

DOCKET NO. HHD-FA 18-5054105

SUPERIOR COURT

SARAH PERRY

JUDICIAL DISTRICT OF HARFORD

V.

AT HARTFORD

LEWIS PERRY

APRIL 1, 2022

MEMORANDUM OF DECISION RE ALL OUTSTANDING MOTIONS

It is most important that the parties know the following. A review of the motions in the file and the supporting affidavits reveals a very acrimonious relationship between the father and the mother in this matter. Indeed, to some extent, that has long been the nature of their relationship. However, in the course of the recent hearing, an ameliorating perspective revealed itself. Mother and father are very different people in many basic ways, neither good or bad – just different, with resulting different approaches to almost everything, including how to work with, or even tolerate, one another, and, of course, how to co-parent their five minor children.

What the hearing also revealed is that both of these parents love and care for their children, and each is trying, in his and her own way, to effectively parent the children. The hearing also gave the court the impression that neither of these parents wants to interfere with the children's healthy access with the other parent but, because of the problems the parents have experienced, they fall into battles with one another that exacerbate the negative dynamics of their situation, and that of their children.

Notice Sent to: Reporter of Judicial Decisions

FILED

- Sarah Perry: 85 Sparrows Way, Pownal, VT

APR 01 2022

- Lewis Perry: 2 East Mountain Road, Canton, CT

- Rachel Baird: 2234 Silas Deane Highway, Suite 2 HARTFORD J.D.

Rocky Hill, CT

04/01/2022

L. Ragno AC

The parties' marriage was dissolved on May 13, 2020. The couple has five children whose present ages are four, five, seven, eight, and ten. A review of the accusations in the many post-judgment motions in the file, and there are many, leaves one with the impression that father is not detail-oriented and is lackadaisical while mother is much more rigid in her approach to all things. When these differences collide, each parent becomes more set in his or her ways and the acrimony becomes more intense.

There are other major difficulties interfering with the parents' efforts to share access with the children. The children reside with mother in Vermont, almost a two-hour drive from father's residence in Connecticut. In the dissolution judgment, dated May 13, 2020 (corrected on June 10, 2021), the trial court established a schedule for father to visit with the children in Vermont. That arrangement requires father to drive from Connecticut to Vermont and back on some weekdays and on weekends, but father does not always comply with the time restraints for visits, or pick ups, and does not always provide notifications of time difficulties, plan changes, or cancellations.

Unfortunately, father suffers from a bipolar disorder, takes significant medication therefor, and engages in therapy. In the referenced dissolution decree, because of father's difficulties, the court set forth certain requirements. When father is visiting with just the two older children, he must constantly be accompanied by a competent friend or relative. The dissolution decree also requires that, when visitation with all of the children occurs, father must be accompanied by a "professional" hired by defendant. "Professional" is defined by the dissolution decree as "someone with training and experience in child development who can assist and provide feedback to defendant as

to parenting tips and advice." Father has not always complied with these requirements and, at times mother has denied parental access because of that.

Pursuant to the dissolution decree, the parties are to communicate through Family Wizard. The court believes that mother has complied with this method of communication and notification to father, but father has apparently become exasperated with the process and, at least for a while, has not used that form of communication. Instead, he has engaged in trips to Vermont schools and doctors to procure information which mother has already provided via Family Wizard.

Father has filed more than 32 post-judgment motions for contempt against mother. The court does not find any willful disregard of clear court orders by the mother and consequently the court denies each of those motions for contempt.

Father has filed a motion for modification. As is set forth below, the court grants modification, but not in the manner suggested by father.

The dissolution decree provides at Paragraph 18:

At such time that the defendant feels he no longer requires a parenting aide, he shall have a qualified agency, family services' officer of the court or qualified mental health professional conduct an evaluation and provide a written report with findings supporting that he no longer needs the assistance of a professional aide in parenting the minor children. This issue shall not be brought before the court any sooner than six months from the date of this memorandum of decision.

At the hearing in this matter father proffered testimony and the written report of Bruce Freedman. Ph.D. Dr. Freedman was hired by Mr. Perry to provide the analysis required in the decree's paragraph 18, and has not been, nor is he now, a therapist for, or a treator of, Mr. Perry. Dr. Freedman relates having tested Mr. Perry and having

observed him, and states that he believes Mr. Perry is "not [yet] ready for totally unsupervised time with the children" and "needs to learn, practice and demonstrate some practical parenting skills."

Dr. Freedman suggests the need for continued assistance to Mr. Perry in developing adequate parenting skills, and further suggests continued basic supervision of Mr. Perry, as well as coaches, with the goal of lifting the supervision requirement within six months from the time when this is implemented. Mr. Freedman clearly states that father definitely needs a supervisor or a helper to care for the children when they visit with him.

In his report, Dr. Freedman makes numerous references to his negative impressions about the behavior and attitudes of mother. Mr. Freedman, however, has never met, interviewed, or even attempted to talk to mother, and quite clearly has chosen to adopt only father's descriptions of mother's actions and parental abilities. Consequently, and unfortunately, Mr. Freedman relies on father's accounts of mother to imply that mother may be the cause of some of the obstacles to father's ability to parent, a conclusion with which the court does not agree.

There is absolutely nothing in Dr. Freedman's report, or in his testimony, that supports a change in the need for supervision of father's parenting time. Indeed, the report quite clearly reveals continued efforts must be made in order to possibly reach such a goal.

It is clear that the parental access schedule previously set out for these parties is not working. The arrangements need to be changed somewhat and need to be simplified and clarified. The court orders the following:

Father's Access in Vermont

1. Father may visit with the children in Vermont on Wednesdays from 3:30 p.m., or pick-up after school, until 6:30 p.m. Plaintiff shall not schedule any activity or event for the children to interfere with this access time. Father is to be accompanied by a responsible person, approved by mother, for this visitation. A responsible person is an individual whom the mother trusts to ensure the safety of the children. Parties are to agree upon a place for pick up and drop off. Unless there is just cause, tardiness by father of more than 20 minutes will result in forfeiture. "Just cause" shall only be for unforeseeable delays encountered en route.
2. On every third Sunday of the month, commencing on April 17, father may have access from 10:00 a.m. until 4 p.m., under the same conditions as are listed in paragraph 1 above. These dates are presently April 17, May 22, June 19, July 10, August 21, September 18, October 16, November 20, December 18, 2022, and January 15, 2023.

Father's Access in Connecticut

1. Father will have access with the children once a month in his home in Connecticut. Mother will drive the children to the visit and arrive at 10:00 a.m. on Saturday, and pick up the children on Sunday at 4:00 p.m. A qualified child caregiver shall be present during the entire time the children are with father – a nanny, or some similar individual. On the Wednesday evening before the visit, father will advise mother of the name, address, and phone number of the caregiver so that mother can make certain that she is comfortable with the person. Mother shall not arbitrarily withhold approval. If mother cannot approve, mother is to select someone else to accomplish the task. These visits will take place on the first week of each month in which a Friday falls. The schedule for the rest of this year will be:

Saturday, May 14 to Sunday, May 15, 2022 (delayed because of Mother's Day)

Saturday, June 4 to Sunday, June 5, 2022

Saturday, July 2 to Sunday, July 3, 2022

Saturday, August 6, to Sunday, August 7, 2022

Saturday, September 3 to Sunday, September 4, 2022

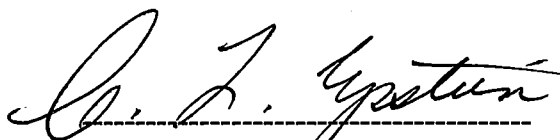
Saturday, October 8 to Sunday, October 9, 2022

Saturday, November 5 to Sunday, November 6, 2022

Saturday, December 3 to Sunday, December 4, 2022

As to both Vermont and Connecticut visits, either party may cancel such a visit if weather conditions are too hazardous for driving. Each party is to communicate BY PHONE if such an option is elected.

Holiday and vacation access is to continue as is set forth in the initial decree. Any parental access may, of course, be altered by the parties if both parties clearly so agree on Family Wizard.

A handwritten signature in cursive script, reading "C. L. Epstein", written over a horizontal dashed line.

Constance L. Epstein, JTR