IN RE ZAYDEN J.*
(AC 46639)

Suarez, Westbrook and Bear, Js.

Syllabus

The respondent mother appealed to this court from the judgment of the trial court terminating her parental rights with respect to her minor child, Z. The mother had an IQ of 64 and had received assistance from state agencies, including, but not limited to, daily living services and financial support, for the majority of her life. She had a history with the Department of Children and Families dating back to 2015 because of her ongoing mental health issues. On the day Z was born, a hospital social worker reported concerns regarding the mother's mental health to the department, including that she had been diagnosed with bipolar disorder, attention deficit/hyperactivity disorder, intellectual disability,

* 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.

autism spectrum disorder, and psychosis, and that, throughout the mother's pregnancy, she had been seen at various hospitals for treatment or intervention due to her unstable mental health and suicidal ideations. After Z had been adjudicated neglected, the court ordered specific steps to facilitate the return of Z to the mother and vested the care and custody of Z in the petitioner, the Commissioner of Children and Families. The petitioner thereafter filed a petition for termination of the mother's parental rights with respect to Z. Three days prior to the start of trial on the petition, the mother filed a motion for a sixty day continuance, stating that a putative father for Z had been identified and that he was scheduled to take a DNA test. The court denied the mother's motion for a continuance and moved forward with the trial. In its memorandum of decision terminating the parental rights of the mother as to Z, the court found by clear and convincing evidence that the department had made reasonable efforts to reunify the mother with Z and that the mother was unwilling or unable to progress toward reunification. The court found that, although the department had offered the mother mental health and medication management services, offered her in-home services to assist with her daily living skills, and made arrangements to ensure that the mother had visitation with Z, the mother consistently refused the mental health services, did not consistently engage in her individual therapy, stopped taking needed medication, and revoked all releases for the department to communicate directly with her providers. The court further found that, although the mother participated routinely with her allotted visitation, she was not able to progress in her parenting skills. In the portion of the memorandum of decision addressing the seven mandatory factors articulated in the statute (§ 17a-112 (k)) governing the termination of parental rights, the court emphasized that the mother never consistently engaged in therapy and medication management, thus making limited, if any, progress toward stabilizing her mental health; that the mother could not regulate her own conduct and focus on Z's well-being during visitation sessions; and that she routinely disrupted visitations by being rude to the staff and requiring emergency personnel intervention. In addition, the court found that there was limited evidence as to Z's ties with the mother, that he had been in the care of his foster parents since birth, and that he was bonded to his foster family. The court ultimately found that it was in Z's best interest to terminate the mother's parental rights. *Held*:

1. The respondent mother could not prevail on her claim that the trial court erroneously determined that the department made reasonable efforts to reunify her with Z, this court having found that her claim was moot; although the trial court found by clear and convincing evidence both that the department made reasonable efforts to reunify the mother with Z and that she was unwilling or unable to progress toward rehabilitation, the mother failed to challenge on appeal the court's finding that she was unwilling or unable to progress toward rehabilitation, and, therefore,

even if this court were to agree with her claim, it could not provide her with any relief because there was a second independent basis for upholding the court's determination.

2. The trial court's conclusion that the termination of the respondent mother's parental rights was in Z's best interest was not clearly erroneous: although there was evidence in the record that the mother loved Z and attended many of her supervised visits with him, this court has recognized that love and a biological bond is not enough to avoid the termination of parental rights; moreover, there was evidence that when the mother attended her supervised visits with Z, she was often unable to control her behavior during these visits, which raised serious concerns for Z's safety, these facts, in addition to the court's other findings in its memorandum of decision, were grounded in the evidence and strongly supported the court's best interest determination, and this court would not substitute its judgment for that of the trial court.

3. The respondent mother could not prevail on her claim that the trial court improperly denied her motion for a continuance: although the mother asserted that the trial court's denial of her motion deprived her of her constitutional due process right to a fair trial, this court's careful review of the grounds stated in support of the mother's motion for a continuance revealed that they related to the putative father's potential parental rights as to Z and that they did not interfere with the parental rights of the mother or her ability to effectively challenge the allegations in the petition for termination of her parental rights; moreover, the mother's written motion and her arguments before this court failed to demonstrate that, even if the putative father's rights were adversely affected by the court's denial of the motion for a continuance, the adverse ruling somehow affected fundamental rights personal to her, and, therefore, her claim was not of constitutional magnitude; furthermore, for the same reasons that her claim was not of constitutional magnitude, her claim failed under the abuse of discretion standard of review, under which it was appropriate for this court to review the claim.

Argued January 25—officially released April 18, 2024**

Procedural History

Petition by the Commissioner of Children and Families to terminate the respondents' parental rights with respect to their minor child, brought to the Superior Court in the judicial district of Fairfield, Juvenile Matters, where the court, *McLaughlin, J.*, denied the

** April 18, 2024, the date that this decision was released as a slip opinion, is the operative date for all substantive and procedural purposes.

respondent mother's motion for a continuance; thereafter, the case was tried to the court, *McLaughlin*, *J.*; judgment terminating the respondents' parental rights, from which the respondent mother appealed to this court. *Appeal dismissed in part*; *affirmed.*

David B. Rozwaski, assigned counsel, for the appellant (respondent mother).

Alma Rose Nunley, assistant attorney general, with whom, on the brief, were *William Tong*, attorney general, and *Nisa Khan*, assistant attorney general, for the appellee (petitioner).

Opinion

SUAREZ, J. The respondent mother, Tabitha M., appeals from the judgment of the trial court rendered in favor of the petitioner, the Commissioner of Children and Families, terminating her parental rights as to her biological son, Zayden J. (Zayden).[1] On appeal, the respondent claims that the court erred in (1) determining that reasonable efforts were made to reunify her with Zayden,[2] (2) concluding that it was in the best

[1] We note that the court also terminated the parental rights of John Doe in the underlying proceeding because, at the time of trial, the identity of Zayden's biological father was unknown. Following trial, Lee Roy B. came forward as a putative father and submitted to a DNA test that confirmed he was the biological father of Zayden. On March 30, 2023, the petitioner moved to cite in and amend the neglect petition to include Lee Roy B., which the court granted. The parental rights of Lee Roy B. were not terminated in the underlying proceeding, and he is not a party to this appeal. Accordingly, all references in this opinion to the respondent are to Tabitha M. only.

[2] We note that the respondent labeled her first claim as "[t]he trial court erred in its findings that the respondent had failed to rehabilitate." The respondent specifically argues in her first claim, however, that "the petitioner did not do everything reasonable in this case to effectuate reunification" and that "the petitioner failed to properly engage the respondent in meaningful services." The respondent concludes her first claim by asserting that "the trial court erred in finding that the respondent . . . failed to rehabilitate because the trial court did not take into consideration that [she] required much more intensive services to help her address her mental health issues . . . ." After a careful review of the respondent's appellate brief, we consider the substance of her argument in her first claim to be challenging the court's

interest of Zayden to terminate her parental rights, and (3) denying her motion for a continuance. We conclude that the appeal is moot as to the first claim and dismiss that portion of the appeal. With respect to the remaining claims in the appeal, we affirm the judgment of the court.

The following facts, as found by the court, and procedural history are relevant to our resolution of this appeal. "The [respondent] was born . . . in June of 1989. She is now thirty-three years old. . . . She has an IQ of 64 and has received assistance, including, but not limited to, daily living services and financial support, from the Department of Developmental Services (DDS) for the majority of her life. [The respondent's] grandmother primarily raised her due to [her] mother's unstable mental health and her father's numerous incarcerations.

"[The respondent] has a history with [the Department of Children and Families (department)] dating back to 2015 because of her ongoing mental health issues. In 2016, the court adjudicated the [respondent's] oldest son, Tyshawn, neglected. At first, the court ordered joint guardianship of Tyshawn with the [respondent] and the maternal grandaunt; however, in 2018, after several negative incidents between the [respondent] and the grandaunt and the continuation of intimate partner violence between the [respondent] and her partners,[3] the [respondent] lost custody of Tyshawn. Tyshawn remains in the sole care and custody of the maternal grandaunt." (Footnote in original.)

finding that reasonable efforts were made to reunify the respondent with Zayden. See *In re Aurora H.*, 222 Conn. App. 307, 326 n.10, 304 A.3d 875 ("[i]n our consideration of claims raised on appeal, this court is customarily mindful to evaluate their substance rather than to be bound by imprecise form"), cert. denied, 348 Conn. 931, 306 A.3d 1 (2023).

[3] "The [respondent] has a history of intimate partner violence . . . with several past partners. In 2018, [the department] received a report that the [respondent's] then partner . . . struck the [respondent] several times with a coat hanger while [she] was unclothed. A woman who was present during

Zayden was born in October, 2020. "[The day Zayden was born], a hospital social worker reported concerns regarding the [respondent's] mental health to [the department]. The hospital social worker told [the department] that the [respondent] was diagnosed with bipolar disorder, [attention deficit/hyperactivity disorder], intellectual disability, [autism spectrum disorder], and psychosis. The social worker went on to explain that throughout the [respondent's] pregnancy, [she] had been seen at various hospitals . . . for treatment or intervention due to her unstable mental health and suicidal ideations. . . . The hospital social worker notified [the department] that it would not be in [Zayden's] best interest to be returned to [the respondent's] care because of her unstable mental health and inability to make rational decisions."

"In October, 2020, the [respondent] was residing at [a residential treatment program for individuals with both mental health and substance abuse disorders (program)]. This residence was part of a court order associated with a criminal case.[4] . . . In November, 2020, the [respondent] left [the program] against medical advice and court orders. The [respondent] failed to complete the program prior to leaving." (Footnote in original.)

the assault recorded the incident and showed the video to [the department]. The woman also uploaded the video of the incident to a social media platform. In addition, the [respondent] reported to [the department] that she suffers from migraines as a result of the physical abuse she endured at the hands of her older child's father . . . ."

[4] "The [respondent] has a criminal history from 2017 until 2020. Charges include assault in the third degree, breach of the peace, violation of protective orders, and violation of probation. In August, 2020, she was incarcerated for a violation of probation. The [respondent's] residence at [the program] was a condition of her probation. She was ordered to stay at [the program] until January, 2021. When the [respondent] left the program early, the court issued an arrest warrant for [her] for failure to appear and a violation of probation. The court eventually vacated the warrant, and the [respondent] remained on probation."

On October 30, 2020, the petitioner filed a neglect petition and an order of temporary custody (OTC) with respect to Zayden. The court, *Wilkerson Brillant*, *J.*, granted the OTC ex parte and ordered preliminary specific steps to facilitate the return of Zayden to the respondent. On November 6, 2020, the court sustained the OTC, reconfirmed the specific steps, and vested the care and custody of Zayden in the petitioner.

"In 2021, the [respondent] was brought to hospital emergency rooms on several occasions for observation or assessment due to her suicidal ideations or depression, including on March 22 and 24, April 5, May 15, August 3 and 4, September 27 and 28, and October 10. The [respondent] also had intervention from emergency personnel, not always leading to transport to the hospital, for suicidal ideations on June 13 and 14, August 3 and 31, September 17 and 28, and October 10 and 19."

On February 24, 2022, the petitioner filed a termination of parental rights petition with respect to Zayden. On March 17, 2022, the respondent filed a motion for a transfer of guardianship to Zayden's cousin, T. The court thereafter consolidated the trial on the respondent's motion to transfer guardianship and the petition to terminate parental rights.

"On May 25, 2022, the court, *Maronich*, *J.*, adjudicated [Zayden] neglected, based on the [respondent's] nolo contendere plea, and committed [him] to [the petitioner's] care and custody. The court also ordered final [specific] steps for the [respondent]. These [specific] steps were similar in sum and substance to the preliminary [specific] steps that the court ordered at the OTC proceeding in October, 2020. At the adjudication hearing, the court canvassed the [respondent] on her decision to file a written nolo contendere plea, on the disposition of commitment, and on the specific steps." On

July 12, 2022, the court, *Reid*, *J.*, approved a permanency plan of termination of the respondent's parental rights as to Zayden.

On February 6, 2023, three days prior to the start of the consolidated trial on the petition to terminate the respondent's parental rights and the motion to transfer guardianship, the respondent filed a motion for a sixty day continuance, stating that a putative father for Zayden had been identified and that he was scheduled to take a DNA test. The court, *McLaughlin*, *J.*, denied the respondent's motion for a continuance. The court then held the consolidated trial on February 9 and 16, 2023. The court heard testimony from multiple witnesses, including the respondent, and several exhibits were admitted into evidence.

On April 28, 2023, the court issued a memorandum of decision terminating the parental rights of the respondent as to Zayden and denying her motion to transfer guardianship.[5] In its memorandum of decision, the court found by clear and convincing evidence that "[the department] made reasonable efforts to locate the [respondent]" and that "[the department] made reasonable efforts to reunify the [respondent] and [Zayden]. Further, the [respondent] proved unwilling or unable to progress toward reunification." The court reasoned that, "[a]t every turn, [the department] offered the [respondent] mental health and medication management services. DDS also offered the [respondent] in-home services to assist with her daily living skills. [The department] made arrangements to ensure that the [respondent] had visitation with [Zayden]. The [respondent] consistently refused and hindered her mental

[5] The court also terminated John Doe's parental rights as to Zayden; however, the court did not appoint the petitioner as Zayden's statutory parent because of the pending paternity test for the newly disclosed putative father. The respondent did not appeal the court's denial of the motion to transfer guardianship.

health services. She did not consistently engage in her individual therapy and stopped taking needed medication. The [respondent] revoked all releases for [the department] to communicate directly with her providers. Although the [respondent] did participate routinely with her allotted visitation, she was not able to progress in her parenting skills. [The department] made reasonable efforts to reunify the [respondent] with [Zayden]. Despite these reasonable efforts, the [respondent] was unwilling or unable to make sound progress toward mental health stability and competent parenting.'' The court further found by clear and convincing evidence after consideration of the seven mandatory factors articulated in General Statutes § 17a-112 (k) that it was in Zayden's best interest to terminate the respondent's parental rights and that a transfer of guardianship was not in his best interest. This appeal followed. Additional facts and procedural history will be provided as necessary.

Before turning to the respondent's claims, we first set forth the legal principles that govern our review. ''Proceedings to terminate parental rights are governed by § 17a-112. . . . Under [that provision], a hearing on a petition to terminate parental rights consists of two phases: the adjudicatory phase and the dispositional phase. During the adjudicatory phase, the trial court must determine whether one or more of the . . . grounds for termination of parental rights set forth in § 17a-112 [(j) (3)] exists by clear and convincing evidence. The [petitioner] . . . in petitioning to terminate those rights, must allege and prove one or more of the statutory grounds. . . . Subdivision (3) of § 17a-112 (j) carefully sets out . . . [the] situations that, in the judgment of the legislature, constitute countervailing interests sufficiently powerful to justify the termination of parental rights in the absence of consent. . . . Because a respondent's fundamental right to parent his or her

child is at stake, [t]he statutory criteria must be strictly complied with before termination can be accomplished and adoption proceedings begun." (Internal quotation marks omitted.) *In re A'vion A.*, 217 Conn. App. 330, 336–37, 288 A.3d 231 (2023). "If the trial court determines that a statutory ground for termination exists, then it proceeds to the dispositional phase. During the dispositional phase, the trial court must determine whether termination is in the best interests of the child. . . . The best interest determination also must be supported by clear and convincing evidence." (Internal quotation marks omitted.) *In re Autumn O.*, 218 Conn. App. 424, 431, 292 A.3d 66, cert. denied, 346 Conn. 1025, 294 A.3d 1026 (2023).

I

The respondent first claims that the court erred in determining that the department made reasonable efforts to reunify her with Zayden. Specifically, she argues that "the [department] did not offer nor provide meaningful services to the respondent which would have enabled her to better understand [Zayden's] needs and be able to address and meet those needs of [Zayden]. While there were some existing services in place already, not enough was done to determine if the services were useful and beneficial to the respondent in helping her address her mental health issues." The respondent further asserts that "the trial court did not take into consideration that [she] required much more intensive services to help her address her mental health issues . . . ." We conclude that the respondent's appeal is moot with respect to this claim.

"Mootness is a question of justiciability that must be determined as a threshold matter because it implicates [this] court's subject matter jurisdiction . . . . Because courts are established to resolve actual controversies, before a claimed controversy is entitled to a

resolution on the merits it must be justiciable. . . . A case is considered moot if [the] court cannot grant the appellant any practical relief through its disposition of the merits . . . . In determining mootness, the dispositive question is whether a successful appeal would benefit the plaintiff or defendant in any way. . . . Our review of the question of mootness is plenary. . . .

"Section 17a-112 (j) (1) provides in relevant part that the Superior Court may grant a petition [for termination of parental rights] if it finds by clear and convincing evidence that . . . the [department] has made reasonable efforts to locate the parent and to reunify the child with the parent . . . *unless* the court finds . . . that the parent is unable or unwilling to benefit from reunification efforts . . . . In construing that statutory language, our Supreme Court has explained that, [b]ecause the two clauses are separated by the word unless, this statute plainly is written in the conjunctive. Accordingly, the [petitioner] must prove *either* that it has made reasonable efforts to reunify *or*, *alternatively*, that the parent is unwilling or unable to benefit from reunification efforts. . . . [E]ither showing is sufficient to satisfy this statutory element. . . .

"Because either finding, standing alone, provides an independent basis for satisfying § 17a-112 (j) (1) . . . in cases in which the trial court concludes that *both* findings have been proven, a respondent on appeal must demonstrate that both determinations are improper. If the respondent fails to challenge either one of those independent alternative bases . . . the trial court's ultimate determination that the requirements of § 17a-112 (j) (1) were satisfied remains unchallenged and intact. . . . In such instances, the appeal is moot, as resolution of a respondent's claim of error in her favor could not [afford] her any practical relief." (Citations omitted; emphasis in original; internal quotation marks omitted.) *In re A'vion A.*, supra, 217 Conn. App. 354–55.

In the present case, the court found by clear and convincing evidence that the department made reasonable efforts to locate the respondent and to reunify her with Zayden and that she was unwilling or unable to progress toward rehabilitation. In her appellate brief, the respondent challenges only one of the two separate and independent bases for upholding the court's determination that the requirements of § 17a-112 (j) (1) had been satisfied. Specifically, the respondent does not challenge the court's finding that she was unwilling or unable to progress toward rehabilitation. See footnote 2 of this opinion. Therefore, even if we were to agree with her claim that the department did not make reasonable efforts to address her mental health issues in order to reunify her with Zayden, we could not provide her with any relief in connection with this claim because there is a second independent basis for upholding the court's determination, which she does not challenge. See *In re Natalia M.*, 190 Conn. App. 583, 588, 210 A.3d 682, cert. denied, 332 Conn. 912, 211 A.3d 71 (2019). Accordingly, we dismiss this claim as moot.

II

The respondent also claims that the court erred in concluding that it was in Zayden's best interest to grant the petition for termination of her parental rights. Specifically, the respondent argues that "[she] clearly loves her son and she has brought food and clothing for him to the visits, she has, in her own way, tried to teach him his ABCs and 123s, and she has tried to help him maintain a relationship with his older brother and other extended family members who could not attend the visits that the respondent had with Zayden." The respondent also contends that she has "offered other family members and the putative father as resources for Zayden while she works on her mental health issues." The petitioner argues that there was ample

evidence to support the court's best interest determination.[6] We agree with the petitioner.

"In the dispositional phase of a termination of parental rights hearing, the emphasis appropriately shifts from the conduct of the parent to the best interest of the child. . . . It is well settled that we will overturn the trial court's decision that the termination of parental rights is in the best interest of the [child] only if the court's findings are clearly erroneous. . . . The best interests of the child include the child's interests in sustained growth, development, well-being, and continuity and stability of [his] environment. . . . In the dispositional phase of a termination of parental rights hearing, the trial court must determine whether it is established by clear and convincing evidence that the continuation of the [respondent's] parental rights is not in the best interest of the child. In arriving at this decision, the court is mandated to consider and make written findings regarding seven statutory factors delineated in [§ 17a-112 (k)]. . . . The seven factors serve simply as guidelines for the court and are not statutory prerequisites that need to be proven before termination can be ordered. . . . There is no requirement that each factor be proven by clear and convincing evidence. . . .

"It is axiomatic that a trial court's factual findings are accorded great deference. Accordingly, an appellate tribunal will not disturb a trial court's finding that termination of parental rights is in a child's best interest unless that finding is clearly erroneous. . . . A finding is clearly erroneous when either there is no evidence in the record to support it, or the reviewing court is left with the definite and firm conviction that a mistake has been made. . . . On appeal, our function is to

[6] We note that the attorney for Zayden filed a letter with this court adopting the brief of the petitioner.

determine whether the trial court's conclusion was factually supported and legally correct. . . . In doing so, however, [g]reat weight is given to the judgment of the trial court because of [the court's] opportunity to observe the parties and the evidence. . . . We do not examine the record to determine whether the trier of fact could have reached a conclusion other than the one reached. . . . [Rather] every reasonable presumption is made in favor of the trial court's ruling." (Citation omitted; internal quotation marks omitted.) *In re Anthony S.*, 218 Conn. App. 127, 152–53, 290 A.3d 901 (2023).

In its memorandum of decision, the court considered and made findings under each of the seven statutory factors in § 17a-112 (k) before determining, by clear and convincing evidence, that it was in Zayden's best interest to terminate the respondent's parental rights. In the dispositional portion of its memorandum of decision, the court emphasized that the respondent "never consistently engaged in therapy and medication management, thus making limited, if any, progress toward stabilizing her mental health. . . . Further, while the [respondent] always attended her visitation sessions with Zayden, she did not gain any insight into her parenting. The [respondent] never understood portion control for [Zayden] and never was able to properly soothe [him]. The [respondent] could not regulate her own conduct and focus on [Zayden's] well-being. Moreover, the [respondent] routinely disrupted visitations in that she was rude to the staff and required emergency personnel intervention."

In addition, the court found that "[t]here was limited evidence as to [Zayden's] ties with the [respondent]. . . . [Zayden] has been in the care of his foster parents since birth. He is now two. All he has known are his current foster parents. The foster family cares for Zayden and ensures his health, education, and every

need are tended to. He is bonded to this family." Furthermore, the court credited the testimony of the respondent's case manager at the department, Sherene Williams, who supervised some of the respondent's visits with Zayden. Specifically, Williams testified at trial that the department assessed each of the six relative resources identified by the respondent and determined that they were not appropriate for placement for various reasons: T became ill and stated that she could not be a resource at this time; one was not able to pass the department's checks; one had an active department case against her; one told the department that she did not want to be a resource for Zayden; and two were not employed at the time and only wanted guardianship of Zayden instead of being a foster parent to him.

The court's finding that the termination of the respondent's parental rights is in Zayden's best interest is supported by the evidence in the record. Although there is evidence in the record that the respondent loves Zayden and attended many of her supervised visits with him, this court has recognized that "love and a biological bond is not enough." *In re Emily S.*, 210 Conn. App. 581, 628, 270 A.3d 797, cert. denied, 342 Conn. 911, 271 A.3d 1039 (2022). Moreover, there was evidence that when the respondent attended her supervised visits with Zayden, she was often unable to control her behavior during these visits, which raised serious concerns for Zayden's safety. For example, Williams testified that the police had to be called three times during the respondent's supervised visits at the department. Two of those instances were because the respondent refused to relinquish Zayden to department personnel at the conclusion of her visits.[7] Williams also testified that

[7] Williams also testified that, during the last supervised visit where the police had to be called, the respondent threatened to jump out of a fourth floor window when Zayden was out of her hands. After this incident, the department moved the supervised visits to a third-party provider due to safety concerns.

Zayden has lived with his foster parents since birth, has developed a strong bond with them, and refers to them as mom and dad. Furthermore, the court credited Williams' testimony that the department evaluated each of the relative resources provided by the respondent and deemed each of them inappropriate as a relative placement resource for Zayden. It is well established that "we must defer to the [trier of fact's] assessment of the credibility of the witnesses based on its firsthand observation of their conduct, demeanor and attitude. . . . In a case that is tried to the court . . . the judge is the sole arbiter of the credibility of witnesses, and the weight to be given to their specific testimony." (Internal quotation marks omitted.) *In re Christina C.*, 221 Conn. App. 185, 221, 300 A.3d 1188, cert. denied, 348 Conn. 907, 301 A.3d 1056 (2023).

These facts, which are grounded in the evidence, strongly support the court's best interest determination, and we will not substitute our judgment for that of the trial court. Accordingly, we conclude that the court's conclusion that the termination of the respondent's parental rights is in Zayden's best interest was not clearly erroneous.

III

Finally, the respondent claims that the court improperly denied her motion for a continuance. She asserts that the denial of her motion violated her fundamental "right of family integrity." We disagree.

As set forth previously in this opinion, on February 6, 2023, three days prior to the scheduled beginning of the consolidated trial on the petition to terminate the respondent's parental rights and the respondent's motion to transfer guardianship, the respondent filed a motion for a sixty day continuance, stating that a putative father for Zayden had been identified and that he was scheduled to take a DNA test. As grounds for her motion,

the respondent asserted that "[a putative] father, [Lee Roy B.], has been identified and a DNA test [has been] scheduled. The DNA test has been delayed. [The putative] father needs to be given reasonable efforts. In addition, several relatives have been identified for a [transfer of guardianship] but [the department] has refused all relatives." The court denied the respondent's motion for a continuance. The court then held a trial on February 9 and 16, 2023.

In raising a challenge of constitutional dimension with respect to the court's denial of the motion for a continuance, the respondent asserts a deprivation of her due process right to a fair trial. The petitioner argues that we should not review the respondent's constitutional claim and, in the alternative, argues that the trial court properly exercised its discretion in denying the respondent's motion for a continuance.

It is necessary to consider whether to review the respondent's claim as a claim of constitutional dimension, as the respondent argues, or whether we should review the court's ruling for an abuse of its discretion, as the petitioner argues. "The due process rights of the fourteenth amendment to the United States constitution apply in proceedings brought by the state to terminate parental rights. . . . A reviewing court ordinarily analyzes a denial of a continuance in terms of whether the court has abused its discretion. . . . This is so where the denial is not directly linked to a specific constitutional right. . . . If, however, the denial of a continuance is directly linked to the deprivation of a specific constitutional right, some courts analyze the denial in terms of whether there has been a denial of due process. . . . Even if the denial of a motion for a continuance on the ground of lack of due process can be directly linked to a claim of a denial of a specific constitutional right, *if the reasons given for the continuance do not*

support any interference with the specific constitutional right, the court's analysis will revolve around whether the trial court abused its discretion. . . . In other words, the constitutional right alleged to have been violated must be shown, not merely alleged." (Citations omitted; emphasis added; footnote omitted.) *In re Shaquanna M.*, 61 Conn. App. 592, 601–603, 767 A.2d 155 (2001).

Our careful review of the grounds stated in support of the respondent's motion for a continuance reveals that they relate to the putative father's potential parental rights as to Zayden. The reasons stated in the motion for a continuance do not interfere with the parental rights of the respondent, her ability to effectively challenge the allegations in the termination of parental rights petition, or her ability to pursue her motion to transfer guardianship. Specifically, the motion relates to Lee Roy B.'s right to have the department make reasonable efforts to reunify him with Zayden, if he was found to be the biological father. In neither the respondent's written motion nor her arguments before this court does the respondent demonstrate how the grounds of the motion implicated the adjudication of her parental rights. "[I]t bears emphasis that termination of parental rights proceedings concern *only* the rights of the *respondent parent*." (Emphasis in original; internal quotation marks omitted.) *In re Deboras S.*, 220 Conn. App. 1, 39, 296 A.3d 842 (2023). Lee Roy B. was not a party to the underlying termination proceeding and the respondent is unable to demonstrate that, even if his rights were adversely affected by the court's denial of the motion for a continuance, the adverse ruling somehow affected fundamental rights personal to her. The respondent's claim is not of constitutional magnitude, and thus it is proper to analyze the claim under the abuse of discretion standard of review.

"The determination of whether to grant a request for a continuance is within the discretion of the trial court, and will not be disturbed on appeal absent an abuse of discretion. . . . A reviewing court is bound by the principle that [e]very reasonable presumption in favor of the proper exercise of the trial court's discretion will be made. . . . To prove an abuse of discretion, an appellant must show that the trial court's denial of a request for a continuance was arbitrary. . . . [Our Supreme Court has] articulated a number of factors that appropriately may enter into an appellate court's review of a trial court's exercise of its discretion in denying a motion for a continuance. Although resistant to precise cataloguing, such factors revolve around the circumstances before the trial court at the time it rendered its decision, including: the timeliness of the request for continuance; the likely length of the delay; the age and complexity of the case; the granting of other continuances in the past; the impact of delay on the litigants, witnesses, opposing counsel and the court; the perceived legitimacy of the reasons proffered in support of the request; [and] the [party's] personal responsibility for the timing of the request . . . ." *In re Na-Ki J.*, 222 Conn. App. 1, 15–16, 303 A.3d 1206, cert. denied, 348 Conn. 929, 304 A.3d 860 (2023).

Having determined that the respondent's claim is not of constitutional magnitude, and is therefore reviewed under an abuse of discretion standard, we conclude that she has failed to show how the court abused its discretion in denying her motion for a continuance given her failure to demonstrate how the grounds of the motion implicated the adjudication of her parental rights.

The appeal is dismissed with respect to the respondent's claim that the department did not make reasonable efforts to reunify her with Zayden; the judgment is affirmed.

In this opinion the other judges concurred.

U.S. BANK TRUST, N.A. *v.* GREGG P. HEALEY ET AL. (AC 45761)

Elgo, Seeley and Westbrook, Js.

Syllabus

The plaintiff bank sought, by way of a summary process action, to recover possession of certain real property from the defendants. The property had been subject to a strict foreclosure action, and ownership became absolute in the plaintiff after the law day had passed. The defendant parents, the former owners of the property, the defendant C, their adult daughter, and their son, D, continued to reside at the property after the law day had passed. A notice to quit was served on the parents and C. D was not served with notice because he was a minor at the time of service and service of a notice to quit possession on a minor was not required under the applicable statute (§ 47a-23 (c)). After this court affirmed the trial court's judgment of possession for the plaintiff, the defendants moved to open and dismiss the judgment for mootness and lack of subject matter jurisdiction. The defendants claimed that, because D, who continued to reside at the property, had turned eighteen years old, the plaintiff was required to have served a notice to quit on him. Because the notice to quit could not be retroactively amended to include D, the defendants claimed that the judgment of possession became invalid, as all adults presently residing at the property had not been properly served pursuant to § 47a-23 (c) before the judgment of possession had been executed. The trial court denied the defendants' motion, finding that the notice to quit had been properly served on all adult occupants and the fact that D reached the age of majority after the judgment had been rendered did not cause the notice to quit to become defective. On the defendants' appeal to this court, *held* that this court lacked subject matter jurisdiction over the defendants' appeal as the defendants were not aggrieved by the denial of their motion to open and dismiss the judgment of possession: the defendants were not classically aggrieved by the trial court's decision denying their motion to open and dismiss the judgment as that motion was premised on their claim that D had not been served with a notice to quit as required by § 47a-23 (c), a claim that was based on a right or interest that allegedly belonged to a third party, D, who was a nonparty to the present action; moreover, even if the defendants arguably have a specific, personal, and legal interest in the subject matter of the judgment of possession to remain residing in the property, the defendants failed to identify a special, personal interest belonging to them that has been specifically and injuriously affected by the trial court's decision denying the motion to open and dismiss; furthermore, the defendants failed to demonstrate that they were statutorily aggrieved under § 47a-23 (c), as the defendants did not claim that they were not properly served with the notice to quit, rather, they claimed that D, a nonparty, was not properly served with notice,

and there was no judicial relief that the defendants could seek under § 47a-23 (c), as the defendants' claim related to the plaintiff's alleged failure to comply with service under § 47a-23 as to D, a nonparty; accordingly, the appeal was dismissed.

Argued January 8—officially released April 23, 2024

Procedural History

Summary process action, brought to the Superior Court in the judicial district of Stamford-Norwalk, Housing Session, where the court, *Spader*, *J.*, rendered judgment of possession for the plaintiff, from which the defendants appealed to the this court, *Alvord*, *Cradle* and *Palmer*, *Js.*, which affirmed the trial court's judgment; thereafter, the court, *Baio*, *J.*, denied the defendants' motion to open and dismiss the judgment of possession; subsequently, the court denied the defendants' motion to reargue, and the defendants appealed to this court. *Appeal dismissed.*

Gregg P. Healey, self-represented, with whom, on the brief, were *Bridgette G. Healey*, self-represented, and *Claire A. Healey*, self-represented, the appellants (named defendant et al.).

Vincent J. Averaimo, for the appellee (plaintiff).

Opinion

SEELEY, J. The defendants Gregg P. Healey, Bridgette G. Healey, and Claire A. Healey appeal, challenging the trial court's denial of their motion to open and dismiss the judgment of possession rendered in favor of the plaintiff, U.S. Bank Trust, N.A., as trustee for LSF9 Master Participation Trust.[1] On appeal, the

[1] The complaint also named several individuals: John Doe I, Jane Doe II, John Doe II, Jane Doe III and John Doe III. Those parties have been removed and are not participating in this appeal. We refer herein to Gregg P. Healey, Bridgette G. Healey, and Claire A. Healey collectively as the defendants and, where appropriate, individually by name.

Although the defendants' appeal form lists the date of the court's denial of their motion to reargue the court's decision denying their motion to open and dismiss the judgment of possession, and the defendants' appellate brief includes one sentence stating that the defendants are appealing from the denial of their motion to reargue, the substance of their claim on appeal

defendants claim that the judgment of possession, although valid when originally rendered, is no longer valid as a result of the fact that Connor Healey (Connor),[2] the son of Gregg P. Healey and Bridgette G. Healey, who also resides at the premises, has since turned eighteen years old and was never served with a notice to quit. As a result, the defendants claim that the court was deprived of subject matter jurisdiction with respect to the judgment of possession and that the judgment, therefore, should have been dismissed. We conclude that the defendants are not aggrieved by the denial of their motion to open and dismiss and, accordingly, dismiss their appeal.

The following facts and procedural history are relevant to the defendants' appeal. This case has a lengthy procedural history, largely due to the numerous motions and appeals filed by the defendants. This case originated in 2010 as a foreclosure action against Gregg P. Healey and Bridgette G. Healey after they defaulted on a note secured by a mortgage on real property located at 61 East Meadow Road in Wilton.[3] After several years

challenges the court's decision denying their motion to open and dismiss the judgment of possession. Because any defect in the appeal form is technical and not jurisdictional in nature, we treat the defendants' appeal as being from the court's denial of their motion to open and dismiss the judgment of possession. See *Pritchard* v. *Pritchard*, 281 Conn. 262, 275, 914 A.2d 1025 (2007) ("[T]he forms for appeals and amended appeals do not in any way implicate appellate subject matter jurisdiction. They are merely the formal, technical vehicles by which parties seek to invoke that jurisdiction. Compliance with them need not be perfect; it is the substance that matters, not the form.").

[2] The defendants' claim on appeal and in their motion to open and dismiss also concerned Ryan Healey, the other son of Gregg P. Healey and Bridgette G. Healey. On June 30, 2021, Ryan passed away from cancer; therefore, we limit our discussion in this opinion to Connor. We note that doing so in no way affects our decision in this appeal. Because Ryan and Connor were minors when the notice to quit was served on the defendants, both are nonparties to this action, and both turned eighteen years old after the judgment of possession was rendered, and, accordingly, the basis for our decision is the same, regardless of whether it pertains to one or both sons.

[3] The foreclosure action initially was commenced by JPMorgan Chase Bank, National Association (JPMorgan). On December 22, 2015, the court

of litigation, a judgment of strict foreclosure was rendered in 2016. The defendants appealed from that judgment, which was affirmed by this court in 2017. The litigation between the parties continued over the course of two more years, during which time the defendants filed several more motions and requests that were denied by the court, along with two more appeals that were dismissed as frivolous.

After the dismissal of the last of the defendants' appeals in 2018, the plaintiff filed a motion to reset the law day. On January 14, 2019, the court granted the motion and rendered a new judgment of strict foreclosure. The court also set a new law day for February 5, 2019. After the passing of the law day, title to the subject property became absolute in the plaintiff on February 7, 2019.[4] The plaintiff subsequently commenced the present summary process action against the defendants in August, 2019, seeking a judgment of possession of the subject premises. A notice to quit possession was served on Gregg P. Healey; Bridgette G. Healey; Claire A. Healey, also known as Jane Doe 1; John Doe 1; John Doe 2; Jane Doe 2; and Jane Doe 3.[5] The original complaint listed the wrong address for the subject property. The plaintiff subsequently requested leave to amend the complaint, which was granted, and the complaint was amended to reflect the correct address. The defendants

granted JPMorgan's motion to substitute U.S. Bank Trust, N.A., as trustee for LSF9 Master Participation Trust, as the plaintiff in that action.

[4] "Where there [is] no appellate stay in effect when the law days [begin] to run . . . absolute title to the property [transfers] to the plaintiff as a matter of law after all law days expired." (Internal quotation marks omitted.) *DXR Finance Parent, LLC* v. *Theraplant, LLC*, 223 Conn. App. 362, 370, 309 A.3d 347, cert. denied, 348 Conn. 957, 310 A.3d 380 (2024). In the present case, because there was no appellate stay in effect when the law day passed, the running of the law day on February 5, 2019, carried out the judgment of strict foreclosure.

[5] The John Does and Jane Does, who had been included in the notice to quit to cover any other potential adults residing at the premises, were removed from the case on November 1, 2019, by order of the court, after it was determined that the only other occupants at the premises were minors.

filed an answer denying the allegations of the complaint along with a special defense, in which they asserted that the court lacked subject matter jurisdiction over the action "because the original summons and complaint are defective and cannot be amended . . . ."

Following a hearing, the court rendered judgment of possession in favor of the plaintiff on October 31, 2019, from which the defendants timely appealed to this court. On October 19, 2021, this court affirmed the judgment of possession. See *U.S. Bank Trust, N.A.* v. *Healey*, 208 Conn. App. 903, 259 A.3d 723 (2021), cert. denied, 341 Conn. 902, 269 A.3d 789 (2022). On February 28, 2022, the defendants filed a motion to open and dismiss the judgment of possession for mootness and lack of subject matter jurisdiction. In that motion, they claimed that the judgment became invalid because Connor,[6] who had not been served with the notice to quit as he was a minor at the time, turned eighteen years old after the judgment of possession had been rendered, but before it was executed. On April 5, 2022, the court, *Baio*, *J.*, heard arguments on the motion to open and dismiss. On July 8, 2022, the court rendered judgment denying the motion, finding that the notice to quit had been properly served on all the adult occupants and that the fact that a minor residing in the property had reached the age of majority after the judgment had been rendered did not cause the notice to quit to become defective.

On August 1, 2022, the defendants filed a motion to reargue the denial of their motion to open and dismiss the judgment, which the court denied. This appeal followed. Thereafter, the parties submitted their appellate briefs. We subsequently ordered the parties to file supplemental briefs concerning the issue of whether the defendants "had standing to file the February 28, 2022

[6] The defendants' motion referred to both Ryan and Connor. For the reasons explained earlier in this opinion; see footnote 2 of this opinion; we refer to Connor as the relevant nonparty.

motion to open the judgment of possession on behalf of a nonparty, [Connor] Healey; see *St. Paul's Flax Hill* [*Co-operative*] v. *Johnson*, 124 Conn. App. 728, 738 n.8 [6 A.3d 1168] (2010), cert. denied, 300 Conn. 906 [12 A.3d 1002] (2011); and whether they are aggrieved by the trial court's July 8, 2022 order denying that motion. See *M.U.N. Capital, LLC* v. *National Hall Properties, LLC*, 163 Conn. App. 372 [136 A.3d 665], cert. denied, 321 Conn. 902 [136 A.3d 1272] (2016)."[7]

In their supplemental brief, the defendants assert, inter alia, that they are aggrieved by the denial of their motion to open and dismiss. First, they assert that they are statutorily aggrieved due to "the fact that the plaintiff no longer complies with the summary process statutes." This claim is premised on the fact that Connor had never been served with a notice to quit and the defendants' assertion that the judgment of possession became invalid when Connor, a minor residing at the property, reached the age of majority after the judgment of possession had been rendered but before it was executed. Second, the defendants argue that they are classically aggrieved, as they have "a personal interest in occupying their long-time residence," and "they could be unlawfully disposed of their residence . . . [which] would unfairly deprive the defendants' rights of possession." The plaintiff counters in its supplemental brief that the defendants are not aggrieved because "the motion to open is solely directed at purported issues of service as to [Connor] and not to any of the defendants."

We begin with the relevant legal principles. "A threshold inquiry of this court upon every appeal presented

[7] We also ordered the parties to file supplemental briefs on the following issue: "Whether this appeal from the denial of a motion to open a judgment of possession rendered in a summary process matter must be dismissed as jurisdictionally late because it was not filed within the five day appeal period provided by General Statutes § 47a-35. See [*Housing Authority*] v. *Parks*, 211 Conn. App. 528 [273 A.3d 245] (2022)." Because we conclude that the issue of aggrievement is dispositive of this appeal, we do not address this issue.

to it is the question of appellate jurisdiction. . . . It is well established that the subject matter jurisdiction of the Appellate Court . . . is governed by [General Statutes] § 52-263,[8] which provides that an aggrieved party may appeal to the court having jurisdiction from the final judgment of the court. . . . [O]nce the question of lack of jurisdiction of a court is raised, [it] must be disposed of no matter in what form it is presented . . . and the court must fully resolve it before proceeding further with the case. . . . If it becomes apparent to the court that such jurisdiction is lacking, the appeal must be dismissed." (Footnote added; internal quotation marks omitted.) *M.U.N. Capital, LLC* v. *National Hall Properties, LLC*, supra, 163 Conn. App. 374.

"The terms aggrievement and standing have been used interchangeably throughout most of Connecticut jurisprudence. We previously have stated that [t]he question of aggrievement is essentially one of standing . . . . Although these two legal concepts are similar, they are not, however, identical. Aggrievement is established if there is a possibility, as distinguished from a certainty, that some legally protected interest . . . has been adversely affected." (Citation omitted; footnote omitted; internal quotation marks omitted.) *Gladysz* v. *Planning & Zoning Commission*, 256 Conn. 249, 255, 773 A.2d 300 (2001). "Aggrievement, in essence, is appellate standing." *Marine Midland Bank* v. *Ahern*, 51 Conn. App. 790, 797, 724 A.2d 537 (1999), appeal dismissed, 252 Conn. 151, 745 A.2d 189 (2000). "It is axiomatic that aggrievement is a basic requirement of standing, just as standing is a fundamental requirement of jurisdic-

[8] General Statutes § 52-263 provides in relevant part: "Upon the trial of all matters of fact in any cause or action in the Superior Court, whether to the court or jury, or before any judge thereof when the jurisdiction of any action or proceeding is vested in him, if either party is aggrieved by the decision of the court or judge upon any question or questions of law arising in the trial, including the denial of a motion to set aside a verdict, he may appeal to the court having jurisdiction from the final judgment of the court . . . ."

tion. . . . There are two general types of aggrievement, namely, classical and statutory; either type will establish standing, and each has its own unique features. . . . The test for determining [classical] aggrievement encompasses a well settled twofold determination: first, the party claiming aggrievement must demonstrate a specific personal and legal interest in the subject matter of the decision, as distinguished from a general interest shared by the community as a whole; second, the party claiming aggrievement must establish that this specific personal and legal interest has been specially and injuriously affected by the decision." (Citation omitted; internal quotation marks omitted.) *In re Ava W.*, 336 Conn. 545, 554–55, 248 A.3d 675 (2020).

"Statutory aggrievement exists by legislative fiat, not by judicial analysis of the particular facts of the case. In other words, in cases of statutory aggrievement, particular legislation grants standing to those who claim injury to an interest protected by that legislation." (Internal quotation marks omitted.) *Fort Trumbull Conservancy, LLC* v. *Alves*, 262 Conn. 480, 487, 815 A.2d 1188 (2003).

The defendants' argument that they are classically aggrieved, as they have "a personal interest in occupying their long-time residence" and "they could be unlawfully disposed of their residence . . . [which] would unfairly deprive the defendants' rights of possession" is unavailing. The defendants' motion to open and dismiss is premised on a claim that Connor, an adult presently residing at the property, had never been served with a notice to quit as required by General Statutes § 47a-23 (a). The defendants acknowledge that Connor was a minor when the notice to quit was served on them and, thus, that "it was not necessary to include the name of a minor child in the notice to quit . . . ." *Sullivan* v. *Lazzari*, 135 Conn. App. 831, 841, 43 A.3d 750, cert. denied, 305 Conn. 925, 47 A.3d 844 (2012). They also made no claim in their motion that service of the notice to quit on them was defective in any way.

Instead, the motion is premised on a claim that, because Connor turned eighteen years old after the judgment of possession had been rendered but before it was executed, Connor became an adult residing in the house who is not a party to the judgment, and because there is no way to legally add him as a defendant to the action retroactively, the statutory requirement of service of the notice to quit on each adult occupant had not been satisfied. Despite the defendants' arguments to the contrary, the inescapable conclusion is that the entirety of their claim is premised on Connor, a nonparty to the action, and the fact that Connor is now an adult residing in the house who was never served with a notice to quit. Thus, the defendants, in filing their motion to open and dismiss, were attempting to invalidate the judgment of possession on the basis of a right or interest that allegedly belonged to nonparty.

We therefore conclude that the defendants are not classically aggrieved by the trial court's decision denying the motion to open and dismiss. Even if the defendants arguably have a specific, personal, and legal interest in the subject matter of the decision, they have not identified a special, personal interest *belonging to them* that has been specifically and injuriously affected by the court's decision denying the motion to open and dismiss. In other words, the defendants cannot be aggrieved by the denial of a motion that invoked the rights of a nonparty to the action when, as here, the interest asserted in the motion was wholly premised on Connor's rights.

The defendants' arguments in support of their claim that they are statutorily aggrieved also lack support. The defendants' statutory aggrievement argument is similarly premised on the fact that Connor was never served with a notice to quit and the plaintiff's alleged failure to comply with § 47a-23 (c).[9] As we have stated

[9] General Statutes § 47a-23 (c) requires that a copy of the notice to quit "shall be delivered to each lessee or occupant or left at such lessee's or occupant's place of residence . . . ."

in this opinion, "the standing question in . . . cases [of statutory aggrievement] is whether the . . . statutory provision on which the claim rests properly can be understood as granting persons in the [party's] position a right to judicial relief. . . . The [party claiming aggrievement] must be within the zone of interests protected by the statute." (Internal quotation marks omitted.) *Cornelius* v. *Rosario*, 138 Conn. App. 1, 7, 51 A.3d 1144, cert. denied, 307 Conn. 934, 56 A.3d 713 (2012), cert. denied sub nom. *Cornelius* v. *Nelson* 571 U.S. 819, 134 S. Ct. 386, 187 L. Ed. 2d 28 (2013). The defendants, as adult occupants of the premises, are arguably within the zone of interests protected by the statute, but, because they do not claim that *they* were not properly served with the notice to quit, there is no judicial relief that they can seek under the statute. Because the defendants' claim concerning the plaintiff's alleged failure to comply with § 47a-23 (c) relates to Connor, a nonparty, the defendants have not demonstrated that they are statutorily aggrieved under § 47a-23 (c).

In conclusion, this court lacks jurisdiction over this appeal because the defendants are not aggrieved by the denial of their motion to open and dismiss the judgment of possession.[10]

[10] With respect to the issue of standing, Connecticut courts have consistently held that "one party has no standing to raise another's rights." (Internal quotation marks omitted). *Fairfield Merrittview Ltd. Partnership* v. *Norwalk*, 320 Conn. 535, 548, 133 A.3d 140 (2016); see also *Sadloski* v. *Manchester*, 235 Conn. 637, 643, 668 A.2d 1314 (1995) (taxpayer lacked standing to assert rights of other taxpayers who did not file appeal); *Bayview Loan Servicing, LLC* v. *Ishikawa*, 220 Conn. App. 625, 633, 298 A.3d 1276 (2023) (*Bayview)* (defendant in foreclosure action lacked standing to assert special defense of lack of notice that was personal to defendant's former spouse); *St. Paul's Flax Hill Co-operative* v. *Johnson*, supra, 124 Conn. App. 737 n.8 (defendant lacked standing to assert claim that notice served on his mother was defective), cert. denied, 300 Conn. 906, 12 A.3d 1002 (2011); *McGinty* v. *McGinty*, 66 Conn. App. 35, 39 n.6, 783 A.2d 1170 (2001) (plaintiff mother lacked standing to assert right that belonged to her minor child). The standing issue in the present case arises in the context of the defendants asserting the rights of a third party defensively. In *Bayview*, this court recently addressed a standing issue similar to the one in the present case and determined that

The appeal is dismissed.

In this opinion the other judges concurred.

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the defendant lacked standing to raise her second special defense, which was based on a lack of notice to quit to her former spouse. *Bayview Loan Servicing, LLC* v. *Ishikawa*, supra, 633. In making that determination in *Bayview*, this court also recognized that the standing issue in that case did not implicate the court's subject matter jurisdiction to resolve the underlying dispute between the plaintiff and the defendant. Id., 633 n.10. Rather, its determination that the defendant could not raise a defense personal to her former spouse was made for prudential reasons consistent with the federal doctrine of prudential standing, which arises when a litigant asserts the rights of a third party defensively. Id.; see also *Warth* v. *Seldin*, 422 U.S. 490, 500 n.12, 95 S. Ct. 2197, 45 L. Ed. 2d 343 (1975). Although the doctrine of prudential standing is not derived from article three of the United States constitution, the doctrine "encompass[es] . . . at least three broad principles," including "the general prohibition on a litigant's raising another person's legal rights . . . ." (Internal quotation marks omitted.) *Lexmark International, Inc.* v. *Static Control Components, Inc.*, 572 U.S. 118, 126, 134 S. Ct. 1377, 188 L. Ed. 2d 392 (2014); see also *Sprint Communications Co., L.P.* v. *APCC Services, Inc.*, 554 U.S. 269, 289–90, 128 S. Ct. 2531, 171 L. Ed. 2d 424 (2008) (explaining that United States Supreme Court has imposed "prudential limitations . . . in prior cases where a plaintiff has sought to assert the legal claims of third parties").

In the present case, the defendants' motion to open and dismiss is premised on the rights of Connor, a nonparty to the action, and the fact that Connor is now an adult residing in the house who was never served with a notice to quit. The defendants are precluded, however, from asserting the rights of Connor for the same prudential considerations this court outlined in *Bayview*. See *Bayview Loan Servicing, LLC* v. *Ishikawa*, supra, 220 Conn. App. 633 n.10; see also *Warth* v. *Selden*, supra, 422 U.S. 509 ("the prudential standing rule . . . bars litigants from asserting the rights or legal interests of others in order to obtain relief from injury to themselves"). Because prudential standing does not implicate the court's subject matter jurisdiction, we focus our decision on the issue of aggrievement as set forth in our supplemental order, which is dispositive.