

SUPREME COURT OF CONNECTICUT

In re Yasiel R.

In re Yasiel R. · Decided August 18, 2015

SUMMARY

This is Justice Zarella’s concurrence in part and dissent in part in In re Yasiel R., a Connecticut Supreme Court case involving termination of parental rights. The opinion addresses whether the court should use its supervisory authority to require trial courts to canvass parents who elect to forgo a contested trial and criticizes retroactively applying such a rule to reverse a judgment absent independent legal grounds.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Zarella, J.
JURISDICTION	Connecticut
DECIDED	August 18, 2015
DISPOSITION	other
PROCEDURAL POSTURE	Justice Zarella concurred in part and dissented in part from the majority’s decision in a parental-rights termination proceeding. He agreed that the trial court had not violated the respondent parent’s constitutional rights by allowing her to forgo a contested trial without a canvass, but disagreed with the majority’s use of supervisory authority to reverse the trial court judgments based on a newly announced canvass requirement.
PRECEDENTIAL VALUE	Published separate opinion; the views expressed in the concurrence and dissent are not binding holdings.

TOPICS

termination of parental rights

family law procedure

appellate procedure

procedural due process

constitutional law

PRACTICE AREAS

family law

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court of Connecticut should use its supervisory authority to reverse a judgment in the absence of an independent constitutional, statutory, or procedural ground for reversal.
2. Whether a new procedural rule announced under the court's supervisory authority should be applied retroactively to reverse a judgment based on conduct that occurred before the rule was announced.
3. Whether trial courts in parental-rights termination proceedings must canvass a parent who elects to forgo a contested trial.

KEY QUOTATIONS

“Procedural rules announced under the court’s supervisory authority should be given only prospective effect and not be used to reverse judgments in individual cases.”

“I emphasize that, in future cases, the court should give only prospective effect to new rules articulated pursuant to its supervisory authority and not use its supervisory authority to reverse judgments in individual cases.”

FACTUAL BACKGROUND

The respondent, Ashley P., was involved in parental-rights termination proceedings in which she elected to forgo a contested trial. The trial court permitted that election without conducting a canvass to ensure that she understood the rights she was forfeiting. The majority concluded that this procedure did not violate her constitutional rights but nevertheless reversed the trial court judgments under the court's supervisory authority.

PROCEDURAL HISTORY

The majority determined that the trial court did not violate the respondent's constitutional rights when it allowed her to forgo a contested trial without first canvassing her regarding the rights she waived. The majority nevertheless invoked the Supreme Court's supervisory authority to reverse the trial court judgments and applied a new canvass requirement retroactively. Justice Zarella concurred in the constitutional analysis but dissented from the supervisory-authority reversal and retroactive application.

DISPOSITION

other

CASES CITED

- State v. Connor, 292 Conn. 483, 505-506, 973 A.2d 627 (2009)
- Kervick v. Silver Hill Hospital, 309 Conn. 688, 710, 72 A.3d 1044 (2013)
- State v. Edwards, 314 Conn. 465, 498-499, 102 A.3d 52 (2014)
- State v. Carrion, 313 Conn. 823, 850, 100 A.3d 361 (2014)
- State v. Elson, 311 Conn. 726, 768-770 n.30, 91 A.3d 862 (2014)
- State v. Medrano, 308 Conn. 604, 631, 65 A.3d 503 (2013)

- State v. Ouellette, 295 Conn. 173, 191-192, 989 A.2d 1048 (2010)
- State v. Griffin, 253 Conn. 195, 209-210, 749 A.2d 1192 (2000)
- State v. Coleman, 242 Conn. 523, 534-535, 700 A.2d 14 (1997)
- State v. Elson, 311 Conn. 726, 764, 784-785, 91 A.3d 862 (2014)
- State v. Rose, 305 Conn. 594, 605-606, 46 A.3d 146 (2012)
- State v. Santiago, 245 Conn. 301, 332, 340, 715 A.2d 1 (1998)
- Kaiser Aluminum & Chemical Corp. v. Bonjorno, 494 U.S. 827, 855, 110 S. Ct. 1570, 108 L. Ed. 2d 842 (1990) (Scalia, J., concurring)
- State v. Smith, 275 Conn. 205, 242, 881 A.2d 160 (2005)
- State v. Ubaldi, 190 Conn. 559, 572-575, 462 A.2d 1001 (1983), cert. denied, 464 U.S. 916, 104 S. Ct. 280, 78 L. Ed. 2d 259 (1983)
- Teague v. Lane, 489 U.S. 288, 310, 109 S. Ct. 1060, 103 L. Ed. 2d 334 (1989) (plurality opinion)