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In re Santiago G.

the termination of parental rights proceeding against Melissa E. did not affect the outcome of Maria G.'s action in the habeas court for custody or guardianship of Santiago. This is because the only rights at issue in the termination of parental rights action underlying the present appeal are the parental rights of Melissa E., not those of Maria G.¹⁰ Put differently, Maria G.'s potential adoption rights to Santiago are not impacted by the termination proceeding underlying the present appeal, but rather, were addressed during her action in the habeas court.

Lastly, the Guatemalan judgment upon which Maria G. relies¹¹ does not affect the disposition of this case. Even if we were to assume, without deciding, that the Guatemalan judgment did give some sort of guardian-

¹⁰ To this end, this court expressed concerns at oral argument about whether the department would proceed immediately with adoption proceedings upon termination of Melissa E.'s parental rights, because to do so would effectively extinguish any potential rights of Maria G. At oral argument, Assistant Attorney General Benjamin Zivyon, counsel for the commissioner, assured this court that the department would not proceed with the adoption of Santiago until after the final disposition of Maria G.'s habeas proceeding. Zivyon represented to this court that Judge Quinn had not yet scheduled a trial for the termination of parental rights of Melissa E., and would not do so until after Maria G.'s habeas action was resolved, a proceeding over which Judge Quinn also presided. Moreover, we note that prior to any adoption proceeding, an affidavit must be filed stating that there is no proceeding pending in any other court affecting the custody of the child free for adoption. See General Statutes § 52-231a.

Additionally, we note that Maria G. had an opportunity to litigate the merits of her claims to guardianship in the proper venue, namely, the habeas court. After the filing of cross motions for summary judgment, the habeas court ultimately dismissed Maria G.'s habeas petition.

¹¹ In Guatemala, Melissa E. filed a voluntary petition for confirmation with the Family Trial Court, San Benito, Peten, on June 17, 2015. In this petition, she granted custody to Maria G., "since [Maria G.] is the woman who has cared for the minor child since his birth, as if he were her son, and has provided his sustenance and education." On June 18, 2015, the Judge of the Family Trial Court, Department of Peten, Guatemala, entered judgment, granting Maria G. parental rights, custody, and representation of Santiago.

NOTE: These pages (325 Conn. 235 and 236) are in replacement of the same numbered pages that appear in the Connecticut Law Journal of 18 April 2017.

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State v. Chyung

ship interest of Santiago to Maria G., the proceeding that underlies the present appeal is the termination of Melissa E.'s parental rights, the disposition of which, as previously noted in this opinion, in no way affected Maria G.'s ability to pursue her guardianship rights or interests in the habeas court.¹² Stated another way, the present case represents a situation akin to the commissioner seeking the termination of parental rights of just one of two biological parents—the termination of one parent's rights has no impact on the other parent's rights. See, e.g., General Statutes § 45a-717 (j) (“if the parental rights of only one parent are terminated, the remaining parent shall be sole parent and, unless otherwise provided by law, guardian of the person”).

Thus, we conclude that Maria G. has failed to plead a colorable claim to intervene as of right. Accordingly, we conclude that the trial court's denial of her motion to intervene as of right is not a final judgment for purposes of this appeal.

The appeal is dismissed.

In this opinion the other justices concurred.

STATE OF CONNECTICUT *v.* CHIHAN ERIC CHYUNG
(SC 19375)

Rogers, C. J., and Palmer, Eveleigh, McDonald, Espinosa, Robinson and
Vertefeuille, Js.

Syllabus

The defendant was charged with murder and manslaughter in the first degree with a firearm in connection with the shooting death of his wife. The

¹² This is further evidenced by the habeas court's complete adjudication of Maria G.'s interests, despite the fact that the termination of parental rights action against Melissa E. remains pending.