

DN.
IN RE: MARY DOE
DAVID DOE

: SUPERIOR COURT-JUVENILE MATTERS

: TWELFTH DISTRICT

: AT HARTFORD

: February 9, 1998

MOTION FOR CONTEMPT

The minor children, Mary and David Doe, respectfully move by and through their attorney, Lynn B. Cochrane, pursuant to Conn. Gen. Stat. Section 46b-121 and Practice Book Section 34a-1, that the Commissioner of the Department of Children and Families (hereinafter, D.C.F.) be found in contempt of this Court's order of February 27, 1993 regarding visitation. In support of this motion, they represent the following:

1. On October 27, 1997, the Honorable John Moss ordered that D.C.F., as the children's statutory parent, promptly arrange for regular visitation between Mary and David. Mary and David are the adopted children of S. R. and C. W. Both children were chronically abused and neglected by their parents, the father a drug addict and their mother an alcoholic. Mr. S. died last summer and Mrs. W. consented to the termination of her parental rights in December, 1994. Neither child has yet been adopted and visitation between the two of them is the most positive contact with family either of them has left.

2. D.C.F. subsequently undertook to have Case Aide Jan Jane drive Mary to David's residence every other Monday.

3. Shortly thereafter, the aide failed to pick Mary up for two visits, and failed to call either child to cancel the scheduled visits, nor did she explain the missed visits to the children after the fact.

4. The D.C.F. Program Supervisor was informed of the problem on November 6, 1997. Mary and David's Case Worker admitted the two visits had not taken place. The Program Supervisor represented that she would investigate the problem.

5. On November 19, 1997, the aide again failed to pick up Mary, and failed to ever call the children to explain why their visit would not occur.

6. D.C.F.'s repeated failure to ensure that Mary and David have regular and reliable visits with each other has caused and will continue to cause the children emotional distress. As a result of the broken visits, David, who has been in and out of in-patient hospital care, two regular foster homes, two specialized foster homes, and now, residential placement, finds it increasingly difficult to trust any adult to make sure his life is secure and well-regulated. In turn, his eventual placement in a permanent home is made more difficult. Mary, too, suffers from not seeing her brother whom she loves and cared for during the years they both were abused by their parents.

WHEREFORE, the undersigned requests that the Commissioner of the Department of Children and Families and her agents be adjudged in contempt of court and punished therefor, and further, that:

1. They be fined pursuant to Conn. Gen. Stat. Sec. 46b-121,
2. They be ordered to make up all missed visits,
3. They be ordered to present a written bi-weekly visitation schedule, and that they name the parties responsible for ensuring visits take place, and that they be required to call both children well ahead of the time any scheduled visit must be canceled due to circumstances beyond their control, and that

4. They report to the Court and the children's counsel once a month on the implementation of the visitation schedule.

SUBMITTED BY

Mary and David Doe

BY: _____

LYNN B. COCHRANE
THEIR ATTORNEY
Greater Hartford Legal Assistance, Inc.
999 Asylum Ave., 3rd Fl.
Hartford, CT 06105
Tel. (860) 541-5045
Fax.(860) 541-5050

ORDER FOR HEARING AND NOTICE

To Any Proper Officer:

The foregoing motion having been presented to this Court, it is hereby ordered that the Petitioner, the Commissioner of the Department of Children and Families, her agents, Program Supervisor A., Case Worker B., and Case Aide J., appear before a session of this Court to be held within and for the judicial district of Hartford-New Britain at the Hartford Juvenile Court, 920 Broad Street, Hartford, CT, on _____ then and there to show cause why they should not be adjudged in contempt of court and why the other prayers of the motion should not be granted.

Now therefore, by the authority of the state of Connecticut, you are hereby commanded to give notice of the pendency of the motion and of the hearing for the purposes above stated, by leaving a true and attested copy of the motion and of this order with and in their hands at least _____ days before the date of the hearing.

Hereof fail not but due service and return make.

Dated at _____

BY THE COURT

Clerk