

## SUPREME COURT PENDING CASES

*The following appeal is assigned for argument in the Supreme Court on May 4, 2020*

IN RE AVA W., SC 20465  
*Judicial District of Hartford*

**Child Protection; Termination of Parental Rights; Whether Trial Court had Authority Under General Statutes § 17-112 to Order Posttermination Visitation; Whether Mother Whose Parental Rights Were Terminated has Standing to Challenge Ruling Concerning Posttermination Visitation.** The Department of Children and Families filed a petition to terminate the parental rights of the respondent mother to the minor child, Ava W. During closing argument at trial, the attorney for the minor child argued that the trial court should terminate the respondent's parental rights, but requested that the court also order that the department and Ava's preadoptive foster parent facilitate visitation between Ava and the respondent. The trial court rendered judgment terminating the respondent's parental rights and, at the same time, issued a separate decision in which it found that it lacked authority under General Statutes § 17-112 to order posttermination visitation. Section 17-112 provides that birth parents and adoptive parents may enter into cooperative postadoption agreements regarding communication or contact between the birth parents and the adopted child. The statute further provides that if the trial court "determines that the child's best interests will be served by postadoption communication or contact with either or both birth parents, the court shall so order" and that the trial court "may grant postadoption communication or contact privileges if . . . the intended adoptive parent and either or both birth parents execute a cooperative agreement" that is approved by the court. The trial court found that it was not authorized by the statute to order posttermination visitation between Ava and the respondent because there was no agreement between the respondent and the adoptive parent concerning posttermination visitation. The respondent appeals from the trial court's ruling on the request for posttermination visitation. She argues that the trial court had authority to order posttermination visitation pursuant to the broad equitable powers afforded by General Statutes § 46b-121, which gives the trial court in juvenile matters the "authority to make and enforce such orders directed to parents . . . as the court deems necessary or appropriate to secure the welfare, protection, proper care and suitable support of a child subject to the court's jurisdiction or otherwise committed to or in the custody of the [department]." The

department argues that this appeal should be dismissed because the respondent lacks standing to challenge the ruling on posttermination visitation, as she no longer has a right to visitation with Ava because the trial court terminated her parental rights and she did not appeal from that ruling. The department also argues that, even if the trial court had authority to order posttrial visitation, such an order is not warranted here because it would not be in Ava's best interests.

**The Practice Book Section 70-9 (a) presumption in favor of coverage by cameras and electronic media does not apply to the case above.**

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*The summary appearing here is not intended to represent a comprehensive statement of the facts of the case, nor an exhaustive inventory of issues raised on appeal. This summary is prepared by the Staff Attorneys' Office for the convenience of the bar. It in no way indicates the Supreme Court's view of the factual or legal aspects of the appeal.*

*John DeMeo  
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