****

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 JUDAH B. ET AL.*
(AC 46140)

Cradle, Suarez and Clark, Js.

Syllabus

The respondent mother appealed to this court from the judgments of the trial court terminating her parental rights with respect to her four minor children. The respondent father, who had mental health and substance abuse issues, was arrested due to an instance of domestic violence against the mother. Thereafter, the children were adjudicated neglected and committed to the custody of the petitioner, the Commissioner of Children and Families. The mother was referred to a variety of services by the Department of Children and Families for, inter alia, parenting education, domestic violence counseling, and intensive family preservation services. The department also paid for daycare for one of the minor children and provided the mother with visitation and the opportunity to attend her children's medical appointments. Following a trial, the court found, by clear and convincing evidence, that the department made reasonable efforts to reunify the children with the mother, that the mother was unable or unwilling to benefit from those reunification efforts, and that she had failed to rehabilitate. *Held*:

1. The respondent mother could not prevail on her claim that the trial court erred in concluding that the department made reasonable efforts to reunify her with her children, the evidence having supported the court's reasonable efforts determination: there was no evidence that the department ceased reunification efforts before the petitions to terminate the mother's parental rights were filed, and, because the mother's sole challenge to the court's reasonable efforts determination was premised on the department's conduct after the adjudicatory date, and, as the mother conceded, the court was limited to considering only those facts preceding the adjudicatory date, this court could not conclude that the trial court erred in finding that the department made reasonable efforts.
2. The respondent mother could not prevail on her claim that the trial court erred in concluding that she had failed to achieve such a degree of personal rehabilitation as would encourage the belief that, within a reasonable time, considering the ages and needs of her children, she could assume a responsible position in their lives: the court properly considered the evidence, which was sufficient to support its finding that the mother failed to rehabilitate, because, although the court found that the mother had addressed many of her specific steps toward reunification, the court was not satisfied that she had established necessary, long-term, independent housing and was concerned about the mother's credibility on any housing issue, as she lived with the father until well after the adjudicatory date, which was problematic given his untreated mental illness, and, although the mother argued that the court improperly relied on stale evidence in determining that she failed to rehabilitate because she had recently separated from the father, the court properly considered the report and testimony of R, a court-appointed evaluator whose observations with respect to the mother focused on observations before the adjudicatory date; moreover, although the court was not required to consider postadjudicatory date evidence, it nevertheless did so, crediting the testimony of L, who supervised the mother's visitations after the adjudicatory date and stated that the mother was apathetic and did not fully engage with the children during visits, and the testimony of the children's therapists, who testified that the children suffered from various disorders and exhibited dysregulated behavior after visits; furthermore, contrary to the mother's claim that the court disregarded recent evidence that she had separated from the father and gained insight into how to keep her children safe from him, the court did, in fact, consider evidence from H and M, clinical psychologists whose testimony the mother relied on in connection with her claim, but gave less weight to their testimony because neither H nor M observed the mother with the children, whereas R observed the mother with the children on two occasions, and it was not the function of this court to

reweigh the evidence.

Argued May 23—officially released August 23, 2023**

Procedural History

Petitions 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, and tried to the court, *Hon. John C. Driscoll*, judge trial referee; judgments terminating the respondents' parental rights, from which the respondent mother appealed to this court. *Affirmed.*

Joshua D. Michtom, senior assistant public defender, for the appellant (respondent mother).

Joshua Perry, solicitor general, with whom, on the brief, was *William Tong*, attorney general, for the appellee (petitioner).

Megan Maynard, for the minor child Judah B.

Opinion

CLARK, J. The respondent mother, Amanda B.,[1] appeals from the judgments of the trial court terminating her parental rights as to her minor children, Judah, Angelika, Malachi, and Moses. On appeal, the respondent claims that the court erred in concluding that (1) the respondent failed to rehabilitate, (2) the respondent was unable or unwilling to benefit from reunification efforts, and (3) the Department of Children and Families (department) made reasonable efforts to reunify the respondent with the children.[2] We affirm the judgments of the trial court.

The following facts, as found by the trial court, and procedural history are relevant to our disposition of this appeal. "The [respondent] and [the children's] father met at an event hosted by a local nonprofit agency. The [respondent] was sixteen years old, and the father was twenty-eight years old at the time. Their relationship quickly became romantic. The [respondent's] parents initially objected to the relationship due in part to the disparity in age. According to the [respondent], the maternal grandfather did a background check on the father and had the father arrested and incarcerated for an outstanding charge. The charge was unrelated to the [respondent]. The [respondent] was aware that the father was then engaged to another woman and had other children. The [respondent] claims she did not know he had a child protection history. She was aware of his criminal history including five prior incarcerations. The father has been incarcerated four more times since the [respondent] and the father met.

"The [respondent] was overwhelmed by the father, and, as noted by both expert witnesses, the [respondent] was particularly vulnerable due to her age and his seeming maturity. The [respondent] and the father married in September, 2012. The children were born in 2012, 2014, and 2017.[3]

"The family became involved with the department in 2012. The maternal grandmother had filed a petition with a local probate court, which court requested a study by the department. The grandmother later withdrew her petition. Shortly thereafter, the family relocated to Texas, where they became involved with Texas child protection services, due to allegations of alcohol abuse by the father and mistreatment of [Judah]. The family relocated to Connecticut. With the assistance of a supportive housing program, the father obtained a housing voucher. The father was able to obtain a home adequate in size [for] the needs of the [respondent] and their children.

"In February, 2018, the father was arrested due to an incident in the home with the [respondent]. The [respondent] told the police that she attempted to awaken the father to assist with childcare, and that he

struck her in the face and choked her. The father initially denied the allegations and deflected blame for the marks about the [respondent's] face onto the children. The father subsequently was convicted of assault and given a suspended sentence and probation. A condition of his probation was to cooperate with the department. A partial protective order for the [respondent's] benefit was in effect.

"The father had been diagnosed with paranoid schizophrenia, bipolar disorder, and schizoaffective disorder, as well as multiple substance use diagnoses. On August 9, 2018, the department filed neglect petitions on all four children. The [respondent] and the father were cooperative initially with a safety plan [that] included a provision that the father would not be alone with the children. The father was treating with a psychiatrist and addressing his mental health and substance abuse issues. The father was receiving medication by injection to obtain and maintain stability. Unfortunately, the father discontinued his treatment and his medication compliance. He terminated his substance use cooperation and began using unprescribed Suboxone. The family rapidly slid back into poor supervision, inappropriate housing conditions, and lack of proper hygiene for the children.

"The [respondent] and the father had been involved with an intensive parent preservation program (IFP) [through Child and Family Agency]. IFP reported to the department in December, 2018, that the family was noncompliant and likely to be discharged. As noted, the father had discontinued his necessary mental health treatment and medication and had relapsed. The house was not clean. The children were being left with inappropriate caretakers, including the father, and were exhibiting signs of serious emotional concerns. [Judah] was exhibiting severe behavioral issues in school. The parents were argumentative and uncooperative.

"The department imposed an administrative ninety-six hour hold on the children on December 14, 2018, and obtained ex parte orders of temporary custody from [the] court on December 18, 2018. The parents agreed to sustain the orders of temporary custody on December 26, 2018. On March 6, 2019, the parents submitted written pleas of nolo contendere, and the children were adjudicated neglected. On October 16, 2019, by agreement, the children were committed to the [petitioner, the Commissioner of Children and Families]. The children have been in the [petitioner's] care and custody since December 14, 2018. Specific steps for reunification were set on December 18, 2018, and again on March 6, 2019, and issued to the parents." (Footnote added.) The respondent was provided with specific steps, including the following: (1) cooperate with the department's home visits; (2) keep her whereabouts known to the department; (3) cooperate with individual coun-

seling, domestic violence counseling, and parenting education; (4) not use illegal drugs or abuse alcohol or medication; (5) cooperate with court-ordered evaluations; (6) sign releases authorizing the department to communicate with service providers; (7) maintain an adequate home and income; (8) cooperate with the department's safety plan regarding the father; (9) not get involved with the criminal justice system; (10) cooperate with the children's therapy; and (11) visit with the children as often as the department permitted. On October 3, 2019, the petitioner filed petitions to terminate the respondent's parental rights as to all four of her minor children.

The court held a trial on seven nonconsecutive days between February 2 and May 11, 2022. Numerous witnesses testified, including the respondent, and several exhibits were entered into evidence. On November 3, 2022, the court, *Hon. John C. Driscoll*, judge trial referee, issued a memorandum of decision terminating the respondent's parental rights as to each of the children. The court found by clear and convincing evidence that the department made reasonable efforts to reunify the children with the respondent, that the respondent was unable or unwilling to benefit from those reunification efforts, and that she had failed to rehabilitate. This appeal followed. Additional facts will be set forth as necessary.

I

The respondent first argues that the court erred in concluding that the department made reasonable efforts to reunify her with the children. We disagree.[4]

We begin by setting forth the standard of review and general legal principles governing our resolution of this claim. "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." (Internal quotation marks omitted.) *In re Omar I.*, 197 Conn. App. 499, 589, 231 A.3d 1196, cert. denied, 335 Conn. 924, 233 A.3d 1091 (2020), cert. denied sub nom. *Ammar I.* v. *Connecticut*, U.S. , 141 S. Ct. 956, 208 L. Ed. 2d 494 (2020).

"Our review of the court's reasonable efforts determination is subject to the evidentiary sufficiency standard of review [which asks] 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, 96, 291 A.3d 158, cert. denied, 346 Conn. 926, 295 A.3d 419 (2023).

The record reveals that, prior to removal, the department paid for Judah's daycare and referred the family to Child and Family Agency for IFP. After the children were removed but prior to the adjudicatory date, the department referred the respondent to Madonna Place for parenting education and to Safe Futures for domestic violence counseling. The department also referred the respondent to Sound Community Services for individual counseling in December, 2018, which she discontinued in May, 2019, despite the organization's recommendation that she continue treatment. Last, the department provided the respondent visitation with all four children and the opportunity to attend the children's medical appointments. The court found by clear and convincing evidence that these efforts were reasonable, and we conclude that the evidence is sufficient to support that finding.

The respondent argues that the court improperly relied on outdated information, citing this court's decision in *In re Vincent B.*, 73 Conn. App. 637, 809 A.2d 1119 (2002), cert. denied, 262 Conn. 934, 815 A.2d 136 (2003). The respondent's argument is, essentially, that "[the department] could have known, had it inquired, that [Thomas Maciolek, the respondent's] treating psychologist believed that she had effectively disentangled herself from [the father], she had developed a healthy support network, and she was in a position to parent her children independent of her [the father]. Reasonable efforts include attempts to obtain available, timely information to determine what specific efforts, if any, can be undertaken." (Footnote omitted.)

The respondent's reliance on *In re Vincent B.* is misplaced. In *In re Vincent B.*, this court reversed a judgment terminating parental rights because the department failed to make reasonable efforts to reunify the respondent father with his son and because the trial court erred in concluding that the respondent was unable or unwilling to benefit from reunification efforts. Id., 644–45. In concluding that the trial court erroneously found the respondent unable or unwilling to rehabilitate; id., 632–44; this court determined that the trial court had relied on a clinician's testimony but noted that her "conclusions were based on her evaluations of the respondent prior to his successful completion of

[a voluntary long-term] treatment program and should be viewed in that context." Id., 646. This court's observations regarding the reliability of the clinician's testimony, however, pertained only to the trial court's determination that the respondent was unable or unwilling to rehabilitate. See id. Regarding reasonable efforts, we concluded that the department had not satisfied its statutory obligation to make reasonable efforts to reunify because, although the respondent "had failed to utilize services that were offered to him by the department prior to March, 2000," the department "had made no efforts at reunification at all [since July, 2000]"; id., 645; despite the fact that the petitioner did not file the termination petition until November 2, 2000. Id., 639.

Unlike in *In re Vincent B.*, there is no evidence in the present case that the department ceased reunification efforts before the petitions were filed. See id., 639, 645. More significantly, *In re Vincent B.* is inapposite because the respondent cites that case exclusively for this court's observation about outdated evidence, which did not pertain to whether the department had made reasonable efforts in that case; see id.; and argues that the department should have consulted with Maciolek to ascertain what services it should offer the respondent because Maciolek "believed [the respondent] had effectively disentangled herself from [the father] . . . ." The respondent concedes, however, that she did not "disentangle herself" from the father until well after the adjudicatory date, and a trial 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 . . . ." (Internal quotation marks omitted.) *In re Lillyanne D.*, 215 Conn. App. 61, 82, 281 A.3d 521, cert. denied, 345 Conn. 913, 283 A.3d 981 (2022). Because the respondent's sole challenge to the court's reasonable efforts determination is premised on the department's conduct after the adjudicatory date, we cannot conclude that the court erred in finding that the department made reasonable efforts to reunify the respondent with her children.

II

The respondent also argues that the court erred in concluding that she failed to rehabilitate. We disagree.

"The court's determination that a parent has failed to rehabilitate is subject to the evidentiary sufficiency standard of review. . . . We look to see 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." (Citation omitted; internal quotation marks omitted.) *In re Kylie P.*, supra, 218 Conn.

App. 108.

"Pursuant to [General Statutes] § 17a-112,[5] [t]he trial court is required . . . to analyze the [parent's] rehabilitative status as it relates to the needs of the particular child, and further . . . such rehabilitation must be foreseeable within a reasonable time. . . . Rehabilitate means to restore [a parent] to a useful and constructive place in society through social rehabilitation. . . . The statute does not require [a parent] to prove precisely when [she] will be able to assume a responsible position in [her] child's life. Nor does it require [her] to prove that [she] will be able to assume full responsibility for [her] child, unaided by available support systems. It requires the court to find, by clear and convincing evidence, that the level of rehabilitation [she] has achieved, if any, falls short of that which would reasonably encourage a belief that at some future date [she] can assume a responsible position in [her] child's life. . . . In addition, [i]n determining whether a parent has achieved sufficient personal rehabilitation, a court may consider whether the parent has corrected the factors that led to the initial commitment, regardless of whether those factors were included in specific expectations ordered by the court or imposed by the department. . . .

"When a child is taken into the [petitioner's] custody, a trial court must issue specific steps to a parent as to what should be done to facilitate reunification and prevent termination of parental rights. . . . Specific steps provide notice and guidance to a parent as to what should be done to facilitate reunification and prevent termination of [parental] rights. Their completion or noncompletion, however, 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 . . . her rights based on a failure to rehabilitate. . . . [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." (Footnote added; internal quotation marks omitted.) *In re Ryder M.*, 211 Conn. App. 793, 812–14, 274 A.3d 218, cert. denied, 343 Conn. 931, 276 A.3d 433 (2022).

The following additional facts are relevant to the respondent's claim. The court found that the respondent satisfactorily addressed many of the specific steps but noted that "[h]er housing [had] not been satisfactory." The court found that "[s]he lived with the father in supportive housing until February, 2020. This was problematic given [his] ongoing untreated mental illness, which the [respondent] knew, or should have

known, was an insuperable barrier to reunification due to the father's coercive control over [her] and the family dynamics. The [respondent] then moved in with the maternal grandmother, despite knowing that the grandmother's house could not accommodate the children. The [respondent] advised the department in October, 2020, that she had moved into a shelter, without further explanation. She would not sign a release to allow the department to contact the shelter. The release was not received until March, 2021, just after the [respondent] left the shelter."

The court further found that "the [respondent], while in residence at the shelter, was still with the father and had been lying to the department, especially when she said she was separated from him and seeking a legal separation to create the illusion she was going to leave [the father]. At the same time, the father's supportive housing manager indicated that the [respondent] was to join his lease because she was there almost daily. Based upon these reports, the shelter asked the [respondent] to leave. The [respondent] revealed that she and the father had a plan to get the children back and then to leave Connecticut. It was believed that the [respondent] returned to the father's residence, but she would not confirm this. The [respondent's] car was seen at the father's home. When confronted with this knowledge, the [respondent] claimed she was there to do her laundry or to assist [the father] in his efforts to move. She would not acknowledge her ongoing relationship with the father. The [respondent] misrepresented to a housing authority the nature of her involvement with the department when [she] was applying for her own housing voucher. This unnecessarily interfered with and delayed the [respondent's] efforts to obtain legal housing. During the pendency of the trial, the [respondent] finally obtained a housing voucher. It is for a one bedroom apartment and is the [respondent's] first effort to live independently, an essential step for the [respondent] if she wished to reunify." The court concluded that "[t]aking more than three years to begin meeting this step is too long. The court is not satisfied that the [respondent] has established necessary, long-term, independent housing, and is concerned about the [respondent's] credibility on any housing issue."

The court made clear that "the [respondent's] relationship with the father is central to this case." It explained that "[t]he crux of this case is whether the [respondent] truly appreciates the nature of the father's mental illness and will be able to protect the children from its malign influence. The [respondent], and the experts, noted that the father has a strong, overbearing personality, and that the [respondent] was very young when she met the father. The father, twelve years her senior, dominated the [respondent]. This may explain, but does not excuse, several of the [respondent's] maternal lapses. The [respondent] minimized the

father's violent behavior toward her. The [respondent] minimized or ignored the father's paranoid and delusional remarks made to the children. The [respondent] had an obligation to correct the father, or at least let the children know [his] statement was delusional and not to be accepted. The [respondent] remained mute to the detriment of her children, particularly [Judah]. [For example, the respondent] was present when the father told [Judah] that the department provided foster children to priests for molestation. The [respondent] said nothing then or later to correct this."

The court credited the testimony and report of Nancy Randall, a court-appointed evaluator and an expert in clinical and forensic psychology. "Randall found that the [respondent] and the father had a strong connection with each other and it was clear they wanted to stay together. The [respondent] was very supportive of the father and minimized his delusions. She claimed [his] behaviors were probably due to his diabetes. She blamed herself for the 2018 arrest when the father struck her and choked her. She had no problem with [his] delusional statements made in front of or to the children. [Randall] found that reunification could not occur under those circumstances as the [respondent] could not stand up to the father and his psychiatric disorders, and that it would result in developmental harm to the children. . . . The [respondent's] minimization of the father's behaviors stands in stark relief to the picture [Judah] drew for [Randall]. [Randall] asked the child to draw a picture of his family doing something together. His drawing was of his family fighting. [Judah] said his parents fight a lot.

"[Randall] acknowledged that, at sixteen years old, the [respondent] was very susceptible to manipulation by an older, independent man such as the father. She found that the [respondent] and the father were seriously enmeshed. The [respondent] considered the [father's] behavior to be the norm and accepted it as normal. [Randall] recommended that the father have long-term, consistent treatment. If the father failed to do so, [Randall] said that the [respondent] would need long-term, consistent treatment and would need to learn how to separate from a controlling, possibly violent man. [Randall] said the [respondent] would have to find a support system away from the father, and this would just be for the [respondent] to become an independent adult apart from the father. This was without expectation of reunification. For that, the [respondent] would have to be able to acknowledge the father's mental health issues to her children or to permanently separate the children from him. To date, the [respondent] has not demonstrated the capacity or willingness to do so. The [respondent] did seek a legal separation from the father and, one year later, just before the conclusion of the trial, obtained a dissolution of marriage. The court was not persuaded by the [respondent's] testimony that

she sees the need to permanently remove the father from the children's lives. The [respondent's] insight as a parent is inadequate. The court finds that the [respondent] is inclined to maintain contact with the father in pursuit of co-parenting, which clearly would be to the detriment of the children. [Judah] and [Angelika] still do not appreciate that the [respondent] and the father will no longer be together. [Judah] wishes to return to them as a couple.

"At the time of trial, [Randall] . . . recognized and acknowledged the positive steps that the [respondent] had taken but questioned the efficacy of the [respondent's] treatment. She was particularly concerned about the [respondent's] parenting capabilities. The [respondent] demonstrated an inability during her evaluation to set boundaries with the children. [Randall] had to intervene personally to prevent [Judah] from leaving the building and placing himself in danger.

"The [respondent] had completed two parenting programs before [receiving] a referral for more parenting education. Sarah Laisi Lavoie, the most recent parenting educator and visitation supervisor, testified about [the respondent's] strengths and weaknesses with respect to her participation in [Laisi Lavoie's] program. [The respondent] is timely and consistent in her participation. [The respondent] does not fully engage with the children, despite appearing to be receptive to [Laisi Lavoie's] feedback and modeling behaviors. The [respondent] often has a flat effect and does not understand or respond to the children's individual interests and needs."

The court concluded that "[t]here is no question that there is a bond between the [respondent] and her children. There is no question that there is a bond between the [respondent] and the father. These bonds can cause negative consequences for the children. The [respondent] has made some recent efforts at improving her own life. The court finds that what she has done is too little and too late and too uncertain to support the proposal of reunification. Her parenting is still deficient. She still does not appreciate the damage inflicted upon all four children by her relationship with the father and her inability or unwillingness to protect the children from his delusional and harmful behaviors. She did not properly engage in or gain insight from domestic violence counseling or individual therapy. Most significantly, in her own testimony she stated that the father's actions have more of an effect on her and how she lives her life than on the children." On the basis of the foregoing subordinate findings, the court concluded that the respondent failed to achieve a degree of personal rehabilitation that would encourage the belief that, within a reasonable time, considering the age and needs of the children, she could assume a responsible position in their lives.

On appeal, the respondent argues that the uncontroverted evidence showed that she had separated from the father and gained insight about how to keep her children safe from him. She argues that, although "[t]here is no error in the trial court's subordinate findings of fact with regard to the sad history of [her] long inability to disentangle herself from [the father's] damaging behavior . . . the trial court [erred] when it disregard[ed] completely the more recent evidence of [her] separation from [him]—not just in a practical, physical sense, but in terms of her psychological independence and her insight into her past." (Citation omitted.) In particular, she argues that the testimony of Stephen Humphrey—a clinical psychologist who met with the respondent several times between 2020 and 2022—and Maciolek—a clinical psychologist who treated the respondent weekly for anxiety and depression beginning in 2019—constitutes uncontroverted evidence that shows that she has overcome her earlier deficiencies. She essentially argues that the court improperly relied on stale evidence in determining that she had failed to rehabilitate. We are not persuaded.

When determining whether one or more grounds for termination of parental rights exists, "a court generally is limited to considering only evidence that occurred before the date of the filing of the petition or the latest amendment to the petition, often referred to as 'the adjudicatory date.' " *In re Nevaeh G.-M.*, 217 Conn. App. 854, 877, 290 A.3d 867, cert. denied, 346 Conn. 925, 295 A.3d 418 (2023). We have held, however, that a court is permitted, but not required, to "rely on events occurring after the date of the filing of the petition to terminate parental rights when considering the issue of whether the degree of rehabilitation is sufficient to foresee that the parent may resume a useful role in the child's life within a reasonable time." (Internal quotation marks omitted.) *In re Lillyanne D.*, supra, 215 Conn. App. 91; see also, e.g., *In re Nevaeh G.-M.*, supra, 881.

Here, the adjudicatory date was October 3, 2019, and Randall's report was dated June 7, 2019. Contrary to the respondent's assertions, it was proper for the court to consider Randall's report and testimony, which focused exclusively on her experiences and observations with respect to the respondent prior to the adjudicatory date. Moreover, although the court was not required to consider postadjudicatory date evidence, it nevertheless elected to do so. For example, the court credited the testimony of Laisi Lavoie, who supervised the respondent's visitation in 2021 and 2022 and provided evidence directly addressing the respondent's relationship with her children. She testified that the respondent was apathetic during visits and that she had not seen the respondent effectively "elaborate, expand . . . self-reflect, [and] apply [the parenting lessons] in different situations." On the basis of Laisi Lavoie's testi-

mony, the court found that the respondent "[did] not fully engage with the children [during visits], despite appearing to be receptive to [Laisi Lavoie's] feedback and modeling behaviors. [The respondent] often ha[d] a flat affect, and [did] not understand or respond to the children's individual interests and needs."

Regarding the particularized needs of the children, the court credited the testimony of Michael Pines, Judah and Angelika's therapist, and Shatoya Colõn, Malachi and Moses' therapist. Pines testified that both Judah and Angelika suffer from complex trauma disorders and attachment disorders. Colõn testified that both Malachi and Moses suffer from adjustment disorder "with mixed disturbance of emotions and conduct." Pines opined that Judah had extremely dysregulated behavior for twenty-four to forty-eight hours following visitation with either parent, and Colõn testified that Moses and Malachi also exhibited dysregulated behaviors following visitation. Judah's dysregulated behavior included bedwetting and aggression, Malachi's dysregulated behavior included aggression, and Moses's dysregulated behavior included severe anxiety and fainting spells. Both providers testified that the children's behavior improved when the department decreased visitation with their parents. Pines echoed Randall's statements that "each child needs a consistent, stable home with clear expectations, appropriate rules, structure, and an absence of inappropriate conflicts. They need consistent, reliable caretaking."

Last, it is clear from the record that the court did, in fact, consider the testimony of Humphrey and Maciolek, the evidence on which the respondent relies in connection with this claim. The court gave less weight to their testimony, however, because neither Humphrey nor Maciolek observed the respondent with the children. On the other hand, Randall observed the respondent with the children on two occasions, once with the father and once without, before drafting her report. See *In re Ryder M.*, supra, 211 Conn. App. 814 ("the critical issue [in a failure to rehabilitate analysis] 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" (emphasis added; internal quotation marks omitted)). In squaring Humphrey's and Maciolek's testimony with that of Randall and the other witnesses, we note that "it is not the function of this court to reweigh the evidence presented or to pass upon the credibility of witnesses, and we decline the respondent's implicit invitation to do so in this case . . . ." *In re Nevaeh G.-M.*, supra, 217 Conn. App. 881.

The respondent cites our Supreme Court's decision in *In re Oreoluwa O.*, 321 Conn. 523, 139 A.3d 674 (2016), in support of her position that the court improperly failed to rely on the most current information about

her rehabilitation. Specifically, she claims that, "like the trial court in [*In re Oreoluwa O.*], the court here describes [the respondent's] rehabilitation entirely in terms and facts from early in the case, while ignoring more recent, contradictory evidence . . . ." (Citations omitted.) We are not persuaded.

In *In re Oreoluwa O.*, our Supreme Court confronted the question of whether the department had made reasonable efforts to reunify the respondent father with his son. Id., 526. In that case, the court reversed the judgment of this court, which affirmed the judgment of the trial court terminating the parental rights of the respondent, who lived in Nigeria and who was denied two applications for a visa to the United States to visit the minor child, who had several complex heart conditions. Id., 526–43. The court determined that the department's efforts to reunify were based on a presumption that the respondent needed to be present in this country in order to engage in reunification efforts because the child could not travel to Nigeria due to his medical issues. Id., 542. The court explained that, "[d]espite knowing that the child had successfully undergone repeated cardiac procedures and that his medical team was meeting to discuss future medical plans, the department took no steps to inquire into this medical information or to present it to the trial court." Id., 542–43.

In light of the unique circumstances presented in that case, our Supreme Court concluded that the trial court should have considered events subsequent to the adjudicatory date. Id., 543–44. The court's conclusion was heavily influenced by the fact that, as of the adjudicatory date, "there was uncertainty as to when [the child] would be cleared to travel [to be with the respondent] and his medical status was in a state of flux." Id., 543–44. The court also noted that the trial court relied on summary statements in the department's studies that "[t]here [was] . . . uncertainty regarding the medical care [the child] would be able to receive in Nigeria and if his ongoing medical needs would be able to be met." (Internal quotation marks omitted.) Id., 544. It explained that "[t]he [petitioner] presented no evidence that the department had attempted to investigate what type of medical care [the child] would receive in Nigeria. The department's failure to investigate the type of medical care available to [the child] in Nigeria and its willingness to rely on 'uncertainty' about that care is also not evidence of an effort to reunify the respondent with [the child]." Id. The court concluded that, "[w]ithout updated medical information regarding [the child's] ability to travel and medical needs . . . the [petitioner] did not meet the burden of demonstrating that the department did 'everything reasonable' under the circumstances to reunite the respondent with [the child]." Id., 546.

The facts and the legal claim presented in *In re Oreo-*

luwa O. bear no resemblance to the present case. Indeed, the only certified question addressed by the court in *In re Oreoluwa O.* was whether the department provided reasonable efforts to reunify the respondent with the child, not whether he failed to rehabilitate. See id., 526 n.1. In answering that question, the court determined that, under the unique facts of that case, the trial court improperly confined its analysis to events that occurred prior to the adjudicatory date. Id., 543–44. As explained previously, the court in this case considered postadjudicatory date evidence in addition to other evidence. Although it did not give certain postadjudicatory date evidence as much weight as the respondent may have liked, "[i]t is well established that [i]n a case tried before a court, the trial judge is the sole arbiter of the credibility of the witnesses and the weight to be given specific testimony." (Internal quotation marks omitted.) *In re Aubrey K.*, 216 Conn. App. 632, 658, 285 A.3d 1153 (2022), cert. denied, 345 Conn. 972, 286 A.3d 907 (2023). Thus, *In re Oreoluwa O.* provides little, if any, support for the respondent's argument.

On the basis of our review of the record, we conclude that the court properly considered the evidence before it and that the evidence was sufficient for it to find that the respondent failed to achieve the requisite personal rehabilitation so as to encourage the belief that, within a reasonable time, she could assume a responsible position in her children's lives.

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 party's identity may be ascertained.

** August 23, 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 children's father, Jake B., with respect to each child. Because Jake B. has not appealed from the judgments of the trial court, all references to the respondent are to the mother only.

[2] We note that, for purposes of judicial economy, we address the respondent's claims in a different order than which she has briefed them. We also note that, in her principal appellate brief, the respondent argues for the first time on appeal that the court "fail[ed] to follow the core constitutional mandate that any state abridgement of . . . individual rights employ the least restrictive means available to advance the relevant state interest." In her reply brief, she attempts to clarify that this argument "is not offered as an independent attack on the trial court's ruling" but, rather, "as a reframing of [the] court's fundamental duty in considering a petition for termination of parental rights." Moreover, the only less restrictive alternative to termination that she offers on appeal are orders denying the petition and directing the department to give her more time and services to rehabilitate. Even if we were to conclude that the respondent attempted to raise a claim of error sounding in a violation of her right to due process, we would decline to review it because it is incoherent and inadequately briefed. It is well established

that "[a]nalysis, rather than mere abstract assertion, is required in order to avoid abandoning an issue by failure to brief the issue properly." (Internal quotation marks omitted.) *Burton* v. *Dept. of Environmental Protection*, 337 Conn. 781, 803, 256 A.3d 655 (2021).

[3] Malachi and Moses are twins.

[4] The petitioner argues that the respondent's reasonable efforts claim is moot because she failed to challenge the court's alternative finding that she was unable or unwilling to benefit from reunification efforts. See, e.g., *In re Autumn O.*, 218 Conn. App. 424, 433–34, 292 A.3d 66 (failure to challenge one basis for satisfying General Statutes § 17a-112 (j) (1) renders challenge to other basis moot), cert. denied, 346 Conn. 1025, 294 A.3d 1026 (2023). The petitioner contends that the respondent failed to challenge the latter finding because the respondent specifically argues that the court found that "she was unwilling or unable to *rehabilitate*" instead of arguing that the court found that "she was unwilling or unable to *benefit from the department's reunification efforts*." (Emphasis added; internal quotation marks omitted.)

Although the statute uses the phrasing "benefit from the department's reunification efforts," we do not find the respondent's word choice significant enough to render her challenge moot, especially because this court has used the same phrasing at times. See, e.g., *In re A'vion A.*, 217 Conn. App. 330, 357, 288 A.3d 231 (2023) ("the respondent makes no mention of any claim regarding the court's unwilling or unable to rehabilitate finding"). We therefore conclude that the respondent's challenge to the court's reasonable efforts determination is not moot because she properly challenged the court's determination that she was unwilling or unable to benefit from reunification efforts. We need not decide, however, whether the respondent was unable or unwilling to benefit from the department's reunification efforts because, as we explain later in this opinion, we conclude that the evidence is sufficient to support the court's conclusion that the department made reasonable efforts to reunify the respondent with her children. See *In re Ryder M.*, 211 Conn. App. 793, 808 n.7, 274 A.3d 218 ("Pursuant to § 17a-112 (j) (1), the petitioner must prove either that the department has made reasonable efforts to reunify or, alternatively, that the parent is unwilling or unable to benefit from reunification efforts. . . . Section 17a-112 (j) clearly provides that the petitioner is not required to prove both circumstances. Rather, either showing is sufficient to satisfy this statutory element." (Citation omitted; emphasis omitted; internal quotation marks omitted.)), cert. denied, 343 Conn. 931, 276 A.3d 433 (2022).

[5] General Statutes § 17a-112 provides in relevant part: "(j) The Superior Court . . . may grant a petition [for termination of parental rights] if it finds by clear and convincing evidence that (1) the Department . . . has made reasonable efforts to locate the parent and to reunify the child with the parent in accordance with subsection (a) of section 17a-111b, unless the court finds in this proceeding that the parent is unable or unwilling to benefit from reunification efforts . . . (2) termination is in the best interest of the child, and (3) . . . (B) the child (i) has been found by the Superior Court or the Probate Court to have been neglected, abused or uncared for in a prior proceeding . . . and the parent of such child has been provided specific steps to take to facilitate the return of the child to the parent pursuant to section 46b-129 and has failed to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child . . . ."