so stated as to bring to the attention of the court the *precise* matter on which its decision is being asked." (Emphasis in original; internal quotation marks omitted.) *Overley* v. *Overley*, 209 Conn. App. 504, 511, 268 A.3d 691 (2021), cert. denied, 343 Conn. 901, 272 A.3d 657 (2022).

We conclude that it would be manifestly unjust to consider the plaintiff's claim of a due process violation after she failed to distinctly raise it before the trial court. "Our appellate courts, as a general practice, will not review claims made for the first time on appeal. . . . We repeatedly have held that [a] party cannot present a case to the trial court on one theory and then seek appellate relief on a different one . . . . [T]o permit a party to raise a claim on appeal that has not been raised at trial—after it is too late for the trial court or the opposing party to address the claim—would encourage trial by ambuscade, which is unfair to both the trial court and the opposing party." (Citations omitted; internal quotation marks omitted.) *Westry* v. *Litchfield Visitation Center*, 216 Conn. App. 869, 878–79, 287 A.3d 188 (2022); see *Grant* v. *Commissioner of Correction*, 345 Conn. 683, 701, 287 A.3d 124 (2022); see also *Overley* v. *Overley*, supra, 209 Conn. App. 513 (purpose of preservation requirement is to assure fair notice of party's claim to both trial court and opposing party, and hallmark of preservation is fair notice to trial court; determination of whether claim has been preserved properly will depend on careful review of record to ascertain whether claim on appeal was articulated below with sufficient clarity to place trial court on reasonable notice of that claim); see generally Practice Book § 60-5 (appellate court not bound to consider claim not distinctly raised at trial).

Furthermore, the plaintiff neither affirmatively requested review pursuant to *State* v. *Golding*, 213

Conn. 233, 239–40, 567 A.2d 823 (1989), as modified by *In re Yasiel R.*, 317 Conn. 773, 781, 120 A.3d 1188 (2015), nor addressed its four prongs in her appellate brief.[16] See *Taylor* v. *Pollner*, 210 Conn. App. 340, 347 n.4, 270 A.3d 213 (2022). As a result, we consider this unpreserved claim abandoned. Id.; see also *Guiliano* v. *Jefferson Radiology, P.C.*, 206 Conn. App. 603, 624, 261 A.3d 140 (2021). We therefore decline to review the plaintiff's claim regarding § 46b-7 and Practice Book § 25-60, and her claim of a due process violation.[17]

B

We next consider the plaintiff's argument that the court abused its discretion in denying her motions for a continuance, which is based on her claim that the court-ordered evaluations had not been completed. Specifically, she contends that she had timely filed motions for a continuance on July 2 and 15, 2021, which were denied improperly by Judge Ficeto.

The following standard of review and governing legal principles are applicable to the plaintiff's argument. "Appellate review of a trial court's denial of a motion for a continuance is governed by an abuse of discretion standard that, although not unreviewable, affords the trial court broad discretion in matters of continuances. . . . An abuse of discretion must be proven by the appellant by showing that the denial of the continuance was unreasonable or arbitrary. . . . There are no mechanical tests for deciding when a denial of a continuance is so arbitrary as to violate due process. The answer must be found in the circumstances present in every case, particularly in the reasons presented to the trial judge at the time the request is denied." (Citation omitted; internal quotation marks omitted.) *Bevilacqua* v. *Bevilacqua*, 201 Conn. App. 261, 268, 242 A.3d 542 (2020); see also *Boccanfuso* v. *Daghoghi*, 193 Conn. App. 137, 168–69, 219 A.3d 400 (2019), aff'd, 337 Conn. 228, 253 A.3d 1 (2020).

We are cognizant that "[t]he trial court has a responsibility to avoid unnecessary interruptions, to maintain the orderly procedure of the court docket, and to prevent any interference with the fair administration of justice. . . . In addition, matters involving judicial economy, docket management [and control of] courtroom proceedings . . . are particularly within the province of a trial court." (Internal quotation marks omitted.) *Yuille* v. *Parnoff*, 189 Conn. App. 124, 128, 206 A.3d 766, cert. denied, 332 Conn. 902, 208 A.3d 659 (2019). Furthermore, we note that "[a]mong the factors that may enter into the court's exercise of discretion in considering a request for a continuance are the timeliness of the request for continuance; the likely length of the delay; the age and complexity of the case; the granting of other continuances in the past; the impact of delay on the litigants, witnesses, opposing counsel and the court; the perceived legitimacy of the reasons proffered in support of the request; [and] the [movant's] personal responsibility for the timing of the request . . . ." (Internal quotation marks omitted.) *Mensah* v. *Mensah*, 167 Conn. App. 219, 223, 143 A.3d 622, cert. denied, 323 Conn. 923, 150 A.3d 1151 (2016).

The two motions for a continuance of the dissolution trial challenged on appeal by the plaintiff were filed in July, 2021.[18] Both were denied by Judge Ficeto without elaboration. The plaintiff commenced this action approximately one year earlier, on July 22, 2020. As previously noted, she filed numerous emergency ex parte motions for custody, and other pendente lite motions regarding custody and financial matters.

At the outset of the trial, on July 20, 2021, Judge Schofield asked the plaintiff if she had participated in a psychological evaluation. She replied that she had not done so due to the cost but that she had continued to see a psychiatrist and a therapist. The guardian ad litem also reported to the court the details of her attempts, albeit unsuccessful, to obtain a psychological evaluation for the parties by contacting the Office of the Chief Public Defender and the department. The court indicated that the plaintiff had failed to comply with the orders to file a financial affidavit and proposed orders, to respond to the defendant's request for interrogatories and production, or to disclose her expert witness. The court also noted that the matter had been pending and scheduled for a period of four to five months at the time the plaintiff filed her motions for a continuance.

At the conclusion of this colloquy, the court stated: "I understand that you have to object, but this matter has been continued repeatedly. There have been numerous motions that have been filed. And we are going to at least proceed with the dissolution action. . . . I do have some tremendous reservations about proceeding with a final order in the custody matter due to the fact there have not been completed psychological evaluations. However, I am . . . considering and seriously believe that, at this moment in time, I will probably bifurcate the matter. . . . That means that I will hear the dissolution proceeding and enter financial orders today. I will hear some . . . limited matters concerning custody to help me decide whether or not it is really in the [children's] best interest[s] to proceed with a custody hearing today or whether it is in their best interest[s] that this matter be continued with a full custody evaluation . . . ." Two days later, the court arranged for the single issue evaluation by family relations, which ultimately did not occur due to the plaintiff's conduct in revoking her authorizations for the release of her medical information.

Our Supreme Court has stated that, "[t]o prove an abuse of discretion, an appellant must show that the trial court's denial of a request for a continuance was arbitrary." (Internal quotation marks omitted.) *In re*

Ivory W., 342 Conn. 692, 730, 271 A.3d 633 (2022); accord *State* v. *Coney*, 266 Conn. 787, 801, 835 A.2d 977 (2003); *Mercedes-Benz Financial* v. *1188 Stratford Avenue, LLC*, 213 Conn. App. 739, 754, 280 A.3d 120, cert. granted, 345 Conn. 910, 283 A.3d 505 (2022). As noted by Judge Schofield, the plaintiff had several months to prepare for trial, the matter had been pending for a period of time, and the issue of custody was not subject to a final resolution but, rather, was deferred so that family relations could conduct "a single issue evaluation, i.e., whether the plaintiff was ready to assume a joint custodial role in her children's lives."[19] On the basis of these facts and circumstances, we conclude that the court did not abuse its discretion in denying the July, 2021 motions for a continuance filed by the plaintiff.

II

The plaintiff next claims that the court erred in making certain financial orders, including those related to child support and alimony. Specifically, she argues that "[t]he record in this case is entirely unclear and impossible to follow with all aspects relating to the division of property and the financial orders," and that the court erred by not addressing certain factors and by failing to provide the bases for some of its determinations. We are not persuaded.

We begin with our standard of review and the legal principles relevant to financial orders in dissolution actions. "We review financial awards in dissolution actions under an abuse of discretion standard. . . . In order to conclude that the trial court abused its discretion, we must find that the court either incorrectly applied the law or could not reasonably conclude as it did. . . . In determining whether the trial court's broad legal discretion is abused, great weight is due to the action of the trial court and every reasonable presumption should be given in favor of its correctness. . . . We apply that standard of review because it reflects the sound policy that the trial court has the unique opportunity to view the parties and their testimony, and is therefore in the best position to assess all of the circumstances surrounding a dissolution action, including such factors as the demeanor and the attitude of the parties." (Citations omitted; internal quotation marks omitted.) *Fronsaglia* v. *Fronsaglia*, 202 Conn. App. 769, 775–76, 246 A.3d 1083 (2021); see also *Powell-Ferri* v. *Ferri*, 326 Conn. 457, 464, 165 A.3d 1124 (2017).

With respect to the distribution of assets, "[General Statutes § 46b-81] authorizes the court to assign to either spouse all, or any part of, the estate of the other spouse. . . . In fixing the nature and value of the property, if any, to be assigned, the court, after considering all the evidence presented by each party, shall consider the length of the marriage, the causes for the annulment, dissolution of the marriage or legal separation, the age, health, station, occupation, amount and sources of income, earning capacity, vocational skills, education, employability, estate, liabilities and needs of each of the parties and the opportunity of each for future acquisition of capital assets and income. The court shall also consider the contribution of each of the parties in the acquisition, preservation or appreciation in value of their respective estates. . . . Moreover, [w]e have iterated that there is no set formula the court is obligated to apply when dividing the parties' assets and . . . the court is vested with broad discretion in fashioning financial orders." (Citation omitted; internal quotation marks omitted.) *Fronsaglia* v. *Fronsaglia*, supra, 202 Conn. App. 777.

Although the trial court must consider those factors delineated by § 46b-81 when distributing assets, "*no single criterion is preferred over others, and the court is accorded wide latitude in varying the weight placed upon each item under the peculiar circumstances of each case*. . . . [Additionally, the court] *need not give each factor equal weight . . . or recite the statutory criteria that it considered in making its decision or make express findings as to each statutory factor*." (Emphasis added; internal quotation marks omitted.) *Kent* v. *DiPaola*, 178 Conn. App. 424, 431–32, 175 A.3d 601 (2017).

Regarding alimony determinations specifically, it is well established that the trial court "must take into account all of the statutory factors enumerated in General Statutes § 46b-82 (a) . . . ."[20] (Footnote omitted.) *Oudheusden* v. *Oudheusden*, 338 Conn. 761, 768–69, 259 A.3d 598 (2021). Our Supreme Court recently has held, however, that, in doing so, "[t]he trial court does not need to give each factor equal weight or make express findings as to each factor . . . ." Id., 769.

Having set forth our standard of review and the relevant legal principles, we now turn to the merits of the plaintiff's claim that the court abused its discretion in making its financial orders. As we discussed previously in this opinion, the court awarded the defendant sole legal and physical custody of the children and ordered that the plaintiff have video visitations. The court ordered that the defendant remain in the marital residence, which was a leased property. It further ordered that the plaintiff pay child support, which it calculated based on "a gross weekly income of $480 based on minimum wage, resulting in a guidelines computation of $119 [per] week . . . commencing December 1, 2021, providing the plaintiff ample time to secure employment." Additionally, the court ordered that the defendant continue to cover the children for medical insurance purposes, provided that the insurance is available at a reasonable cost, and that the parties will be responsible for their own insurance.

With respect to alimony, the court awarded the plaintiff "the sum of one dollar ($1) a year . . . for a period of five years." With respect to assets and liabilities, the court ordered that each party will be individually liable for the liabilities on their financial affidavits, and that they will "share equally . . . the total amount of debt described outstanding . . . in the tax warrant issued by the city of Waterbury." The court also ordered that the defendant retain both vehicles, and that each party will retain their savings accounts, checking accounts and, in the case of the plaintiff, her business sales account. Finally, although the court initially ordered that the defendant retain his retirement account and life insurance policies, in its October 12, 2021 correction to its memorandum of decision, it ordered the defendant to transfer to the plaintiff "one half of his Fidelity [Investments] 401 (k) and Millman pension . . . ."

In support of her claim, the plaintiff first argues that the court abused its discretion in making its financial orders without addressing the defendant's earning capacity, his vocational skills, his present earnings, or the inconsistencies between the two financial affidavits filed by the defendant. We are not persuaded. Although the trial court was statutorily required to consider those factors, as we discussed, "[t]here is no . . . requirement that the court specifically state how it weighed these factors or explain in detail the importance it assigned to these factors." (Internal quotation marks omitted.) *Kammili* v. *Kammili*, 197 Conn. App. 656, 671, 232 A.3d 102, cert. denied, 335 Conn. 947, 238 A.3d 18 (2020). Moreover, making every reasonable presumption in favor of the correctness of the trial court's orders, as we are required to do; see *Fronsaglia* v. *Fronsaglia*, supra, 202 Conn. App. 775–76; we are satisfied that the court did consider these factors, even if it did not state with specificity how it weighed them. This conclusion is supported by comments made by the trial court throughout its financial orders, such as, "[h]aving considered the statutory criteria," and, "[t]he court has closely examined the parties' financial affidavits . . . ."

The plaintiff next argues that the court abused its discretion because it failed to discuss the origins of the parties' debt, yet divided it equally; awarded both automobiles to the defendant, despite testimony that the vehicle the plaintiff used was her only means of transportation when she engaged in her business as a seamstress; expressed concern about the plaintiff's mental health, yet did not consider her mental health as a possible impact on her ability to work; and did not provide a basis for its award of alimony. We, again, are not persuaded.

As we already have mentioned in this opinion, the court specifically acknowledged that the debt that would be shared by the parties was the debt that stemmed from a tax warrant issued by the city of Waterbury, and, therefore, the court did "discuss the origins of the . . . debt." Additionally, although the court did not explain why it awarded both vehicles to the defendant in its original memorandum of decision, it did clarify in its October 29, 2021 addendum that "title to both vehicles was in [the] defendant's name," and that "[t]he vehicle used by the plaintiff is [unregistered, and] [b]oth vehicles are encumbered by significant debt/liens."

With respect to the plaintiff's contention that the court erred by not considering how her mental health impacted her ability to work, we note that it is not the function of this court to "review the evidence to determine whether a conclusion different from the one reached could have been reached. . . . Thus, [a] mere difference of opinion or judgment cannot justify our intervention." (Internal quotation marks omitted.) *Mitchell* v. *Bogonos*, 218 Conn. App. 59, 72, 290 A.3d 825 (2023). Finally, regarding the plaintiff's argument that the court erred by not providing a basis for requiring the defendant to pay one dollar per year for five years, we note that, in the section of the court's memorandum of decision discussing alimony, the court stated that it "considered the statutory criteria," "closely examined the parties' financial affidavits, scrutinizing line items," and that its negligible award "recognizes the current financial reality of the parties, which is tottering on the brink of disastrous debt." Thus, we are satisfied that the court did consider the factors outlined in § 46b-82 (a), and, again, we note that the court was not required to "give each factor equal weight or make express findings as to each factor . . . ." *Oudheusden* v. *Oudheusden*, supra, 338 Conn. 769.

In sum, after considering the plaintiff's argument and conducting a careful review of the record and the trial court's memorandum of decision, we conclude that the court's financial orders do not constitute an abuse of its discretion.

III

The plaintiff's final claim is that a new trial is necessary because she was unable to provide an adequate record for appellate review as a result of the retirement of the trial judge. Specifically, she argues that the record is unclear as to the evidence on which the court relied in issuing its memorandum of decision, correction, and addendum and that she was prevented from obtaining an articulation due to the retirement of Judge Schofield.

The following additional facts are necessary for the resolution of this issue. The plaintiff filed the present appeal on November 4, 2021, and amended it on March 9, 2022. On March 28, 2022, the plaintiff moved for an articulation of the legal and factual bases for the court's decision. See Practice Book § 66-5.[21] The plaintiff set forth eighteen items that she requested the court to address. On May 24, 2022, Judge Ficeto denied the plaintiff's motion for articulation on the ground that Judge Schofield had retired.[22] On June 3, 2022, the plaintiff, pursuant to Practice Book § 66-6,[23] filed a motion for review with this court. Specifically, she requested that the denial of the motion for articulation be set aside and that the trial court be ordered to issue the requested articulation. We subsequently granted review but denied the relief requested.

In her principal appellate brief,[24] the plaintiff asserts that the trial court's orders during and after the trial were confusing and conflicted with the court's stated intention to bifurcate the proceedings by addressing the financial issues first and custody issues after psychological evaluations had occurred. She then claims that the present situation is similar to the facts of *Zaniewski* v. *Zaniewski*, 190 Conn. App. 386, 210 A.3d 620 (2019). In *Zaniewski*, we determined that, "under the unique circumstances" of that case; id., 388; in which "the inadequacy of the record . . . [arose] not from any fault attributable to the [appellant], but from the trial court's issuance of a memorandum of decision that contained virtually no factual findings that would permit us to review appropriately the [appellant's] appellate claims"; id., 387–88; and where "[t]he trial judge who authored the decision retired shortly after . . . rendering fruitless the [appellant's] proper and timely efforts to remedy the decision's lack of findings in order to secure appellate review of his claims"; id., 387; principles of equity required that the case be remanded for a new trial. Id., 388. In our view, the present case is distinguishable from *Zaniewski*, as the trial court issued a thorough memorandum of decision that set forth its factual findings and credibility determinations and demonstrated its consideration of the controlling legal principles and the various relevant factors relating to financial and custody matters.[25]

In *Zaniewski*, the trial court issued a four page memorandum of decision that consisted of a recitation of uncontested facts and a statement of general legal principles pertaining to a dissolution action. Id. The decision was "devoid of any relevant factual findings . . . . The court did not discuss the respective financial circumstances of the parties, including any findings regarding their income or earning potential. The court made no findings with respect to the value of any marital assets, and provided no analysis or rationale for its division of the marital property or its other financial orders. The court did not indicate whether either party was at fault for the breakdown of the marriage or shared fault. The court made no explicit credibility determinations regarding the testimony of witnesses. Although the plaintiff claims that completed child support guideline worksheets were provided to the court by the parties, she concedes that they were never made a part of the record. There are no completed child support guideline worksheets in the trial court file." Id., 388–89. The remainder of the decision listed the various orders. Id., 389. We ultimately concluded that it was "impossible to ascertain what path the court followed in crafting its support orders and dividing the marital assets without engaging in pure speculation." Id., 393.

In contrast to the facts and circumstances of *Zaniewski* v. *Zaniewski*, supra, 190 Conn. App. 386, the trial court in the present case issued a twenty-eight page memorandum of decision that provided the bases for determining the reasoning underlying the court's orders. Specifically, the court set forth the parties' education, health, and employment histories. It also provided a summary of the relevant events of the marriage, including the repeated, unsubstantiated allegations of sexual abuse made by the plaintiff against the defendant, the plaintiff's mental health issues, and the educational struggles of the children. The court further detailed the procedural history of the complicated dissolution action and the efforts made to obtain psychological and other evaluations. The court summarized and credited the testimony of the guardian ad litem relating to the children, including their progress and well-being while in the custody of the paternal grandmother and their positive relationship with the defendant. Further, the court detailed the actions of the plaintiff that served to thwart the completion of the court's second referral to family relations for a determination of the fitness of the parties to act as custodians of the children. Finally, the court issued the custody and financial orders attendant to the dissolution of the parties' marriage, including references to the relevant statutory criteria.

For these reasons, we conclude that the plaintiff's reliance on *Zaniewski* v. *Zaniewski*, supra, 190 Conn. App. 386, is misplaced. The court's memorandum of decision clearly sets forth the bases for its financial and custody orders. We conclude, therefore, that this case does not fall within the unique circumstances of *Zaniewski*, and an order for a new trial is not required.

The judgment is affirmed.

In this opinion the other judges concurred.

[1] In her complaint, the plaintiff alleged that the marriage had broken down irretrievably and requested that it be dissolved. She further sought a fair division of the property and debts, alimony, child support, sole custody of the children, and that their primary residence be with her. On August 20, 2020, the defendant filed an answer and cross complaint. He sought a dissolution of the marriage, sole custody of the children, child support, educational support for the children pursuant to General Statutes § 46b-56c, an equitable division of the property and estate of the parties, settlement of all real and personal property between the parties, reasonable attorney's fees, and all other relief that the court might order.

[2] General Statutes § 46b-3 provides in relevant part: "(a) The judges of the Superior Court shall appoint such domestic relations officers and other personnel as they deem necessary for the proper operation of the family relations sessions. . . ."

Although § 46b-3 was amended by No. 22-26, § 61, of the 2022 Public Acts, which made technical changes to the statute that are not relevant to this appeal, for clarity, we refer to the current revision of the statute. See also State of Connecticut Judicial Branch, Court Support Services Division, Family Services (Civil and Criminal), available at http://www.jud.ct.gov/cssd/familysvcs.htm (last visited August 15, 2023) ("Family Services addresses concerns such as child custody, child access, financial matters, property disputes, and Temporary Restraining Orders. This is done through Alternative Dispute Resolution services, such as Early Intervention Program, General Case Management, Pre-trial Settlement Negotiation, Conciliation, Mediation, and Conflict Resolution Conferences, where disputes can often be addressed in a way that promotes individual responsibility and self-determination. There are situations where parents cannot reach an agreement regarding their parenting dispute. In these cases, Family Services conducts Issue-Focused Evaluations, Comprehensive Evaluations and Intensive Case Management Service. Parenting plans that are focused on the best interests of the children are then recommended to the parents and the court.").

[3] The defendant's counsel represented to the court that the Wolcott Police Department had notified the Department of Children and Families (department) on June 27, 2020, regarding the allegations of sexual abuse against the defendant. At the September 14, 2020 hearing, the defendant's counsel stated that the allegations were unsubstantiated and that "[t]he police department did not feel it necessary to investigate or follow-up . . . ." The court, in its oral decision in which it determined that the parties were to share joint legal custody, indicated that it was "not concerned about [the] allegations of sexual abuse." It reasoned: "[W]hen you go to the police and the police don't do anything, and you go to [the department] . . . and there's no safety plan, [that] speaks volumes. The [department] will enter a safety plan immediately if [it] feel[s] that there is a risk to the children, and here we are several months later, and there's still no safety plan."

[4] The court explained in its memorandum of decision that, "[i]n response to the plaintiff's allegations, the court took appropriate action. It conducted hearings or entered orders on [April 14, 2021, January 14, 2021, March 18, 24, 29 and 30, 2021, and May 4 and 6, 2021], and subsequent dates until trial on [July 20 and 22, 2021, an August 18, 2021 hearing, and trial continuation on September 3, 22 and 24, 2021]. These hearings were a concerted effort to investigate and uncover any truth underlying these very serious and extremely disturbing allegations."

[5] "A comprehensive evaluation is an in-depth, nonconfidential assessment of the family system by the Family Relations Counselor. The information gathered by the counselor, the assessment of the family, and the resulting recommended parenting plan is shared with the parents and attorneys. This recommendation may be used to form the basis of an agreement. At the conclusion of the process, a report with recommendations is filed with the court." *Lopes* v. *Ferrari*, 188 Conn. App. 387, 389 n.1, 204 A.3d 1254 (2019); see also State of Connecticut Judicial Branch, Family Services Programs, available at http://www.jud.ct.gov/Publications/FM211.pdf (last visited August 15, 2023).

[6] On April 1, 2023, Judge Ficeto issued an order "cancel[ing]" the comprehensive evaluation. In its memorandum of decision issued after trial, the court, *Hon. Marylouise Schofield*, judge trial referee, explained that the comprehensive evaluation by family relations was not completed because of intervening ex parte applications filed by both parties, the court appointment of a guardian ad litem, a referral to the Department of Children and Families, and COVID-19 restrictions on court operations.

[7] It appears that testimony was also elicited from the Department of Children and Families, the children's therapist, and the paternal grandmother. However, a transcript from only the March 24, 2021 proceeding, at which the plaintiff, the defendant, and the guardian ad litem testified, was provided to this court.

[8] The court's order stated: "The parties will cooperate with a psychological evaluation, which will include [interaction] with [the plaintiff] and the children and [the defendant] and the children. The children will also participate in a full psychological evaluation. The parties will follow all recommendations of the psychological evaluation."

[9] The following colloquy occurred between the court and the plaintiff:

"[The Court]: Thank you. Now, before we commence with a trial that was scheduled [for] today, I want to go over some preliminary matters from the last time we had a hearing. There were certain orders that were entered. One of the orders was a psychological evaluation. [The plaintiff], have you participated in a psychological evaluation?

"[The Plaintiff]: I have not. As far as I know, the [guardian ad litem] was supposed to organize them and they never were.

"[The Court]: Did you contact the [guardian ad litem] to . . . request a scheduling of a psychological evaluation?

"[The Plaintiff]: I did, multiple times, and what I was told [was], they're too expensive. I did ask her if the court was informed of this because those are expected in order to determine the best interest[s] of my children . . . . There are concerns about my mental health, obviously. So, I feel they're vital, and they just weren't ever arranged."

The guardian ad litem subsequently addressed the court and stated that she had contacted the Office of the Chief Public Defender and members of the department for assistance in obtaining the psychological evaluation. The guardian ad litem also informed the court that the parties were unable to pay for a psychological examination.

[10] During the pendency of this case, the plaintiff, at times, represented herself, and, at other times, counsel appeared and represented her. Specifically, she was represented by counsel during the September 14, 2020 and March, 2021 hearings discussed previously, as well as in the trial proceedings held in September, 2021.

[11] We interpret the plaintiff's appellate claim to include the January 6, 2021 referral to family relations for a comprehensive evaluation, the March 24, 2021 order that the parties and children undergo psychological evaluations, and the July 22, 2021 single issue evaluation by family relations arranged by the court.

[12] General Statutes § 46b-7 provides: "*Whenever*, *in any family relations matter*, including appeals from the Superior Court, *an investigation or evaluation has been ordered*, *the case shall not be disposed of until the report of the investigation or evaluation has been filed as hereinafter provided*, and counsel and the parties have had a reasonable opportunity to examine it prior to the time the case is to be heard. Any report of an investigation or evaluation shall be filed with the clerk and mailed to counsel and self-represented parties of record." (Emphasis added.)

Practice Book § 25-60 (a) contains similar language and provides: "*Whenever*, *in any family matter*, *an evaluation or study has been ordered* pursuant to Section 25-60A or Section 25-61, or the court support services division family services unit has been ordered to conduct mediation or to hold a conflict resolution conference pursuant to Section 25-61, *the case shall not be disposed of until the report has been filed as hereinafter provided*, and counsel and the parties have had a reasonable opportunity to examine it prior to the time the case is to be heard, unless the judicial authority orders that the case be heard before the report is filed." (Emphasis added.)

Practice Book § 25-60A sets forth various requirements for a court-ordered private evaluation of any party or any child in a family proceeding in which custody, visitation or parental access is at issue.

[13] Although the defendant has not argued that the plaintiff failed to preserve the due process claim she has advanced before this court, we conclude that it would be manifestly unjust to both the defendant and the trial court to permit her to pursue that claim in this appeal. See *Overley* v. *Overley*, 209 Conn. App. 504, 511–12, 268 A.3d 691 (2021), cert. denied, 343 Conn. 901, 272 A.3d 657 (2022).

[14] Although the plaintiff's counsel asserted in her September 22, 2021 motion for a mistrial that the court had "failed to adhere to any of the statutory safeguards set [forth] in [General Statutes §§ 46b-6a and 46b-7] with respect to all orders relating to the custody and access of the minor child[ren] entered after January 6, 2021," the motion did not specifically claim that these purported failures amounted to a due process violation. Additionally, the plaintiff's counsel did not cite to Practice Book § 25-60 in this motion.

Additionally, we note that the trial court stated in its memorandum of decision that, "[o]n September 8, 2021, all counsel and parties were present. The plaintiff's counsel proceeded to obstreperously claim due process and constitutional violations of her client and her own due process rights, claiming conflict with a hearing previously scheduled in a different court." The plaintiff failed to provide this court with a transcript from the September 8, 2021 hearing, and, therefore, the record is inadequate to ascertain the specific due process claim mentioned by the plaintiff's counsel. See *J. M.* v. *E. M.*, 216 Conn. App. 814, 821–22, 286 A.3d 929 (2022) (appellant has responsibility to provide adequate record for appellate review, and absence of transcript leaves reviewing court to engage in speculation, which it cannot do).

[15] On appeal, the plaintiff has proceeded as a self-represented litigant. "We

are mindful that [i]t is the established policy of the Connecticut courts to be solicitous of [self-represented] litigants and when it does not interfere with the rights of other parties to construe the rules of practice liberally in favor of the [self-represented] party. . . . Nonetheless, [a]lthough we allow [self-represented] litigants some latitude, the right of self-representation provides no attendant license not to comply with relevant rules of procedural and substantive law." (Internal quotation marks omitted.) *C. B.* v. *S. B.*, 211 Conn. App. 628, 630, 273 A.3d 271 (2022); accord *Gleason* v. *Durden*, 211 Conn. App. 416, 439–40, 272 A.3d 1129, cert. denied, 343 Conn. 921, 275 A.3d 211 (2022).

[16] "Under *Golding*, a [party] can prevail on a claim of constitutional error not preserved at trial only if all of the following conditions are met: (1) the record is adequate to review the alleged claim of error; (2) the claim is of constitutional magnitude alleging the violation of a fundamental right; (3) the alleged constitutional violation . . . exists and . . . deprived the [party] of a fair trial; and (4) if subject to harmless error analysis, the [opposing party] has failed to demonstrate harmlessness of the alleged constitutional violation beyond a reasonable doubt. In the absence of any one of these conditions, the [party's] claim will fail." (Internal quotation marks omitted.) *Mention* v. *Kensington Square Apartments*, 214 Conn. App. 720, 738, 280 A.3d 1195 (2022); see also *In re Kylie P.*, 218 Conn. App. 85, 106 n.11, 291 A.3d 158, cert. denied, 346 Conn. 926, 295 A.3d 419 (2023).

[17] Even if we were to consider the arguments raised by the plaintiff, we would conclude that they are without merit. In the present case, the court found, based on the evidence, that the parties could not afford to pay for the psychological evaluations that were ordered on March 24, 2021. That finding has not been challenged on appeal. The court's initial referral to family relations was terminated by the court. The propriety of that decision has not been raised in this appeal by the plaintiff. The court's second referral to family relations for a determination of the fitness of the parties to act as custodians of the children was thwarted by the plaintiff's revocation of the releases, which prevented family relations from conducting this evaluation.

In *Perez* v. *Perez*, 212 Conn. 63, 76, 561 A.2d 907 (1989), our Supreme Court rejected the claim of the defendant grandparents that the trial court should not have disposed of a case without the filing of a previously ordered case study report pursuant to General Statutes §§ 46b-6 and 46b-7. In that case, the record demonstrated that a family relations officer began his investigation but had to discontinue it because the defendants fled Connecticut with the minor child. Id., 76–77. The court concluded that, because the defendants' flight from Connecticut precluded the completion or filing of the report, the trial court did not err in disposing of the case without the filing of the report. Id., 77.

Similarly, in the present case, the conduct of the plaintiff, namely, her revocation of the releases, prevented the completion of her evaluation by family relations, and, therefore, it was not improper for the court to issue its decision without the filing of the report. See also *Duve* v. *Duve*, 25 Conn. App. 262, 268, 594 A.2d 473 (not always necessary to have written study on file prior to hearing provided there is good reason to proceed and directives of statute and rules of practice have been followed), cert. denied, 220 Conn. 911, 597 A.2d 332 (1991), cert. denied, 502 U.S. 1114, 112 S. Ct. 1224, 117 L. Ed. 2d 460 (1992).

[18] On March 12, 2021, the defendant filed a motion requesting that the court set a trial date and arguing that it was in the best interests of the children to proceed without delay and to address his claims that the plaintiff had violated the pendente lite orders. The court ordered that the trial begin on July 20, 2021.

[19] We further note that, "[i]n the event that the trial court acted unreasonably in denying a continuance, the reviewing court must also engage in harmless error analysis." (Internal quotation marks omitted.) *Overley* v. *Overley*, supra, 209 Conn. App. 520. As a result of our conclusion that the court did not abuse its discretion in denying the continuances filed by the plaintiff, we need not reach the question of harm. See id., 523 n.10. We further note that the plaintiff failed to brief this issue. See, e.g., *McNamara* v. *McNamara*, 207 Conn. App. 849, 868, 263 A.3d 899 (2021). Therefore, even if we were to conclude that the court abused its discretion in denying the plaintiff's request for a continuance, we would be unable to conclude that the denial constituted reversible error.

[20] General Statutes § 46b-82 (a) provides in relevant part: "At the time of entering the decree, the Superior Court may order either of the parties to pay alimony to the other . . . . In determining whether alimony shall be

awarded, and the duration and amount of the award, the court shall consider the evidence presented by each party and shall consider the length of the marriage, the causes for the annulment, dissolution of the marriage or legal separation, the age, health, station, occupation, amount and sources of income, earning capacity, vocational skills, education, employability, estate and needs of each of the parties and the award, if any, which the court may make pursuant to section 46b-81, and, in the case of a parent to whom the custody of minor children has been awarded, the desirability and feasibility of such parent's securing employment."

[21] Practice Book § 66-5 provides in relevant part: "A motion . . . seeking an articulation or further articulation of the decision of the trial court shall be called . . . a motion for articulation . . . . Any motion filed pursuant to this section shall state with particularity the relief sought and shall be filed with the appellate clerk. Any other party may oppose the motion by filing an opposition with the appellate clerk within ten days of the filing of the motion for . . . articulation. The trial court may, in its discretion, require assistance from the parties in providing an articulation. Such assistance may include, but is not limited to, provision of copies of transcripts and exhibits.

"The appellate clerk shall forward the motion for . . . articulation and the opposition, if any, to the trial judge who decided, or presided over, the subject matter of the motion for . . . articulation for a decision on the motion. If any party requests it and it is deemed necessary by the trial court, the trial court shall hold a hearing at which arguments may be heard, evidence taken or a stipulation of counsel received and approved. The trial court may make such corrections or additions as are necessary for the proper presentation of the issues. The clerk of the trial court shall list the decision on the trial court docket and shall send notice of the court's decision on the motion to the appellate clerk, and the appellate clerk shall issue notice of the decision to all counsel of record."

[22] General Statutes § 51-183g provides: "Any judge of the Superior Court may, after ceasing to hold office as such judge, settle and dispose of all matters relating to appeal cases, as well as any other unfinished matters pertaining to causes theretofore tried by him, as if he were still such judge."

In *Zaniewski* v. *Zaniewski*, 190 Conn. App. 386, 392 n.4, 210 A.3d 620 (2019), we observed that "the mere fact that a retired jurist has continuing statutory authority to act does not solve the myriad of issues and impracticalities involved in forcing a retired jurist to return to service. The statute states only that a judge 'may' act after retirement; it does not mandate any action."

[23] Practice Book § 66-6 provides in relevant part: "The court may, on written motion for review stating the grounds for the relief sought, modify or vacate any order made by the trial court under Section 66-1 (a) . . . relating to the perfecting of the record for an appeal or the procedure of prosecuting or defending against an appeal . . . . Motions for review shall be filed within ten days from the issuance of notice of the order sought to be reviewed. . . ."

[24] In her reply brief, the plaintiff raised, for the first time, specific contentions regarding the adequacy of the court's memorandum of decision. We decline to consider them. It axiomatic that arguments cannot be raised for the first time in a reply brief. E.g., *Lowthert* v. *Freedom of Information Commission*, 220 Conn. App. 48, 58–59, 297 A.3d 218 (2023); see also *Benjamin* v. *Corasaniti*, 341 Conn. 463, 476 n.8, 267 A.3d 108 (2021); *Anketell* v. *Kulldorff*, 207 Conn. App. 807, 822, 263 A.3d 972, cert. denied, 340 Conn. 905, 263 A.3d 821 (2021).

[25] We acknowledge that, as in *Zaniewski* v. *Zaniewski*, supra, 190 Conn. App. 386, the trial judge in the present case retired after issuing the memorandum of decision and before the plaintiff filed her motions for articulation and review, and that the plaintiff took all the steps that reasonably could be expected to obtain an articulation.