

FBT-FA19-5040574-S

SUPERIOR COURT

JORIZ TIBERI

JUDICIAL DISTRICT OF FAIRFIELD

VS.

AT BRIDGEPORT

FRANK TIBERI

MARCH 22, 2022

INTERIM ORDERS

Before the court is the dissolution of marriage action filed by the Plaintiff Wife bearing a return date of April 30, 2019. The court heard evidence for eight days on July 30, August 2 and 4, 2021, January 24 and 27, February 22, March 8 and 15, 2022. The plaintiff was represented by counsel until February 16, 2022 after which time she was self-represented. The defendant was represented by counsel. The court heard testimony from both parties, the Guardian ad Litem (GAL) and Dr. Biren Cavelry, a Licensed Psychologist chosen by the parties to conduct psychological assessments of the family. The court took judicial notice of two related court files: Leonardo Tiberi v Frank Tiberi FBT FA 19 405577; Frank Tiberi v Joriz Tiberi FBT FA 194055780.

Upon careful consideration of the evidence presented and the pertinent statutory law, in particular General Statutes §§ 46b-82, 46b-81, 46b-56, 46b-56c and 46b-87, and the relevant case law, and having observed the demeanor and assessed the credibility of the witnesses at trial, the court makes the following interim findings and orders. All court findings are made by the preponderance of the evidence standard unless otherwise stated.

The parties were married for 40 months before this action was filed. This action has been pending for 35 months. The delay in resolving this action has been unfair to the parties and detrimental to the minor child. For these reasons the court enters interim findings and orders below which will be supplemented by a written Memorandum of Decision at a later date.

FINDINGS

1. The parties were married on December 24, 2015 in Bridgeport, CT.
2. The parties have one minor child in common, Leonardo F. Tiberi born March 31, 2015.
3. The testimony of the Wife was not credible.
4. The testimony of all other witnesses was credible.
5. The Husband's income is as stated on his Financial Affidavit dated January 19, 2022 (#357). He is a dentist in his own practice. His income was significantly impacted by the COVID pandemic. His earnings were less from February, 2020 to August, 2021.
6. The Wife's gross weekly income from employment is \$560. She has in the past and can presently earn additional income as a legal assistant and a hairdresser.
7. In the 35 months this action has been pending the Husband has spent over \$200,000 on this conflict. He paid all of the litigation costs, all of the household expenses for his home and the Wife's home and all of the costs associated with the minor child. Examples include \$15,000 for the agreed upon psychological evaluation; \$6,000 for the testimony of that expert at trial; \$42,000 in Guardian Ad Litem fees; \$20,000 in counsel fees for the Wife; over \$50,000 in his own counsel fees; \$10,000 for the Wife's supervised parenting time, \$5,000 for the Husband's supervised parenting time after the Wife falsely accused him of being unsafe with the child; \$15,000 for his Wife to relocate from the marital home; \$2,000 for deposition fees, and approximately \$50,000 in support to the Wife.
8. During the 35 months this action was pending the Wife took several unhelpful financial actions. She resumed work but did not disclose her income as ordered by the court; she took on a second job but did not disclose that income; she applied for public assistance without disclosing the support paid to her by the Husband. She refused to accept the checks the Husband attempted to give her, she initially refused his payment in court of \$25,000 and she continued to misuse the Husband's credit card for her Cross Fit membership in excess of \$5,000.

9. The Wife engaged in several actions that were detrimental to the minor child, the husband and their privacy. In defiance of court orders she shared the full psychological evaluation with strangers; self-appointed “advocates” who published the document on their websites. She sent the same report to the Statewide Grievance Committee and others.
10. The Wife did not cooperate in the trial process in February and March, 2022. She failed to file a signed and sworn Financial Affidavit in advance of trial. On January 24, 2022 she was ordered to do so by January 27, 2022. She did not do so. She was ordered to attend all the trial dates (#361). She did not attend trial on February 22, March 8 and March 15. However, she did file 29 motions from February 16 to March 15, 2022. Many of these motions were e-filed on the days she missed court. Despite this lapse, the court issued an order (#392) specifically permitting the Wife to be heard on all her pending motions on March 15, 2022. She did not appear and her motions are denied below.
11. The Wife suffers from a delusional disorder. Her delusions primarily involve her children and do not impact her ability to work or care for herself. She has been hospitalized, diagnosed, treated and medicated for this condition.¹ When untreated the Wife cannot distinguish between what is actually happening and what she is imagining. In the grips of this illness she falsely accused her first husband of molesting their child. When confronted with this delusion she abandoned that child to the father in California. She accused camp counselors, total strangers, the Husband and her young step-daughter of molesting Leo. When confronted by witnesses with these delusions she ceased attending trial.
12. The Husband is an appropriate and caring parent. The allegations raised by the Wife against the husband regarding the child are false. These allegations were thoroughly explored this court, by The Department of Children and Families (DCF), the GAL and

¹ The Wife was involuntarily hospitalized at Hall-Brook for this condition, acute psychosis, in 2018. She was prescribed anti-psychotic medications which she took only for a short time. Her claims that this hospitalization was related to ADHD, PTSD or mixing medication are untrue.

Dr. Biren Caverly. The father is able to identify when the mother is well enough that Leo will benefit from time with her and is able to shield him appropriately when she is not. He values the role the Wife plays in the child's life and will foster as much of a relationship between them as is healthy for Leo.

13. The Wife's illness negatively impacts the child. She has insisted he support her delusions, demanded that he repeat what she tells him to others and video and audio records him. This behavior led DCF to substantiate an abuse claim against her. The Wife has created confusion in the child by insisting that people he loves, his father and step-sister, are abusing him in bizarre ways. She alienated neighbors, team-mates and playmates with strange and threatening statements. She was having successful supervised access with the child but recently ruined that relationship by threatening and harassing the supervisor (whom she chose) to such a degree that she quit. She treated the child's last therapist similarly and she also quit working with the family. She dragged the child to multiple doctors, police departments, evaluators and "spiritual healers" demanding treatment for the child. When left alone with any of these providers the child denied the mother's claims.
14. In 2022 the Wife's behavior became increasingly bizarre, distressing and reminiscent of that which led to her hospitalization in 2018. She made efforts to remove the child from school without notice to the father. She appeared at and entered the father's home uninvited. She appeared at the child's sport practice attempting to convince other parents of the reality of her delusions. She told other parents the father "sticks his fingers in Leo's" rectum, and that Leo "sticks things in other children's" rectums. She followed the father around the facility making graphic sexual accusations against him and his other minor child. She was so clearly unwell that other parents became concerned. She appeared at the same location one week later after being ordered to stay away. She filed multiple motions repeating the same bizarre, sexualized accusations that have been debunked by the police, DCF, the GAL, the child's physician, the child's school counselor, the child's therapist and several courts.

15. The Wife's condition requires ongoing treatment; she cannot function properly as a parent without consistent medication and specialized treatment. She has a brief history of successful treatment. In 2020 she was in an Intensive Outpatient Program (IOP), likely taking medication as prescribed and doing well. The Husband had agreed to unsupervised access on an expanding schedule and Leo was having a more normal relationship with his mother. Unfortunately, by late 2021 that progress was reversed. The Wife was not engaging in any appropriate treatment in 2022.

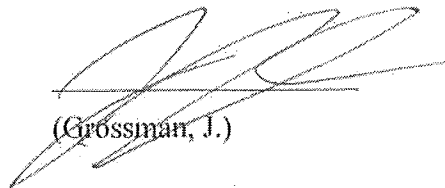
ORDERS

1. The Husband has sole legal and physical custody of the parties minor child.
2. All in-person access between the mother and the child is suspended.
3. The Wife may have FaceTime or other video access with the child, as initiated by the Husband, a maximum of once per day for 15 minutes. The Husband may initiate, suspend or terminate any video access as he deems appropriate for the child.
4. The Wife must stay 100 yards away from the child, his school, the location of the child's soccer program, the home of the father and the home of the paternal grandparents.
5. The Wife will not interfere with any treatment of the child and/or any appointments for the child and may not interfere with the minor child's schooling.
6. The Wife may not have any in-person access with the child until she:
 - a. Engages in six months of consistent treatment with a psychologist licensed in Connecticut. The psychologist should have experience in both high conflict divorce and personality disorders. There may be only a small number of such qualified people in Connecticut. The Wife would be well advised to consult with the GAL and/or Dr. Biren-Cavelry in choosing the appropriate provider. The provider must be given a copy of Dr. Biren Caverly's report which the Dr. or the GAL is authorized to provide.

- b. Completes a psychiatric evaluation to determine appropriate psychiatric medication and demonstrate compliance with a medication regimen for at least six months.
7. The Wife will pay no child support to Husband. This represents a downward deviation of child support to zero. This deviation is appropriate in light of the mother's anticipated costs for treatment in accordance with the orders above.
8. The Husband will pay 100% of all extracurricular activity costs for the minor child. The Wife may not sign up the minor child for any extracurricular activity.
9. The Husband will pay 100% of his work-related childcare costs.
10. The Husband will provide health insurance for the minor child at his sole cost. He will pay 100% of all unreimbursed health costs for the minor child.
11. The wife will not incur any non-emergency health care costs for the minor child. The Wife will not interfere with the medical care providers for the minor child. The Wife may not take the minor child to any medical appointments. The Wife will be responsible for any medical costs for the child generated in contravention of this order.
12. The minor child's therapist has recommended that the child has no need for treatment. Accordingly, the child is no longer required to see a therapist.
13. The Husband is not obligated to participate in counseling. Motion #219 is granted retroactive to August 24, 2020.
14. The Wife is prohibited from making any audio or video recordings of the minor child.
15. The Wife is prohibited from posting any photos or videos of the minor child on any social media site.
16. The Wife shall pay no alimony to the Husband.
17. The Husband shall pay no alimony to the wife.
18. The Husband is relieved of his obligation to pay the Wife's Discover Card. The Wife is solely responsible for this debt.
19. The Husband will be awarded the real property located at 6 Birdseye Road, Shelton, Connecticut.

20. The Husband will be awarded all interest in his dental practice free of any claim from the wife.
21. The Husband will be awarded the SEP IRA free of any claim from the Wife.
22. All financial accounts in the name of the Wife will be awarded to her free from any claim by the Husband.
23. The Husband will be awarded the 2012 Audi Q5.
24. The Wife will be awarded the 2009 Mercedes C300.
25. The Wife shall not share the psychological evaluation with anyone under any circumstances.
26. Each party shall provide for his own or her own health insurance as of April 1, 2022.
27. The Husband's obligation to pay alimony in the amount of \$500 per week is modified to zero, retroactive to February 19, 2020. (Motion #208 granted in part.) Any credit will be addressed in the court's final orders.
28. The Husband's obligation to pay household and other expenses for the Wife as ordered by the Agreement of the parties dated January 3, 2020 (#170) is terminated as of April 1, 2022.
29. The Husband's Motions for Order to seal pleadings #290, #312 and #313 is granted.
30. Each party is responsible for their own counsel fees.
31. Plaintiff's Motions #367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 381, 382, 383, 384, 385, 386, 387, 389, 391, 393, 394, 395, 396, 397, 398, 399, 400 and 401 are denied as she did not pursue them at trial.

By The Court,



(Grossman, J.)

Judgment entered
 Counsel/self-rep. 3/22/20
 By JENO Other
 Copy to reporter of Judicial Decisions

Mailed to
 IT/SRP J. Tiberi
 Δ Atty P. McGuinness
 Δ Atty L. Knopf
 GAC laLiberteLaw
 by NPAW Assoc