

APPELLATE COURT  
OF THE  
STATE OF CONNECTICUT

---

A.C. 31300

---

GERALDINE WARNER

V.

CARISA BICKNELL

---

BRIEF OF RESPONDENT / APPELLANT  
WITH ATTACHED APPENDIX

ATTORNEY FOR  
RESPONDENT / APPELLANT  
CARISA BICKNELL

Michael D. Day  
Law Office of Michael D. Day, LLC  
The Beeches  
816 Broad Street  
Building 3 – Suite 10  
Meriden, Connecticut 06450  
Telephone: 203-238-4000  
Facsimile: 203-238-0203

TO BE ARGUED BY:  
MICHAEL D. DAY

## TABLE OF CONTENTS

STATEMENT OF THE ISSUES.....	iii
STATEMENT RE: TRANSCRIPTS.....	iv
TABLE OF AUTHORITIES.....	v
NATURE OF THE PROCEEDINGS.....	1
STATEMENT OF THE FACTS.....	2
I.    May 11, 2009 Court Appearance - Jurisdictional Requirements For Third-Party Visitation.....	2
II.   December 1, 2008 Court Appearance.....	3
III.  May 11, 2009 Court Appearance - Ms. Bicknell's Absence.....	4
IV.   Orders Entered After May 11, 2009.....	6
ARGUMENT.....	7
I.    THE TRIAL COURT ERRED, ABUSED ITS DISCRETION AND ITS FINDINGS HAD NO REASONABLE BASIS IN FACT WHEN THE TRIAL COURT GRANTED THE THIRD-PARTY APPLICANT VISITATION WITH THE MINOR CHILD, WHEN THE THIRD-PARTY APPLICANT FAILED TO PROVE, OR TO EVEN ALLEGE, THAT SHE MAINTAINED A PARENT-LIKE RELATIONSHIP FOR A SUBSTANTIAL PERIOD OF TIME WITH THE MINOR CHILD OR THAT THE DENIAL OF VISITATION WOULD IN TURN CAUSE THE MINOR CHILD TO SUFFER REAL AND SIGNIFICANT HARM.....	7
A.    REVIEWABILITY.....	7
B.    STANDARD OF REVIEW.....	7
C.    ARGUMENT.....	7
D.    CONCLUSION.....	13
II.   THIS CASE SHOULD HAVE GONE TO FINAL JUDGMENT ON DECEMBER 1, 2008 OR, IN THE ALTERNATIVE, PROPER PROCEDURE FROM THE DECEMBER 1, 2008 COURT ORDER SHOULD HAVE BEEN FOLLOWED WHEN SCHEDULING THE TRIAL DATE OF MAY 11, 2009.....	14

A.	REVIEWABILITY.....	14
B.	STANDARD OF REVIEW.....	14
C.	ARGUMENT.....	14
D.	CONCLUSION.....	15
III.	THE TRIAL COURT ERRED, ABUSED ITS DISCRETION AND ITS FINDINGS HAD NO REASONABLE BASIS IN FACT WHEN IT DETERMINED THAT THE TRIAL SHOULD GO FORWARD DESPITE THE FACT THAT THE RESPONDENT WAS NOT PRESENT, WHICH ULTIMATELY CAUSED A DUE PROCESS VIOLATION.....	16
A.	REVIEWABILITY.....	16
B.	STANDARD OF REVIEW.....	16
C.	ARGUMENT.....	16
D.	CONCLUSION.....	18

## **STATEMENT OF THE ISSUES**

- I. Whether the trial court erred, abused its discretion and its findings had no reasonable basis in fact when the trial court granted the third-party applicant visitation with the minor child, when the third-party applicant failed to prove, or to even allege, that she maintained a parent-like relationship for a substantial period of time with the minor child or that the denial of visitation would in turn cause the minor child to suffer real and significant harm?
  
- II. Whether this case should have gone to final judgment on December 1, 2008 or, in the alternative, proper procedure from the December 1, 2008 court order should have been followed when scheduling the trial date of May 11, 2009?
  
- III. Whether the trial court erred, abused its discretion and its findings had no reasonable basis in fact when it determined that the trial should go forward despite the fact that the respondent was not present, which ultimately caused a due process violation?

**STATEMENT RE: TRANSCRIPTS**

The two (2) transcripts will be referred to by Transcript (“T1” and “T2”) and the Page (“p.”) number(s) where pertinent evidence, arguments and/or events are chronicled.

Cited As

December 1, 2008 (pp. 1-13)\*

T1, p.\_\_\_\_

May 11, 2009 (pp. 1-21)

T2, p.\_\_\_\_

\* The transcript dated “December 21, 2008” on the face-page is the transcript of a court appearance on December 1, 2008. See certification page showing “December 1, 2008.”

**TABLE OF AUTHORITIES**

**CASES**

Carrier v. King, 105 Conn.App. 391, 939 A.2d 1 (2008).....11

Clements v. Jones, 71 Conn.App. 688, 803 A.2d 378 (2002).....11, 12

Crocket v. Pastore, 259 Conn. 240, 789 A.2d 453 (2002).....11, 13

Fish v. Fish, 285 Conn. 24, 939 A.2d 1040 (2008).....9

Lewis v. Commissioner of Correction, 89 Conn.App. 850, 877 A.2d 11 (2005).....17

Rosato v. Rosato, 77 Conn.App. 9, 822 A.2d 974 (2003).....7, 13, 14, 16, 18

Roth v. Weston, 259 Conn. 202, 789 A.2d 431 (2002).....9

Troxel v. Granville, 530 U.S. 57 (2000).....11, 13

**CONNECTICUT GENERAL STATUTES**

C.G.S. § 46b-56(a).....8

C.G.S. § 46b-56b.....8

C.G.S. § 46b-57.....8

C.G.S. § 46b-59.....9, 10

## **NATURE OF THE PROCEEDINGS**

The respondent / appellant, Carisa Bicknell ("Ms. Bicknell"), is the biological mother of Dominic R. Pinto ("Dominic"). Dominic's date of birth is January 28, 2001. The applicant / appellee, Geraldine Warner ("Ms. Warner" or "third-party applicant"), is the biological, paternal grandmother of Dominic. Ms. Warner filed an application for visitation with Dominic in the New Haven Judicial District at New Haven, with a return date of February 26, 2008, under docket number NNH-FA08-4029727-S. Ms. Bicknell represented herself *pro se*, and Ms. Warner was represented by counsel, Attorney Claudette Narcisco, prior to final orders entering in this case. After a trial, where only Ms. Warner and her counsel, Attorney Narcisco, were present, the Court (Swienton, J.) entered final orders on or about May 11, 2009. After filing two motions to reconsider and reargue and a motion for extension of time to file an appeal, Ms. Bicknell timely filed an appeal to the Appellate Court on or about July 16, 2009.

## STATEMENT OF THE FACTS

On page two (2) of Ms. Warner's application for visitation, referenced above, Ms. Warner did not check box "g.," thereby alleging the existence of a parent-like relationship and that the denial of visitation would in turn cause the child to suffer real and significant harm. A2. At no time during any litigation in this matter did Ms. Warner **allege** that she ever maintained a parent-like relationship with Dominic nor did she ever allege that the denial of visitation would in turn cause Dominic to suffer real and significant harm. Moreover, at no time during any litigation in this matter did Ms. Warner ever **prove** that she maintained a parent-like relationship with Dominic nor did she ever allege that the denial of visitation would in turn cause Dominic to suffer real and significant harm.

I. **May 11, 2009 Court Appearance - Jurisdictional Requirements For Third-Party Visitation**

During the trial of May 11, 2009 before the Court (Swienton, J.), at which only Ms. Warner and her counsel, Attorney Narcisco, were present, the Court (Swienton, J.) stated as follows:

THE COURT: ALL RIGHT; AND SO, OBVIOUSLY, SINCE THIS IS A GRANDMOTHER, YOU ARE GOING TO BE PROVING THE REQUIREMENTS AS TO HER RELATIONSHIP WITH THIS CHILD?

ALL RIGHT. T2, p. 3.

Thereafter, the Court (Swienton, J.) took evidence, in the form of testimony, from Ms. Warner. During the direct examination of Ms. Warner, it was established that she is the grandmother of Dominic, who was, at the time, eight years old, and that she had been visiting with Dominic at Southern Connecticut University since approximately April of 2008. T2, p. 5-6. With respect to the visitation at Southern Connecticut University, it was

established during her direct examination that she was visiting with Dominic “every Saturday,” and then it changed to “every other week.” T2, p. 6.

Despite the fact that the Court (Swienton, J.) stated, prior to the commencement of the direct examination of Ms. Warner, “...obviously, since this is a grandmother, you are going to be proving the **requirements** as to her relationship with the child?” (emphasis added), there was no further evidence establishing that there was a parent-like relationship for a substantial period of time. T2, p. 3. Rather, Ms. Warner’s testimony established the opposite. It was established that Ms. Warner was visiting with Dominic since April of 2008. T2, p. 6. Further, it was established that said visitation actually **diminished** over time, as Ms. Warner testified that she was visiting with Dominic “every Saturday” at a supervised clinic that eventually changed to “every other week” at said supervised clinic. T2, p. 6. Thus, Ms. Warner visited with Dominic at the time of the May 11, 2009 trial for slightly over one year, one time per week and eventually one time every other week at a supervised clinic. T2, p. 5-6. Further, there was no further evidence establishing that the denial of visitation would in turn cause Dominic to suffer real and significant harm.

## II. **December 1, 2008 Court Appearance**

On or about December 1, 2008, Ms. Bicknell, Ms. Warner and Ms. Warner’s counsel, Attorney Narcisco, were present before the Court (Burke, J.) at the New Haven Superior Court. At said court appearance, the parties entered into an agreement that became an order of the Court. T1, p. 13. At the end of the court appearance, the parties and the Court (Burke, J.) engaged in the following exchange with respect to whether there would be any further court appearances:

MS. BICKNELL: DO WE HAVE TO COME BACK?

THE COURT: WHY DON'T WE JUST LEAVE IT THAT IF THERE'S A PROBLEM INSTEAD OF JUST HAVING SOMEBODY HAVE TO TAKE THE TIME OFF FROM WORK --

MS. BICKNELL: NO, JUST LEAVE IT, YES. THANK YOU.

THE COURT: IF THERE'S NO PROBLEM WE DON'T NEED TO COME BACK, BUT IF YOUR CLIENT DOESN'T THINK THAT SHE'S GETTING THE TWO A MONTH AS PROVIDED FOR IN THE AGREEMENT THEN YOU CAN HAVE A MOTION AND SET IT DOWN. OKAY.

MS. NARCISCO: OKAY. VERY GOOD.

THE COURT: ALL RIGHT. THEN THE AGREEMENT IS MADE AN ORDER OF THE COURT. ANYBODY HAVE ANY QUESTIONS?

MS. BICKNELL: NO.

THE COURT: ALL RIGHT. GOOD LUCK.

MS. NARCISCO: THANK YOU.

THE COURT: THANK YOU. THEN WE'LL TAKE A RECESS. THANK YOU.

WHEREUPON THE CASE CONCLUDED: 2:42 P.M. T1, p. 13.

No party or attorney in this action ever filed any further motions, relative to this issue, at anytime thereafter which would give rise to any additional court appearances.

**III. May 11, 2009 Court Appearance - Ms. Bicknell's Absence**

On or about May 11, 2009 a trial was held before the Court (Swienton, J.). Only Ms. Warner and her counsel, Attorney Narcisco, were present at said trial. T2, p. 1-3. Ms. Bicknell was not present. T2, p. 1-3. With respect to Ms. Bicknell's absence, the following was stated on the record:

THE COURT: -- FIRST OF ALL; AND LET'S JUST TRY TO FIGURE OUT  
WHEN THIS HEARING WAS SCHEDULED TODAY.

MS. NARCISCO: WHEN?

THE COURT: YES.

MS. NARCISCO: WELL, THERE WAS A STATUS CONFERENCE IN, I BELIEVE

--

THE PLAINTIFF: DECEMBER.

MS. NARCISCO: -- DECEMBER THAT GAVE US THIS DATE.

THE COURT: AND WAS MISS BICKNELL PRESENT ON THAT DAY?

MS. NARCISCO: SHE WASN'T PRESENT ON THAT DAY, EITHER.

THE PLAINTIFF: SHE -- SHE WAS PRESENT ON THE --

THE COURT: OKAY. YOU KNOW WHAT?

THE PLAINTIFF: -- DECEMBER DATE.

THE COURT: MADAM, YOUR ATTORNEY'S GOING TO SPEAK. OKAY?

SO, WHEN YOU'RE TALKING, WE -- (ASIDE.)

THE COURT: -- DON'T KNOW IF YOU'RE -- (ASIDE.)

THE COURT: -- REALLY TALKING TO US OR WHETHER OR NOT YOU'RE  
JUST TALKING TO HER.

OKAY; AND SO, THE HEARING WAS SCHEDULED ON THAT DAY. WAS SHE  
GIVEN NOTICE OF TODAY'S DATE? DO YOU --

MS. NARCISCO: I'M --

THE COURT: -- KNOW?

MS. NARCISCO: -- ASSU -- YES. I'M ASSUMING THE COURT GAVE HER NOTICE.

THE COURT: DO YOU KNOW IF A JDNO WAS SENT TO HER?  
(ASIDE.)

MS. NARCISCO: IN THE PAST, SHE'S BEEN PRESENT. PRIOR TO THAT STATUS CONFERENCE, THE SAME ADDRESS HAS BEEN UTILIZED, AND SHE HAS BEEN PRESENT.

THE CLERK: YES (INDISCERNIBLE)  
(ASIDES.)

THE COURT: OKAY. SO, THIS STATUS WAS ON APRIL 3RD, 2009; AND THAT'S WHEN THIS DATE WAS GIVEN?

MS. NARCISCO: YES, YOUR HONOR. WE HAD A STATUS HEARING. THAT'S CORRECT.

THE COURT: OKAY; AND ON THAT DAY, WAS SHE PRESENT?

MS. NARCISCO: NO. IT WAS --

THE COURT: OKAY.

MS NARCISCO: -- PRIOR THERETO SHE WAS PRESENT. T2, p. 2-3.

#### IV. Orders Entered After May 11, 2009

On or about June 2, 2009, the Court (Swienton, J.) stated in its order that, "[a] status conference was held on 4/7/2009 and **parties were present**. This trial was scheduled on that day and notices were sent to all parties of the 5/11/2009 date." (emphasis added). However, pursuant to the Court (Swienton, J.) findings on May 11, 2009, Ms. Bicknell was **not** present during any status conference on April 7, 2009. T2, p. 3.

## **ARGUMENT**

**I. THE TRIAL COURT ERRED, ABUSED ITS DISCRETION AND ITS FINDINGS HAD NO REASONABLE BASIS IN FACT WHEN THE TRIAL COURT GRANTED THE THIRD-PARTY APPLICANT VISITATION WITH THE MINOR CHILD, WHEN THE THIRD-PARTY APPLICANT FAILED TO PROVE, OR TO EVEN ALLEGE, THAT SHE MAINTAINED A PARENT-LIKE RELATIONSHIP FOR A SUBSTANTIAL PERIOD OF TIME WITH THE MINOR CHILD OR THAT THE DENIAL OF VISITATION WOULD IN TURN CAUSE THE MINOR CHILD TO SUFFER REAL AND SIGNIFICANT HARM.**

**A. REVIEWABILITY**

The underlying claim was presented to the trial court in an application for visitation and through arguments and evidence to the trial court, as described herein. The trial court decided the underlying issue on the merits, so the present claim is properly preserved for review on appeal.

**B. STANDARD OF REVIEW**

With respect to the standard of review, this Court must determine whether the trial court “abused its legal discretion or whether the trial court’s findings have no reasonable basis in fact...” Rosato v. Rosato, 77 Conn.App. 9, 13 (2003) (citation omitted; internal quotation marks omitted). When this Court determines whether the trial court has abused its discretion, “the ultimate issue [to be determined] is whether the court could reasonably conclude as it did.” Rosato, 77 at 13. (citation omitted; internal quotation marks omitted). Questions of law are subject to this Court’s plenary review. Id. at 19. (citation omitted).

**C. ARGUMENT**

The trial court erred, abused its discretion, and, further, the trial court’s findings have no reasonable basis in fact when the trial court granted the third-party applicant visitation with the minor child after a trial. There are no facts in dispute, and the issue decided below was a purely legal issue concerning whether the third-party applicant should be granted

visitation with the minor child. The third-party applicant never alleged nor proved that she had a parent-like relationship for a substantial period of time and that the denial of visitation would in turn cause the minor child to suffer real and significant harm in any pleading filed with the court or during her direct examination at trial. Nevertheless, the Court (Swienton, J.) granted said third-party applicant visitation with the minor child.

The law in Connecticut is well developed with respect to the criteria required for a third-party to seek visitation with a minor child. First, we must analyze the statutory framework. Conn. Gen. Stat. § 46b-56(a) states,

In any controversy before the Superior Court as to the custody or care of minor children, and at any time after the return day of any complaint under section 46b-45, the court may make or modify any proper order regarding the custody, care, education, visitation and support of the children if it has jurisdiction under the provisions of chapter 815p. [FN1] Subject to the provisions of section 46b-56a, the court may assign parental responsibility for raising the child to the parents jointly, or may award custody to either parent or to a third party, according to its best judgment upon the facts of the case and subject to such conditions and limitations as it deems equitable. The court may also make any order granting the right of visitation of any child to a third party to the action, including, but not limited to, grandparents.

Conn. Gen. Stat. § 46b-56b states,

In any dispute as to the custody of a minor child involving a parent and a nonparent, there shall be a presumption that it is in the best interest of the child to be in the custody of the parent, which presumption may be rebutted by showing that it would be detrimental to the child to permit the parent to have custody.

Conn. Gen. Stat. § 46b-57 states,

In any controversy before the Superior Court as to the custody of minor children, and on any complaint under this chapter or section 46b-1 or 51-348a, if there is any minor child of either or both parties, the court, if it has jurisdiction under the provisions of chapter 815p, [FN1] **may allow any interested third party or parties to intervene upon motion.** The

court may award full or partial custody, care, education and visitation rights of such child to any such third party upon such conditions and limitations as it deems equitable. Before allowing any such intervention, the court may appoint counsel for the child or children pursuant to the provisions of section 46b-54. In making any order under this section, ***the court shall be guided by the best interests of the child, giving consideration to the wishes of the child if the child is of sufficient age and capable of forming an intelligent preference.*** (emphasis added).

Conn. Gen. Stat. § 46b-59 states,

***The Superior Court may grant the right of visitation with respect to any minor child or children to any person, upon an application of such person.*** Such order shall be according to the court's best judgment upon the facts of the case and subject to such conditions and limitations as it deems equitable, provided the grant of such visitation rights shall not be contingent upon any order of financial support by the court. In making, modifying or terminating such an order, the court shall be guided by the best interest of the child, giving consideration to the wishes of such child if he is of sufficient age and capable of forming an intelligent opinion. Visitation rights granted in accordance with this section shall not be deemed to have created parental rights in the person or persons to whom such visitation rights are granted. The grant of such visitation rights shall not prevent any court of competent jurisdiction from thereafter acting upon the custody of such child, the parental rights with respect to such child or the adoption of such child and any such court may include in its decree an order terminating such visitation rights.

The problem, however, with such custody / visitation statutes is that they are overly broad in so far as they fail to define with specificity the person who may seek custody or visitation. Fish v. Fish, 285 Conn. 24, 44 (2008). As a result therefore, the Court in Fish concluded that in order to avoid constitutional weakness, "the standing requirement that a third party allege a parent-like relationship with the child should be applied for all of the reasons described in...[Roth v. Weston, 259 Conn. 202 (2002)]...to third party custody awards and to third parties seeking intervention in existing custody proceedings." Fish, 285 at 44.

With respect to visitation, however, in Roth v. Weston, 259 Conn. 202, 222 (2002), a requirement was established obligating "any third party, including a grandparent..." to

establish a “parent-like” relationship to satisfy the jurisdictional litmus test “to pass constitutional muster and to be consistent with the legislative intent.” With respect to the constitutional issue, the question is *not* whether a given child should enjoy relationships with people other than the biological parents of the child. Roth, 259 at 223. Rather, given the compelling interest at issue, the interests of the child are secondary to the rights of the parents. Id. (citations omitted). Further, there is also a requirement of an allegation, in addition to proof thereof, that the denial of visitation rights to a given third party will cause the child in question “to suffer real and substantial emotional harm.” Id. at 226. These jurisdictional prerequisites, namely the nature of the “relationship” and the “harm,” must be proven by clear and convincing evidence. Id. at 232.

In Roth, the Court noted that the plaintiffs’ complaint alleged merely that the plaintiffs are the maternal grandmother and maternal aunt of the children. Roth, 259 at 236. The record, however, supports the trial court’s conclusion that the plaintiffs developed “loving and responsible relationships with the children.” Id. Further, in the two years preceding the passing of the mother of the children, the plaintiff’s “regularly visited with or telephoned the children, as much as several days per week.” Id. Further, the plaintiffs “participated in the children’s birthday celebrations, took the children to parks, and played with the children at their home.” Id. Indeed, Roth would “frequently” stay over night at the daughter’s home with the children, and occasionally the children stayed at Roth’s home. Id. Further, the defendant’s oldest child would periodically sleep over night at Campbell’s house. Id. Despite this level of contact, the Court concluded that even though the plaintiffs maintained an “on going relationship” with the minor children, the plaintiffs’ failed to establish the requisite parent-like relationship required under Conn. Gen. State § 46b-59. Id.

In Crocket v. Pastore, 259 Conn. 240, 250 (2002), the maternal grandmother was denied visitation, as the court lacked jurisdiction over the maternal grandmother's petition for visitation. The record established that the maternal grandmother maintained visitation with the child throughout the time the child was in foster care, which was purportedly for multiple years. Id. at 242-243. Thereafter, when the father was awarded sole custody of the child, he refused to allow the maternal grandmother to have visitation with the child. Id. at 243. The Connecticut Supreme Court determined, first, the maternal grandmother failed to establish the jurisdictional prerequisite that she had a "parent-like" relationship with the child for an "extended period of time." Id. at 248. Second, she failed to establish the jurisdictional prerequisite that the child in question would "suffer real and significant harm" if the visitation were to be denied. Id. at 249-250. It was also determined that the maternal grandmother failed to allege that "the defendant was an unfit parent." Id. at 249. As a result thereof, there is a constitutionally required presumption that "a fit parent's decision regarding visitation is in the best [interest]" of the child in question. Id. at 245. citing Troxel v. Granville, 530 U.S. 57, 68-69 (2000).

In Carrier v. King, 105 Conn.App. 391, 391 (2008), this Court reiterated the fact that the right of third parties to seek visitation with a given minor child is "limited by the rights of fit parents to raise their children free from interference." (citation omitted). This Court determined that the trial court properly denied the visitation application as there was no evidence offered of significant harm to the child. Carrier, 105 at 393.

In Clements v. Jones, 71 Conn.App. 688, 689 (2002), it was determined that the grandmother in question had "regular contact with the child since birth, in the...[form of]...baby-sitting, overnight visits at her home, and driving the child to and from school."

This Court determined that it was unable to conclude, by clear and convincing evidence, that the grandmother has a parent-like relationship with the child. Clements, 71 at 695. In addition, this Court concluded that that the grandmother did not allege that the denial of visitation would result in any sort of harm to the child in question. Id. Ultimately, this Court determined that it was unable to conclude, by clear and convincing evidence, that the denial of visitation would cause harm to the child. Id. at 696. The Court concluded that the trial court did not have jurisdiction over the visitation application, and therefore, "its decision cannot stand." Id.

In the present case before this Court, the paternal grandmother failed to even allege that she has or had a parent-like relationship with the minor child and that denial of visitation would cause the child suffer real and significant harm. (See page one of the Visitation Application, box "g.") A2. Further, at no time did she ever even attempt to establish either of these two jurisdictional criteria at trial. In addition, she never alleged nor attempted to establish that Ms. Bicknell was an "unfit" parent. Rather, during the direct examination of Ms. Warner at trial, it was established that she is the grandmother of Dominic, who was, at the time, eight years old, and that she had been visiting with Dominic at Southern Connecticut University since approximately April of 2008. T2, p. 5-6. With respect to the visitation at Southern Connecticut University, it was established during her direct examination that she was visiting with Dominic "every Saturday," and then it changed to "every other week." T2, p. 6.

It is abundantly clear that the paternal grandmother did not have a parent-like relationship with the minor child, as this was never even alleged nor proven. It is clear, when comparing the nature of the relationship that the paternal grandmother had with the

minor child to the nature of the relationships discussed in the aforementioned cases, there is no parent like relationship that ever existed between the paternal grandmother and the minor child in this case. Indeed, according to her own testimony, during the period of time she was visiting with the minor child, at the Southern Connecticut supervised visitation facility, her visitation actually decreased over time. T2, p. 6. In addition, at no time did the paternal grandmother ever allege, nor prove, that the mother of the child was an unfit parent, for the purpose of trying to rebut the constitutionally required presumption that “a fit parent’s decision regarding visitation is in the best [interest]” of the child in question. See Crocket v. Pastore, 259 Conn. 240, 245 (2002) citing Troxel v. Granville, 530 U.S. 57, 68-69 (2000).

Given that the paternal grandmother failed and neglected to allege or prove any of the jurisdictional prerequisites for third-party visitation, the trial court erred, abused its discretion, and its findings had no reasonable basis in fact when it failed to make the necessary jurisdictional findings that would permit the trial court to even enter orders regarding third-party visitation at a trial. Thus, the trial court could not “reasonably conclude as it did.” See Rosato v. Rosato, 77 Conn.App. 9, 13 (2003).

**D. CONCLUSION**

For the foregoing reasons, the decision of the trial court should be reversed, and this case should be remanded with the direction to dismiss the application for visitation.

**II. THIS CASE SHOULD HAVE GONE TO FINAL JUDGMENT ON DECEMBER 1, 2008 OR, IN THE ALTERNATIVE, PROPER PROCEDURE FROM THE DECEMBER 1, 2008 COURT ORDER SHOULD HAVE BEEN FOLLOWED WHEN SCHEDULING THE TRIAL DATE OF MAY 11, 2009.**

**A. REVIEWABILITY**

The underlying claim was presented to the trial court in two motions to reconsider and reargue filed on or about May 26, 2009 and June 19, 2009. The trial court issued orders with respect to said motions, so the present claim is properly preserved for review on appeal.

**B. STANDARD OF REVIEW**

With respect to the standard of review, this Court must determine whether the trial court “abused its legal discretion or whether the trial court’s findings have no reasonable basis in fact...” Rosato v. Rosato, 77 Conn.App. 9, 13 (2003) (citation omitted; internal quotation marks omitted). When this Court determines whether the trial court has abused its discretion, “the ultimate issue [to be determined] is whether the court could reasonably conclude as it did.” Rosato, 77 at 13. (citation omitted; internal quotation marks omitted). Questions of law are subject to this Court’s plenary review. Id. at 19. (citation omitted).

**C. ARGUMENT**

During the court appearance of December 1, 2008, the parties reached an agreement that was made a court order. T1, p. 13. Thereafter, the Court (Burke, J.) engaged in a discussion with Attorney Claudette J. Narcisco, applicant’s counsel, and Carisa Bicknell, as referenced in the Statement of the Facts, above. The Court (Burke, J.) order was clear and unambiguous. Specifically, there were no further report backs, court appearances or status conferences ordered. T1, p. 13. If there was a problem for the applicant with respect to receiving court ordered access with the minor child pursuant to the

agreement, then she “**can have a motion and set it down.**” T1, p. 13 (emphasis added). Neither the applicant nor Attorney Narcisco filed any further motions, relative to this issue, at anytime. As a result thereof, there were to be no further court dates nor orders absent a motion first being filed to address such a future request or issue. T1, p. 13.

As a result thereof, if this case went to final judgment on December 1, 2008, then all future orders should be immediately vacated, as no motion to open was ever filed. Alternatively, if this case did not go to final judgment on December 1, 2008, then, pursuant to the order of the Court (Burke, J.), the only way this matter could be scheduled for a future court appearance would be through the filing of a motion. T1, p. 13. Specifically, the Court (Burke, J.) stated, “***If there’s no problem we don’t need to come back, but if your client doesn’t think that she’s getting the two a month as provided for in the agreement then you can have a motion and set it down. Okay.***” T1, p. 13 (emphasis added). As a result thereof, the trial court erred, abused its discretion, and its findings had no reasonable basis in fact when the trial court scheduled this case for trial on May 11, 2009 in violation of the court orders of December 1, 2008.

#### **D. CONCLUSION**

For the foregoing reasons, the decision of the trial court should be reversed, and this case should be remanded with the direction to dismiss the application for visitation.

**III. THE TRIAL COURT ERRED, ABUSED ITS DISCRETION AND ITS FINDINGS HAD NO REASONABLE BASIS IN FACT WHEN IT DETERMINED THAT THE TRIAL SHOULD GO FORWARD DESPITE THE FACT THAT THE RESPONDENT WAS NOT PRESENT, WHICH ULTIMATELY CAUSED A DUE PROCESS VIOLATION.**

**A. REVIEWABILITY**

The underlying claim was presented to the trial court in two motions to reconsider and reargue filed on or about May 26, 2009 and June 19, 2009. The trial court issued orders with respect to said motions, so the present claim is properly preserved for review on appeal.

**B. STANDARD OF REVIEW**

With respect to the standard of review, this Court must determine whether the trial court “abused its legal discretion or whether the trial court’s findings have no reasonable basis in fact...” Rosato v. Rosato, 77 Conn.App. 9, 13 (2003) (citation omitted; internal quotation marks omitted). When this Court determines whether the trial court has abused its discretion, “the ultimate issue [to be determined] is whether the court could reasonably conclude as it did.” Rosato, 77 at 13. (citation omitted; internal quotation marks omitted). Questions of law are subject to this Court’s plenary review. Id. at 19. (citation omitted).

**C. ARGUMENT**

At the time of the trial on May 11, 2009, the Court (Swienton, J.) engaged in a discussion with Attorney Narcisco, applicant’s counsel, as referenced above in the Statement of the Facts. The Court (Swienton, J.) established through her questioning of Attorney Narcisco that there was apparently a status conference on April 3, 2009, and on this day the trial date was given. T2, p. 3. The Court (Swienton, J.) further established through questioning that Ms. Bicknell was not present on the day of this purported status

conference when the trial date was allegedly given. T2, p. 3. Interestingly, on or about June 2, 2009, the Court (Swienton, J.) made a contradictory finding in its order when it stated, “[a] status conference was held on 4/7/2009 and **parties were present...**” (emphasis added). The Court (Swienton, J.), however, apparently determined that a JDNO was sent to Ms. Bicknell with respect to the trial date. T2, p. 3. However, it is abundantly clear that the Court (Swienton, J.) failed to follow the Court (Burke, J.) order of December 1, 2008 stating that the only way this matter would be scheduled for a future court appearance would be through the filing of a motion. T1, p. 13. Therefore, although Ms. Bicknell denied the receipt of a court notice for trial on May 11, 2009 in a post-judgment pleading, even if she received such a notice, she was under no obligation to attend any further court appearances pursuant to the order entered by the Court (Burke, J.) on December 1, 2008. A 18-19.

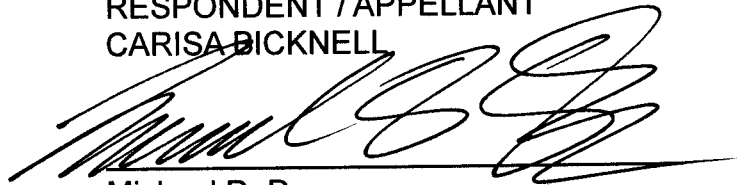
As a result thereof, it is clear that the Court (Swienton, J.) erred and abused its legal discretion, and its findings had no reasonable basis in fact, when it permitted the trial to go forward given the fact that the Court (Swienton, J.) knew that Ms. Bicknell was not present at the status conference when the trial date was issued. This, ultimately, caused a due process violation. As this Court noted in Lewis v. Commissioner of Correction, 89 Conn.App. 850, 870 (2005), “[t]he necessary ingredients of the Fourteenth Amendment's guarantee that no one shall be deprived of liberty without due process of law include a right to be heard and to offer testimony....” (citation omitted; internal quotation marks omitted). Further, the Court (Swienton, J.) erred and abused its legal discretion, and its findings had no reasonable basis in fact, when it failed to follow the Court (Burke, J.) order of December 1, 2008 thereby obligating a party to file a motion in order to schedule a future court date or

court appearance. Thus, the trial court could not “reasonably conclude as it did.” See Rosato v. Rosato, 77 Conn.App. 9, 13 (2003).

**D. CONCLUSION**

For the foregoing reasons, the decision of the trial court should be reversed, and this case should be remanded with the direction to dismiss the application for visitation.

RESPONDENT / APPELLANT  
CARISA BICKNELL

A handwritten signature in black ink, appearing to read "Michael D. Day", written over a horizontal line.

Michael D. Day  
Law Office of Michael D. Day, LLC  
The Beeches  
816 Broad Street  
Building 3 – Suite 10  
Meriden, Connecticut 06450  
Juris No. 421204  
Telephone: 203-238-4000  
Facsimile: 203-238-0203

A.C. 31300

GERALDINE WARNER

VS.

CARISA BICKNELL

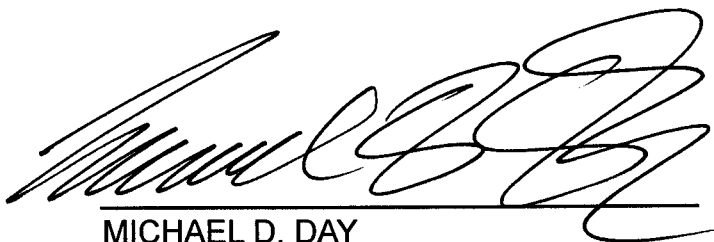
APPELLATE COURT

STATE OF CONNECTICUT

JANUARY 13, 2010

**CERTIFICATE OF FORMAT AND SERVICE**

Pursuant to Practice Book § 67-2, the undersigned certifies that the brief of the respondent / appellant in the above-captioned case complies with all format provisions and further certifies that a copy of said document was mailed first class postage prepaid this 13th day of January, 2010 to THE HONORABLE CYNTHIA SWIENTON, NEW HAVEN SUPERIOR COURT, 235 CHURCH STREET, NEW HAVEN, CONNECTICUT 06510; CLAUDETTE J. NARCISCO, ESQ., JURIS NO. 102008, 36 MAIN ST., SUITE 5B, EAST HAVEN, CONNECTICUT 06512, TELEPHONE: 203-469-5664, FACSIMILE: 203-469-0279; GERALDINE WARNER, 694 APT 4 WOODWARD AVE., NEW HAVEN, CONNECTICUT 06512; AND GUARDIAN AD LITEM, CHILDREN'S LAW CENTER INC., 30 ARBOR STREET, HARTFORD , CONNECTICUT 06106 in accordance with Connecticut Practice Book § 62-7.



MICHAEL D. DAY  
LAW OFFICE OF MICHAEL D. DAY, LLC  
THE BEECHES  
816 BROAD STREET  
BUILDING 3 – SUITE 10  
MERIDEN, CONNECTICUT 06450  
JURIS NO. 421204  
TEL. (203) 238-4000  
FAX (203) 238-0203

APPELLATE COURT  
OF THE  
STATE OF CONNECTICUT

---

A.C. 31300

---

GERALDINE WARNER

V.

CARISA BICKNELL

---

APPENDIX OF RESPONDENT / APPELLANT

---

**APPENDIX TABLE OF CONTENTS**

VISITATION APPLICATION AND OTHER PLEADINGS COMMENCING ACTION.....A1

APPEARANCE OF GERALDINE WARNER.....A11

ORDER OF 2-28-08.....A12

ORDER OF 5-15-08.....A13

ORDER OF 12-1-08.....A14

ORDER OF 5-11-09.....A15

EXHIBIT 1 FROM TRIAL OF 5-11-09.....A16

RESPONDENT'S MOTION TO RECONSIDER AND REARGUE DATED 5-26-09....A18

RESPONDENT'S MOTION TO RECONSIDER AND REARGUE DATED 6-19-09....A22

**ORDER TO ATTEND HEARING  
AND NOTICE TO THE RESPONDENT**

STATE OF CONNECTICUT  
SUPERIOR COURT  
www.jud.state.ct.us



JD-FM-162 Rev. 1-2003  
P.B. §§ 25-3, 25-4

**INSTRUCTIONS:** Complete first section and attach to Custody/Visitation Application (JD-FM-161). Obtain hearing date from court clerk.

JUDICIAL DISTRICT OF <u>New Haven</u>	AT (Town) <u>New Haven</u>	DOCKET NO. <u>4029727</u>
ADDRESS OF COURT (No., street, city) <u>235 Church St, New Haven</u>		
APPLICANT'S NAME (Last, first, middle initial) <u>WARNER, GERALDINE F.</u>	ADDRESS (No., street, town, zip code) <u>275 SHERMAN AV, NEW HAVEN, CT, 06511</u>	
RESPONDENT'S NAME (Last, first, middle initial) <u>BICKNELL, CARISA M.</u>	ADDRESS (No., street, town, zip code) <u>102 TYLER ST EXT. EAST HAVEN, CT 06512</u>	

**NOTICE TO THE ABOVE-NAMED RESPONDENT**

- You are being sued.
- The Application attached to these papers states the claims that the applicant is making against you in this lawsuit.
- To respond to this Application or to be informed of further proceedings, you or your attorney must file a form called an "Appearance" with the Clerk of the above-named Court at the above Court address on or before the scheduled hearing date.
- If you or your attorney do not file a timely "Appearance" form, the Court may enter judgment against you for the relief requested in the Application, which may result in temporary or permanent orders without further notice.
- The "Appearance" form may be obtained at the above Court address or at the Judicial Branch web site at www.jud.state.ct.us.
- If you have questions about the Application, Hearing, or Notice of Automatic Court Orders (JD-FM-158), you should consult an attorney promptly. The Clerk of Court is not permitted to give advice on legal questions.

2008 FEB  
NEW HAVEN  
SUPERIOR  
COURT  
CLERK

**ORDER**

The attached Application asks for custody of or visitation with a child or children. It has been reviewed by the Court. Based on the Application, **YOU ARE ORDERED TO ATTEND A COURT HEARING** to explain why the applicant's requests should not be granted. If you do not attend the court hearing, a civil arrest order (capias) may be issued against you and the court may enter custody or visitation orders against you.

DATE OF COURT HEARING <u>2/28/08</u>	TIME OF COURT HEARING <u>9:30 A.M.</u>	ADDRESS OF COURT (No., street, town) <u>235 Church St. New Haven CT</u>	ROOM NO. <u>3E</u>
BY THE COURT <u>Swinton, J.</u>		SIGNED BY (Assistant clerk) <u>Janice Kulick</u>	DATE SIGNED <u>1/30/08</u>

To Any Authorized Officer:

By authority of the State of Connecticut, you must serve a true and attested copy of the court's order on the respondent and Notice of Automatic Court Orders on the respondent at least twelve days before the scheduled hearing date listed above and return it to court at least six days before the scheduled hearing date.

**SEE AGREEMENT  
APPROVED BY**

Swinton

**RETURN OF SERVICE**

I left a true and attested copy of the Application, Notice of Automatic Court Orders and Order to Attend Hearing **DATE: 02/28/08**

- personally with the respondent.
- at the current home of the respondent at (no., street, town or city):

Judicial District of New Haven  
**SUPERIOR COURT**  
**FILED**

JAN 30 2008

The original Application and Notice of Automatic Court Orders are attached.

**CHIEF CLERK'S OFFICE**

SIGNED (State Marshal, proper officer)	TITLE OF SIGNER	TRAVEL
COUNTY	DATE OF SERVICE	TOTAL

FEES	
COPY	
ENDORSEMENT	
SERVICE	
TRAVEL	
TOTAL	

A 000001

4029727

1025.00

TOP

JUDICIAL DISTRICT OF NEW HAVEN  
SUPERIOR COURT

FILED

JAN 19 2008

CHIEF CLERK'S OFFICE

STATE OF CONNECTICUT  
SUPERIOR COURT

www.jud.state.ct.us

CUSTODY/VISITATION APPLICATION

JD-FM-161 Rev. 2-04  
C.G.S. §§ 46b-56, 46b-61,  
P.B. §§ 25-3, 25-4, 25-5

CUSTODY  VISITATION

INSTRUCTIONS: Check box above and complete form. Attach Order to Attend Hearing (JD-FM-162),  
Notice of Automatic Court Orders (JD-FM-158), and Affidavit Concerning Children (JD-FM-164).

DOCKET NO. \_\_\_\_\_

JUDICIAL DISTRICT OF	AT (Town)
New Haven	New Haven
APPLICANT'S NAME (Last, first, middle initial)	RESPONDENT'S NAME (Last, first, middle initial)
WARNER, GERALDINE F	BICKWELL, CARISA MARIE
ADDITIONAL RESPONDENT'S NAME (If applicable)	

1. I am the:  Mother  Father  Grandparent  Other: \_\_\_\_\_

2. The respondent(s) is/are the:  Mother  Father  Grandparent  Other: \_\_\_\_\_

3. I want (check one)  custody of the child(ren) listed below (available to parents only):

visitation rights with the child(ren) listed below:

CHILD'S NAME (First, middle, last)	DATE OF BIRTH	NAME(S) OF PARENT(S) OR GUARDIAN(S) (Last, first, middle initial, last)
Dominic Robert Pinto	1-28-01	

Check here if additional children are listed on the reverse (Page 2).

4. Connecticut has the authority to decide this case and should decide this case because: (Check all that apply)

- a.  Connecticut is the home state of the child(ren) at the time of the filing of this case.
- b.  The child(ren) has lived in Connecticut for the past six months, or from birth if the child is younger than six months old.
- c.  The child(ren) lived in Connecticut for at least six months but was taken from Connecticut less than six months ago by a person claiming custody, and a parent or guardian continues to live here.
- d.  The child(ren) and at least one parent have a significant connection to Connecticut and there is substantial evidence in Connecticut concerning the child's present or future care, protection, training and personal relationships.
- e.  The child(ren) is in Connecticut now and has been abandoned or there is an emergency affecting the child's well-being.
- f.  No other state has an interest in hearing this case and it is in the best interest of the child(ren) for a Connecticut court to hear the case.
- g.  The applicant has/had a relationship with the child(ren) that is similar in nature to a parent-child relationship and denial of visitation would cause real and significant harm to the child(ren).



# NOTICE OF AUTOMATIC COURT ORDERS

JD-FM-158 Rev. 10-05  
P.B. § 25-5, P.A. 05-10

Attach to Divorce (Dissolution of Marriage) Complaint/Cross Complaint (JD-FM-159), Dissolution of Civil Union Complaint/Cross Complaint (JD-FM-159A), Custody/Visitation Application (JD-FM-161), and any Annulment or Legal Separation Complaint



www.jud.state.ct.us

The following automatic orders shall apply to both parties, with service of the automatic orders to be made with service of process of a complaint for dissolution of marriage, dissolution of civil union, legal separation, or annulment or of an application for custody or visitation. An automatic order shall not apply if there is a prior, contradictory court order. The automatic orders shall be effective with regard to the plaintiff or applicant upon the signing of the complaint or application and with regard to the defendant or respondent upon service and shall remain in place during the pendency of the action, unless terminated, modified, or amended by further order of the court upon motion of either of the parties:

1. Neither party shall sell, transfer, encumber (except for the filing of a lis pendens), conceal, assign, remove, or in any way dispose of, without the consent of the other party in writing, or an order of the court, any property, individually or jointly held by the parties, except in the usual course of business or for customary and usual household expenses or for reasonable attorney fees in connection with this action. **(This section only applies to divorce, dissolution of civil union, annulment, and legal separation cases.)**
2. Neither party shall incur unreasonable debts hereafter, including but not limited to, further borrowing against any credit line secured by the family residence, further encumbering any assets, or unreasonably using credit cards or cash advances against credit cards. **(This section only applies to divorce, dissolution of civil union, annulment, and legal separation cases.)**
3. The parties shall each complete and exchange sworn financial statements substantially in accordance with a form prescribed by the chief court administrator within thirty days of the return day. The parties may thereafter enter and submit to the court a stipulated interim order allocating income and expenses, in accordance with the uniform child support guidelines. **(This section only applies to divorce, dissolution of civil union, annulment, and legal separation cases.)**
4. The case management date for this case is 5/27/08. The parties shall comply with Sec. 25-51 to determine if their actual presence at the court is required on that date. (See JD-FM-165A - C or court clerk for local Case Management Dates.)
5. Neither party shall permanently remove the minor child or children from the state of Connecticut, without written consent of the other or order of the court.
6. The parties, if they share a minor child or children, shall participate in the parenting education program within sixty days of the return day or within sixty days from the filing of the application.
7. Neither party shall cause the other party or the children of the marriage or civil union to be removed from any medical, hospital, and dental insurance coverage, and each party shall maintain the existing medical, hospital, and dental insurance coverage in full force and effect.
8. Neither party shall change the beneficiaries of any existing life insurance policies, and each party shall maintain the existing life insurance, automobile insurance, homeowner's or renter's insurance policies in full force and effect.
9. If the parties are living together on the date of service of these orders, neither party may deny the other party use of the current primary residence of the parties, whether it be owned or rented property, without court order. This provision shall not apply if there is a prior, contradictory court order.
10. If the parties share a child or children, a party vacating the family residence shall notify the other party or the other party's attorney, in writing, within forty-eight hours of such move, of an address where the relocated party can receive communication. This provision shall not apply if there is a prior, contradictory court order.
11. If the parents of minor children live apart during this dissolution proceeding, they shall assist their children in having contact with both parties, which is consistent with the habits of the family, personally, by telephone, and in writing unless there is a prior court order.

## BY ORDER OF THE COURT

**FAILURE TO OBEY THESE ORDERS MAY BE PUNISHABLE BY CONTEMPT OF COURT. IF YOU OBJECT TO OR SEEK MODIFICATION OF THESE ORDERS DURING THE PENDENCY OF THE ACTION, YOU HAVE THE RIGHT HEARING BEFORE A JUDGE WITHIN A REASONABLE TIME.**

A 000004

(Continued on back/page 2)

## SUMMARY OF AUTOMATIC COURT ORDERS

The court orders on the reverse side/page 1 apply to both parties in this case, unless there is already a court order which contradicts one of these orders. The automatic court orders apply to the plaintiff or the applicant when the attached Complaint or Application is signed. They apply to the defendant or respondent when a copy of the Complaint or the Application and the Notice of Automatic Court Orders are served (delivered to the defendant/respondent by an authorized person). The automatic court orders are summarized below, but you are subject to the full text of the orders *on the reverse side/page 1*. If you do not understand the full text of the automatic court orders, you may want to talk to an attorney.

### Neither party shall:

- Sell, mortgage, or give away any property without written agreement or a court order. **(Only applies to divorce, dissolution of civil union, annulment, and legal separation cases.)**
- Go into unreasonable debt by borrowing money or using credit cards or cash advances. **(Only applies to divorce, dissolution of civil union, annulment, and legal separation cases.)**
- Permanently take your children from Connecticut without written agreement or a court order.
- Take each other or your children off any existing medical, hospital, doctor, or dental insurance policy or let any such insurance coverage expire.
- Change the terms or named beneficiaries of any existing insurance policy or let any existing insurance coverage expire, including life, automobile, homeowner's or renter's insurance.
- Deny use of the family home to the other person without a court order, if you are living together on the date the court papers are served.

### Both parties shall:

- Complete and exchange sworn financial affidavits within thirty days of the return date. **(Only applies to divorce, dissolution of civil union, annulment, and legal separation cases.)**
- Participate in a parenting education program within sixty days of the return date or, for a custody or visitation case, within sixty days from the filing of the Application (if you share children under 18 years old).
- Attend a case management conference on the date specified on the reverse/page 1, unless you both agree on all issues and file a Case Management Agreement form with the court clerk on or before that date.
- Tell the other person in writing within forty-eight hours about your new address or a place where you can receive mail if you move out of the family home (if you share children under 18 years old).
- Help any children you share continue their usual contact with both parents in person, by telephone and in writing.

**IF YOU DO NOT OBEY THESE ORDERS WHILE YOUR CASE IS PENDING, YOU MAY BE PUNISHED BY BEING HELD IN CONTEMPT OF COURT. IF YOU OBJECT TO THESE ORDERS OR WANT THEM CHANGED, YOU HAVE A RIGHT TO A HEARING BEFORE A JUDGE WITHIN A REASONABLE TIME, BY FILING A MOTION TO MODIFY THESE ORDERS WITH THE COURT CLERK.**

104

JUDICIAL DISTRICT OF NEW HAVEN  
SUPERIOR COURT  
FILED

STATE OF CONNECTICUT  
SUPERIOR COURT

www.jud.ct.gov

**AFFIDAVIT CONCERNING CHILDREN**

JD-FM-164 Rev. 4-03  
C.G.S. § 46b-115s  
P.B. § 25-57

**INSTRUCTIONS**

JAN 10 2004

Complete form. You must swear that your statement is true and sign it in front of a court clerk, a notary public, or an attorney who will sign the affidavit.

CHIEF CLERK'S OFFICE



JUDICIAL DISTRICT OF <b>NEW HAVEN</b>	AT (Town) <b>NEW HAVEN</b>	DOCKET NO.
--	-------------------------------	------------

PLAINTIFF'S NAME (Last, first, middle initial) <b>WARNER, GERALDINE WARNER</b>	DEFENDANT'S NAME (Last, first, middle initial) <b>BICKNELL, CARISA M.</b>
---	--

Information about the past five years for each child affected by this case is required. Provide information below.  
If more space is needed, use form JD-FM-164A.

CHILD'S NAME (First, middle, last) <b>Dominic Robert PINTO</b>	DATE OF BIRTH (Month, day, year) <b>1-28-01</b>
---	--

DATE(S) OF RESIDENCE	LOCATION (Town or city, and state, unless confidential by court order)	NAME(S) AND PRESENT ADDRESS(ES) OF PERSON(S) CHILD LIVED WITH (unless confidential)	RELATIONSHIP TO CHILD
<b>2001 TO THE PRESENT</b>	<b>East Haven CT</b>	<b>Carisa Bicknell 102 Tyler St. Ext. East Haven CT 06522</b>	<b>mom</b>
TO			
TO			
TO			
TO			

CHILD'S NAME (First, middle, last)	DATE OF BIRTH (Mo., day, yr.)	<input type="checkbox"/> RESIDENCE INFORMATION IS SAME AS FOR CHILD ABOVE. (If not same, provide information)
------------------------------------	-------------------------------	--

DATE(S) OF RESIDENCE	LOCATION (Town or city, and state, unless confidential by court order)	NAME(S) AND PRESENT ADDRESS(ES) OF PERSON(S) CHILD LIVED WITH (unless confidential)	RELATIONSHIP TO CHILD
TO THE PRESENT			
TO			
TO			
TO			
TO			

Check here if additional children are listed on JD-FM-164A.

(Continued...)

102

1. (Check one)  I have  I have not been a party or a witness or participated in any other capacity in cases in Connecticut or any other state concerning custody of or visitation with any child listed in this affidavit. If yes, identify the name of the court, the court case number and date of determination:

(Check item 2 or 3 below)

- 2.  I do not know of other civil or criminal proceedings in Connecticut or any other state, now or in the past, that could affect the current proceeding, including enforcement proceedings and proceedings relating to family violence, protective orders, termination of parental rights and adoption.
3.  I know of the following civil or criminal proceedings, in Connecticut or any other state, now or in the past, that could affect the current proceeding, including enforcement proceedings and proceedings relating to family violence, protective orders, termination of parental rights and adoption.

Table with 3 columns: CASE NAME, DOCKET NO., COURT LOCATION (Including state)

NATURE OF PROCEEDING

Table with 3 columns: CASE NAME, DOCKET NO., COURT LOCATION (Including state)

NATURE OF PROCEEDING

- 4. (Check one)  No one except the plaintiff/applicant and defendant/respondent has physical custody or claims to have custody or visitation rights regarding any child listed here.
 The following person(s) has physical custody or claims to have custody or visitation rights regarding any child listed here:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ (unless confidential)

5. The mother of the child(ren) named in the Complaint or Application is pregnant.

- Yes  No  Do not know

6. A child has been born to the mother named in the Complaint or Application after the filing of the Complaint or Application.

- Yes  No  Do not know If yes, complete the following:

Table with 2 columns: CHILD'S NAME, DATE OF BIRTH (Month, day, year)

Handwritten signature: Geri Warner

SIGNATURE

PRINT NAME OF PERSON SIGNING

Geraldine Warner

SWORN TO BEFORE ME (Asst. Clerk/Comm. of Superior Court/Notary Public)

DATE SIGNED

1/17/08

JD-FM-164 (Back) Rev. 4-03

You have an ongoing duty to tell the court about any case that could affect the current proceeding, in Connecticut or any other state, if you learn about it during this case.

**APPLICATION FOR WAIVER OF FEES/APPOINTMENT OF COUNSEL**  
**FAMILY, CIVIL, HOUSING**

JD-FM-75 Rev. 9-06  
 C.G.S. §§ 46b-231, 52-259b  
 P.B. §§ 8-2, 25-63

**INSTRUCTIONS TO APPLICANT**

1. Print or type all information requested.
2. Sign the Financial Affidavit section in front of a court clerk, a notary public or an attorney.
3. Bring this form to the superior court where your case will be filed or is pending.
4. If your application for fees payable to the court or for costs of service of process is denied, you may request a hearing on the application.

**INSTRUCTIONS TO APPLICANT**

1. Bring completed form to a judge or, if applicable, to a family support registrar.
2. If the application is granted, notify the applicant and counsel, if appointed.
3. If the application for fees payable to the court or for costs of service of process is denied, and upon the request of the applicant, schedule a hearing on the application.

STATE OF CONNECTICUT  
**SUPERIOR COURT**  
 JUDICIAL DISTRICT OF NEW HAVEN  
 www.jud.ct.gov

**TO: THE SUPERIOR COURT**

NAME OF CASE: WARNER VS. BICKNELL DOCKET NO. (if applicable):

Judicial District:  Housing Session:  G.A. No.:  ADDRESS OF COURT: 235 Church St, New Haven, CT

NAME OF APPLICANT (Last, first, middle initial): WARNER, GERALDINE ADDRESS OF APPLICANT (No., street, town, state and zip): 275 SHERMAN AVE, NEW HAVEN, CT TELEPHONE (Area code first): (203) 503-0281

TYPE OF PROCEEDING:

CONTEMPT  MOTION TO OPEN OR MODIFY  OTHER (Specify):

DISSOLUTION OF MARRIAGE/DIVORCE  CIVIL

DISSOLUTION OF CIVIL UNION  **APPL. FOR CUSTODY AND/OR VISITATION**

HOUSING  PATERNITY

**FINANCIAL WAIVER**

I request that the court waive or have the State pay the fees indicated below. ("X" all that apply)

ENTRY FEE  FILING FEE  STATE MARSHAL'S FEE  OTHER (Specify): PRP

**APPOINTMENT OF COUNSEL**

(Applicable only in a contempt proceeding or to the putative father in a paternity proceeding.)

I request that the court appoint counsel to represent me.

**FINANCIAL AFFIDAVIT**

**I. DEPENDENTS**

Total No. of Dependents (not including yourself): 0

**II. MONTHLY INCOME**

A. Gross monthly income PERSON (before deductions)..... 446

B. Net monthly income after taxes from monthly employment.....

C. Other income (i.e., TANF, Social Security, etc.) (Specify source)..... 912

Source: SOC SEC.

**TOTAL MONTHLY INCOME (B+C)** 1,358

**III. MONTHLY EXPENSES**

A. Rent/Mortgage ..... 675

B. Real Estate Taxes .....

C. Utilities (Telephone, heat, electric, water, gas, etc.) ..... \$400

D. Food ..... \$100

E. Clothing ..... \$100

F. Insurance Premiums (Medical/Dental, Auto, Life, Home) ..... \$90

G. Medical/Dental .....

H. Transportation (bus, gasoline, etc.) ..... \$45

I. Child Care .....

J. Other (Specify): .....

**TOTAL MONTHLY EXPENSES** 11,410

**IV. ASSETS**

ESTIMATED VALUE	LOAN BALANCE	EQUITY
A. Real Estate.... <u>0</u>	<u>0</u>	REAL ESTATE <u>0</u>
B. Motor Vehicles <u>0</u>	<u>0</u>	MOTOR VEHICLE <u>0</u>
C. Other Personal Property..... <u>0</u>	<u>0</u>	OTHER PROPERTY <u>0</u>
D. Savings Account Balance (Total of all accounts).....		SAVINGS <u>0</u>
E. Checking Account Balance (Total of all accounts).....		CHECKING <u>under APPROX \$1</u>
F. Cash .....		CASH
G. Other Assets (Specify):.....		OTHER ASSETS
<b>TOTAL ASSETS</b>		<u>0</u>

**V. LIABILITIES/DEBTS** (e.g., credit card balances, loans, etc. Do not include mortgage or loan balances that are listed under "Assets".)

TYPE OF DEBT	AMOUNT OWED	MONTHLY PAYMENT
<u>Medical</u>	<u>APPROX \$2,000</u>	
<b>TOTAL LIABILITIES</b>	<u>2,000</u>	<u>haven't made</u>

PAYMENT 103

I certify that the foregoing information is true and accurate to the best of my knowledge and that I can, if requested, document all income, expenses, and liabilities listed on the front/page 1.

KRISTINA L. VALDEGAS  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES NOV 30, 2009

**NOTICE** ▶

**Any false statement made by you under oath which you do not believe to be true and which is intended to mislead a public servant in the performance of his or her official function may be punishable by a fine and/or imprisonment.**

SIGNED (Applicant) <b>X</b> <i>Geri Warner</i>	PRINT NAME OF PERSON SIGNING AT LEFT <b>GERALDINE WARNER</b>	DATE SIGNED <b>1-28-08</b>
SUBSCRIBED AND SWORN TO BEFORE ME:	ON (Date) <b>1/28/08</b>	SIGNED (Notary Public, Commissioner of the Superior Court, Assistant Clerk) <i>K. Valdegas</i>

**ORDER**

The Court, having found the applicant  **INDIGENT AND UNABLE TO PAY**  **NOT INDIGENT** hereby orders the application:

**GRANTED** as follows:

1. The following fees are waived  **ENTRY FEE**  **FILING FEE**  
 **OTHER (Specify):** PEP
2. The following fees are ordered paid by the State  
 **STATE MARSHAL'S FEE NOT TO EXCEED \$** 50-  
 **OTHER (Specify):** \_\_\_\_\_

3. Counsel is  **NOT APPOINTED**  **APPOINTED (Name):** \_\_\_\_\_

- DENIED** because the applicant does not face potential incarceration.  
 **DENIED.**

BY THE COURT (Print or type name of Judge/Fam. Sup. Magistrate) <i>Swickard, J</i>	ON (Date) <b>1/29/08</b>	SIGNED (Judge, FSM, Ass't Clerk) <i>[Signature]</i>	DATE SIGNED <b>1/29/08</b>
---	-----------------------------	--	-------------------------------

**FOR HEARING ON DENIED APPLICATION**

The following section applies only to a denial of the application for waiver of fees payable to the court or for the costs of service of process. It does not apply to parenting education or to appointment of counsel.

I request a court hearing on the application.

**X** \_\_\_\_\_  
 SIGNED (Applicant) DATE SIGNED

HEARING TO BE HELD AT THE COURT LOCATION SHOWN ON FRONT/PAGE 1 ON THE DATE AND TIME SHOWN BELOW:			
HEARING ON (Date)	AT (Time)	ROOM NO.	SIGNED (Assistant Clerk)

**ORDER AFTER HEARING**

The Court, having found the applicant  **INDIGENT AND UNABLE TO PAY**  **NOT INDIGENT** hereby orders the application:

**GRANTED** as follows:

1. The following fees are waived  **ENTRY FEE**  **FILING FEE**  
 **OTHER (Specify):** \_\_\_\_\_
2. The following fees are ordered paid by the State  
 **STATE MARSHAL'S FEE NOT TO EXCEED \$** \_\_\_\_\_  
 **OTHER (Specify):** \_\_\_\_\_

**DENIED.**

BY THE COURT (Print or type name of Judge/FSM)	ON (Date)	SIGNED (Judge, FSM, Ass't Clerk)	DATE SIGNED
--	-----------	----------------------------------	-------------

OFFICER'S RETURN

STATE OF CONNECTICUT

ss: East Haven, February 4, 2008

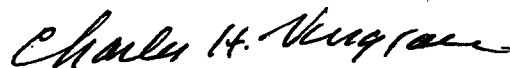
COUNTY OF NEW HAVEN

Then and there by virtue hereof, I served the within named respondent, CARISA M. BICKNELL, by leaving at the usual place of abode of said defendant, at 102 Tyler Street Ext., East Haven, CT., a true and attested copy of the original Order to Attend Hearing and Notice to Respondent, Affidavit Concerning Children, Application for Custody and Notice of Automatic Court Orders with my endorsement thereon.

The within and foregoing is the original Order to Attend Hearing and Notice to Respondent, Affidavit Concerning Children, Application for Custody and Notice of Automatic Court Orders with my doings hereon endorsed.

ATTEST:

FEES:	
Service Fee	\$ 30.00
Copies	5.00
Endorsements	.80
Travel	2.04
	\$ 37.84



CHARLES H. VINGIANO  
STATE MARSHAL  
NEW HAVEN COUNTY

**APPEARANCE**

JD-CL-12 Rev. 3-06  
Pr. Bk. §§ 3-1 thru 3-6, 3-8

**NOTICE TO PRO SE PARTIES**

**A pro se party is a person who represents himself or herself. It is your responsibility to inform the Clerk's Office if you have a change of address.**

STATE OF CONNECTICUT  
**SUPERIOR COURT**

www.jud.ct.gov

**INSTRUCTIONS**

1. Type or print legibly.
2. **Judicial District Court Locations:** In any action returnable to a Judicial District court location, file only the original with the clerk. In criminal actions see instruction #4.
3. **Geographical Area Locations:** In any action returnable to a Geographical Area court location, except criminal actions, file original and sufficient copies for each party to the action with the clerk. In criminal actions see instruction #4.
4. **In Criminal and Motor Vehicle Actions (Pr. Bk. Secs. 3-4, 3-5):** Mail or deliver a copy of the appearance to the prosecuting authority, complete the certification at bottom and file original with the clerk.
5. **In Summary Process Actions:** In addition to instruction #2 or #3 above, mail a copy to the attorney for the plaintiff, or if there is no such attorney, to the plaintiff and complete the certification below.
6. **In Small Claims Matters:** File the original with the Small Claims area or Housing Session location. Mail or deliver a copy to the attorney or pro se party and complete the certification below.
7. **For "In-lieu-of" Appearances (Pr. Bk. Sec. 3-8):** Complete the certification below.
8. Pursuant to Pr. Bk. Sec. 17-20, if a party who has been defaulted for failure to appear files an appearance prior to the entry of judgment after default, the default shall automatically be set aside by the clerk.
9. **In Juvenile Matters:** Do not use this form. Use form JD-JM-13 Appearance, Juvenile Matters.

DOCKET NO.
RETURN DATE
SCHEDULED COURT DATE (Criminal/Motor Vehicle Matters)

NAME OF CASE (FIRST-NAMED PLAINTIFF VS. FIRST-NAMED DEFENDANT)

GERALDINE WARNER VS. CARIS BICKNELL

Judicial District     Housing Session     G.A. No.

ADDRESS OF COURT (No., street, town and zip code)

235 Church St. New Haven 06510

**PLEASE ENTER THE APPEARANCE OF**

NAME OF PRO SE PARTY (See "Notice to Pro Se Parties" at top), OR NAME OF OFFICIAL, FIRM, PROFESSIONAL CORPORATION, OR INDIVIDUAL ATTORNEY

Geraldine Warner, pro se

JURIS NO. OF ATTY. OR FIRM

MAILING ADDRESS (No., street, P.O. Box)

275 Sherman Ave 2nd floor

TELEPHONE NO. (Area code first)

CITY/TOWN

New Haven

STATE

CT

ZIP CODE

06511

FAX NO. (Area code first)

E-MAIL ADDRESS

in the above-entitled case for: ("X" one of the following)

- The Plaintiff.
- All Plaintiffs
- The following Plaintiff(s) only: \_\_\_\_\_
- The Defendant.
- The Defendant for the purpose of the bail hearing only (in criminal and motor vehicle cases only).
- All Defendants.
- The following Defendant(s) only: \_\_\_\_\_
- Other (Specify) \_\_\_\_\_

Note: If other counsel or a pro se party have already appeared for the party or parties indicated above, state whether this appearance is:

- In lieu of appearance of attorney or firm or pro se party (Name) \_\_\_\_\_ already on file (P.B. Sec. 3-8) OR \_\_\_\_\_ (Name and Juris No.)
- In addition to appearance already on file.

SIGNED (Individual attorney or pro se party)

X Geraldine Warner

NAME OF PERSON SIGNING AT LEFT, (Print or type)

Geraldine Warner

DATE SIGNED

1/17/08

**CERTIFICATION**

**FOR COURT USE ONLY**

This certification must be completed in summary process cases (Pr. Bk. Sec. 3-5(a)); for "in lieu of" appearances (Pr. Bk. Sec. 3-8); in criminal cases (Pr. Bk. Sec. 3-5(d)); and in small claims matters.

I hereby certify that a copy of the above was mailed/delivered to:

- All counsel and pro se parties of record as listed below and on additional sheet. (For summary process, criminal actions and small claims matters)
- Counsel or the party whose appearance is to be replaced as listed below and on additional sheet. (For "in lieu of" appearances)

JUDICIAL DISTRICT OF NEW HAVEN  
SUPERIOR COURT  
FILED

2008  
CHIEF CLERK'S OFFICE

SIGNED (Individual attorney or pro se party)

X

DATE COPY(IES) MAILED OR DELIVERED

NAME OF EACH PARTY SERVED \*

ADDRESS AT WHICH SERVICE WAS MADE

A 000011

**APPEARANCE**

\* If necessary, attach additional sheet with names of each party served and the address at which service was made.

Geraldine Warner v. Carisa Bicknell  
FA08-4029727  
February 28, 2008

FEB 28 2008

Temporary Agreement 101 CHIEF CLERK'S OFFICE

The parties agree to the following concerning the minor child, Dominic Pinto (DOB 1/28/01):

That the paternal grandmother, Geraldine Warner, shall be entitled to a telephone call with the minor child weeknights between 6:00 and 7:00 p.m.

That the paternal grandmother may send the minor child letters and cards.

That the parties shall coordinate applying for supervised visits between the maternal grandmother and the minor child via Southern Connecticut State University's Family Clinic program.

That the parties request that they return to Court for report back from supervised visitation on May 15, 2008.

Geraldine Warner  
Geraldine Warner

Carisa Bicknell  
Carisa Bicknell

Pinto 2/28/08

PRESENT: (B) / ATTY  
(D) / ATTY  
AMG  
GAL

109

**DOCKET #FA 08-4029727**

**Superior Court**

**WARNER, GERALDINE**

**Judicial District of New**

**VS**

**Haven At New Haven**

**BICKNELL, CARISA**

**05/15/2008**

**ORDER**

**The court ordered supervised visitation shall continue until further order of the court. This case is scheduled for a Custody/Visitation hearing on 07/01/08.**

**( SWIENTON, J)**

*Bekinda Dadeel*  
**ADMINISTRATIVE ASSISTANT/TAC**

PRESENT: ~~P/ATTY~~  
~~D/ATTY~~  
AMC  
GAL

DOCKET NO. FA 84029727  
Geraldino  
Varnar

SUPERIOR COURT

JUDICIAL DISTRICT OF NEW HAVEN  
AT NEW HAVEN

vs.  
Carisa  
Bicknell

DATE: December 1, 20 08

**AGREEMENT**

The parties agree that the paternal grandmother, M/s. Warner shall have supervised visitation with the minor child, Dominic Pinto (1/28/01), on two Saturdays per month.

That the visitation shall be at the Southern Connecticut State University and that Ms. Bicknell agrees to assume the cost of the program.

~~That [unclear] of [unclear] shall be at appropriate times in the [unclear] she [unclear] the [unclear] Southern C. State University to [unclear] Ms. Warner to take photographs during the [unclear] sessions.~~

Child support provisions comply with the Child Support Guidelines:  Yes  No  N/A  
Guidelines Amount (If Applicable): \$ \_\_\_\_\_  
If you seek to deviate from the Child Support Guidelines, state the reason(s):

WE FULLY AGREE WITH THE ABOVE AND REQUEST THAT OUR AGREEMENT BE MADE AN ORDER OF THE COURT.

[Signature]  
Plaintiff

[Signature]  
Defendant

[Signature]  
Plaintiff's Attorney  
[Signature] KALCISCO

Defendant's Attorney

Assistant Attorney General

Attorney for the Minor Child

JUDICIAL DISTRICT OF NEW HAVEN  
SUPERIOR COURT  
FILED

DEC 01 2008

CHIEF CLERK'S OFFICE

Approved and Ordered,  
By The Court ( Barke , J.)  
[Signature] 12/1/08  
Clerk/Judge Date

DOCKET #FA084029727S

WARNER, GERALDINE

VS

BICKNELL, CARISA

Superior Court

Judicial District of  
New Haven

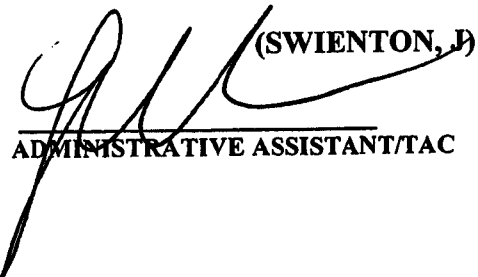
At New Haven

May 11, 2009

ORDER

The Court (SWIENTON, J.) enters the following orders:

1. The Court finds the Defendant was notified of today's hearing.
2. The Plaintiff Grandmother shall have visitation with the minor child, Dominic Robert Pinot (1-28-01) as follows:
3. Between now and the end of school the Plaintiff will continue to have supervised visits at Southern Connecticut State University.
4. Once school is out, the Plaintiff shall have visitation one day a week from 10 am to 6:15pm, day to be mutually agreed upon based on the minor child's schedule. Pick up and drop off to be at the East Haven Stop and Shop unless another location is mutually agreed upon.
5. Beginning in August 2009, the Plaintiff shall have weekly overnight visitation with the minor child from 10 am until 10am the next day on a day that is mutually agreed upon based on the child's schedule.
6. When school resumes, the Plaintiff shall have visitation one day a week after school until 7 pm and two weekends a month from Friday after school until 10 am Saturday on days as can be mutually agreed upon btw the parties.
7. Until further order of the court, the Father shall not be present during any of these visits without the express agreement of the mother.
8. Plaintiff's Counsel is ordered to serve the defendant mother with these orders.

  
(SWIENTON, J.)  
ADMINISTRATIVE ASSISTANT/TAC

PRESENT: P/ATTY  
D/ATTY



# Southern Connecticut State University

501 Crescent Street  
New Haven, CT 06515-1355

School of Health & Human Services  
Departments of Communication Disorders • Marriage & Family Therapy  
Nursing • Public Health • Recreation & Leisure Studies • Social Work



November 10, 2008

## Case Summary of Therapeutic Supervised Visitation Case # 080336 TSV

This case was recommended to Southern Connecticut State University's Family Clinic by Andrew Spurrier from the Family Relations Department of the New Haven Superior Court in March 2008. The purpose of this referral was to have visitation supervised by a third party for Dominic Bicknell and Ms. Geraldine Warner, paternal grandmother. Ms. Warner and her grandson, Dominic Bicknell (age 7) participated in a Marschak Interaction Method Assessment (MIM) on April 21, 2008 at the Southern Connecticut State University's Family Clinic. Ms. Carissa Bicknell, Dominic's biological mother, has full custody of her son. Therapeutic supervised visits started on April 19, 2008 to present.

<u>Dates of Sessions:</u>	<u>Notes:</u>
April 5, 2008	Orientation
April 12, 2008	MIM assessment between Ms. Warner and Dominic
April 19, 2008	Supervised visit between Ms. Warner and Dominic
April 26, 2008	Supervised visit between Ms. Warner and Dominic
May 3, 2008	Supervised visit between Ms. Warner and Dominic
May 10, 2008	Supervised visit between Ms. Warner and Dominic
May 17, 2008	Supervised visit between Ms. Warner and Dominic
May 24, 2008	Family Clinic observes Memorial Day
May 31, 2008	Supervised visit between Ms. Warner and Dominic
June 7, 2008	Supervised visit between Ms. Warner and Dominic
June 14, 2008	Supervised visit between Ms. Warner and Dominic
June 21, 2008	Supervised visit between Ms. Warner and Dominic
June 28, 2008	Ms. Bicknell canceled visitation
July 5, 2008	Family Clinic observes Fourth of July
July 12, 2008	Supervised visit between Ms. Warner and Dominic
July 19, 2008	Ms. Bicknell canceled visitation
July 26, 2008	Ms. Bicknell canceled visitation
August 2, 2008	Ms. Bicknell canceled visitation
August 9, 2008	Supervised visit between Ms. Warner and Dominic
August 16, 2008	Ms. Warner canceled visitation
August 23, 2008	Ms. Bicknell canceled visitation
August 30, 2008	Family Clinic observes Labor Day
September 6, 2008	Supervised visit between Ms. Warner and Dominic
September 13, 2008	Supervised visit between Ms. Warner and Dominic
September 20, 2008	Ms. Bicknell canceled visitation
September 27, 2008	Ms. Bicknell canceled visitation
October 4, 2008	Supervised visit between Ms. Warner and Dominic
October 11, 2008	Ms. Bicknell canceled visitation
October 18, 2008	Supervised visit between Ms. Warner and Dominic
October 25, 2008	Ms. Bicknell canceled visitation
November 1, 2008	Therapist canceled
November 8, 2008	Supervised visit between Ms. Warner and Dominic
November 15, 2008	Ms. Bicknell canceled



A Campus of the Connecticut State University System  
An Equal Opportunity University

A 000016

**Arrival Times and Payments:**

Ms. Warner arrived on time for all of the visitations. Ms. Warner paid the \$10 fee after every session and sometimes in advance. All payments are current.

**Initial Greeting between Child and Visiting Parent:**

During the first months (April and May) of visitation, Dominic appeared to be hesitate to enter the visitation room. As time when on, Dominic entered the room more freely and often ran in to see Ms. Warner. Ms. Warner almost always greeted Dominic verbally.

**Non-verbal Observation of Child and Parent Interactions:**

Dominic would play the entire visitation with Ms. Warner. Ms. Warner's body language appeared inviting, natural and lively. Most often Ms. Warner would sit on the floor near Dominic to engage him in play with dinosaurs and trucks. Ms. Warner almost always brought in toys and other items such as gloves, bedding and clothes, all of which were approved by Ms. Bicknell before the start of each visit.

**Child's Affect During Visitation:**

Dominic's affect during each visit varied. Occasionally Dominic was affectionate with Ms. Warner, giving her a kiss and hug. Dominic seemed to be happy during the visitation and often laughed and smiled at Ms. Warner. Dominic would play with Ms. Warner and often take turns building blocks.

**Positive Attachment and Differentiation Behaviors:**

Ms. Warner sometimes encouraged Dominic to discuss things he enjoyed doing or seeing. Ms. Warner showed patience with Dominic, particularly when Dominic appeared to be uncertain while interacting with her. Ms. Warner interacted with child at his developmental level and set limits with the child especially around safety and the proper use of toys. Mr. Warner had reasonable requests, discipline and language when relating to Dominic.

**Therapeutic Content:**

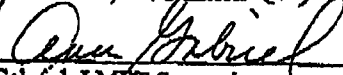
Ms. Warner has consistently shown improvement; consequently in August 2008 the visits increased in length. Therapeutic interventions were done only as necessary. Ms. Warner engaged Dominic consistently during each visit through play, and Dominic responded positively. They played with dinosaurs, blocks, trains and trucks. Ms. Warner asked Dominic about what his likes, dislikes and hobbies were. The tones of these conversations were inviting and welcoming. Ms. Warner exhibited a calm demeanor and proper attention to Dominic during each visit. Ms. Warner was clearly in the hierarchy, exhibited clear boundaries, provided structure and supported Dominic throughout each visit.

**Recommendation:**

The Southern Connecticut State University's Family Clinic has no current data to support the need for supervised visits at our clinic.

If you have any questions, please feel free to contact the Family Clinic at (203)392.6415.

  
\_\_\_\_\_  
Jessica Garofalo, MFT Intern (JP)

  
\_\_\_\_\_  
Ann Gabriel, LMFT Supervisor  
Clinic Coordinator

NNH-FA-08-4029727-S : SUPERIOR COURT  
GERALDINE WARNER : J.D. OF NEW HAVEN  
VS. : AT NEW HAVEN  
CARISA BICKNELL : MAY 26, 2009

**MOTION TO RECONSIDER AND REARGUE**  
**(A PRACTICE BOOK §11-11 MOTION)**

On or about May 11, 2009 the Court (Swinton, J.) entered various orders contained within a document titled "Order." The Defendant respectfully requests that this Court reconsider its orders and permit reargument concerning the same, as referenced below and for the following reasons.

The Defendant was under the impression that at the conclusion of a hearing on December 1, 2008 that the Court (Burke, J.) entered final orders with respect to the above-captioned matter and that this case went to final judgment. The Defendant was therefore under the impression that there were no further court appearances until and unless a post-judgment motion were filed and served pursuant to Connecticut Practice Book rules. The Defendant did not receive any further court notices compelling her

**ORAL ARGUMENT REQUESTED**  
**TESTIMONY MAY BE REQUIRED**  
**A PRACTICE BOOK §11-11 MOTION**

**LAW OFFICE OF MICHAEL D. DAY, LLC**  
The Beeches | 816 Broad Street | Building 3 - Suite 10 | Meriden, Connecticut 06450  
Telephone: 203.238.4000 | Facsimile: 203.238.0203 | Juris Number: 421204

1