

SUPREME COURT OF CONNECTICUT

In re Heather L.

274 Conn. 174 (2005) · Decided June 21, 2005

SUMMARY

The Connecticut Supreme Court affirmed the termination of J's parental rights concerning two children. The court held that the trial judge's prior participation in a related termination proceeding, without a showing of bias or prejudice, did not require disqualification, and that the respondent's motion for mistrial and sanctions was properly denied.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Per curiam
JURISDICTION	Connecticut
DECIDED	June 21, 2005
DISPOSITION	affirmed
PROCEDURAL POSTURE	The respondent father appealed from the Superior Court's judgment terminating his parental rights. The appeal was transferred from the Appellate Court to the Connecticut Supreme Court.
STANDARD OF REVIEW	The Supreme Court reviewed the record and briefs to determine whether the trial court properly denied the motion for mistrial and sanctions and whether the judge was required to disqualify himself. The opinion does not identify a more specific formal standard of review.
PRECEDENTIAL VALUE	Published Connecticut Supreme Court opinion
PARTIES	J, respondent father v. Department of Children and Families

TOPICS

- termination of parental rights
- parental rights
- family law procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- Family law
- Judicial disqualification
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the respondent's motion for mistrial and sanctions should have been construed as a motion to disqualify the trial judge.
2. Whether the trial judge was required to disqualify himself merely because he had presided over a prior related proceeding and thereby acquired familiarity with the respondent's personal history and certain evidence.
3. Whether the trial judge's prior knowledge of reports and facts from the related proceeding demonstrated bias or prejudice against the respondent.

HOLDINGS

1. A judge's familiarity with a party's personal history resulting from participation in a prior proceeding, standing alone and without a showing of bias, does not require disqualification.
2. The record did not demonstrate that the trial judge was biased against the respondent based on his prior knowledge of reports or other information from the related proceeding.

KEY QUOTATIONS

“First, the respondent has provided no authority for the proposition that a judge’s familiarity with a party’s personal history by virtue of the judge’s participation in a prior proceeding, standing alone and without any showing of bias, requires disqualification.” (177)

“I’m telling you there was no prejudice, sir. This is the judge who has to decide this case telling you that whatever I read in the [A proceeding], I will not apply to this case.” (177)

FACTUAL BACKGROUND

The respondent father was tried on petitions seeking termination of his parental rights to his daughters H and L. The same judge had previously presided over a separate termination proceeding involving the father of H and L's half sister and had encountered reports containing information about the respondent. The respondent argued that this prior exposure created bias and required judicial disqualification, but the judge stated that he would decide the present case independently and hold the Department to its burden of proof. The reports at issue were also introduced in the present trial without objection.

PROCEDURAL HISTORY

The Department of Children and Families filed termination petitions concerning the respondent's daughters H and L. During trial, the respondent moved for a mistrial and sanctions, arguing that the trial judge's prior participation in a separate termination proceeding involving H and L's half sister had exposed the judge to prejudicial information and required disqualification. The trial court denied the motion and terminated the respondent's parental rights. The respondent appealed, and the Supreme Court transferred the appeal from the Appellate Court and affirmed.

DISPOSITION

affirmed

CASES CITED

- *Liteky v. United States*, 510 U.S. 540, 551 (1994)
- *Simms v. Warden*, 230 Conn. 608, 617-18, 646 A.2d 126 (1994)
- *In re Heather L.*, 49 Conn. Sup. 287, 877 A.2d 27 (2004)
- *Davis v. Freedom of Information Commission*, 259 Conn. 45, 55, 787 A.2d 530 (2002)

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