

**CITY OF NORWALK
HUMAN RELATIONS COMMISSION
SPECIAL MEETING
AUGUST 11, 2009**

ATTENDANCE: Carol Frank, Chair (via telephone conference);
Daisy Franklin (via telephone conference);
Rev. Julius Gamble (via telephone conference);
Diane Paladino (via telephone conference);
Vicky Su (via telephone conference); and
Andrew Mattiello;
Karen Tobin (via telephone conference at 12:32 p.m.)

STAFF: Adam Bovilsky, Director of Human Relations and Fair
Rent

1. CALL TO ORDER

Ms. Frank called the meeting to order at 12:24 p.m.

2. ROLL CALL

Ms. Frank called the roll. There was a quorum in attendance.

3. DISCUSSION OF MOTIONS RELATING TO CASE 231-09N

Mr. Bovilsky then read the following document into the record:

PURSUANT TO CONNECTICUT GENERAL STATUTES 7-148J AND 46-8A AND NORWALK CONNECTICUT CODES (with reference to code that creates Human Relations Commission) THE RESPONDENTS MOVE THE COMMISSION TO DISMISS THE COMPLAINANT'S COMPLAINT FOR LACK OF SUBJECT MATTER JURISDICTION. AS THE ATTACHED MARCH 24, 2009 ORDER OF JUDGE DePANFILIS OF THE COURT OF PROBATE MAKES CLEAR, THE COMPLAINANT HAS BEEN DEEMED UNABLE TO CARE FOR (the minor child) DUE TO BEHAVIORAL PROBLEMS. MS. CHENEY JAMIESON HAS BEEN APPOINTED (the minor child's) LEGAL GUARDIAN.

ACCORDING, TAMIKA MCKUNE LACKS STANDING TO BRING FORTH A CLAIM ON (the minor child's) BEHALF ON THE BASIS OF GUARDIANSHIP OR NEXT FRIEND DESIGNATION.

Mr. Bovilsky stated that the document cited one 1994 Connecticut Supreme Court case, (Orzi vs. Senatore). Mr. Bovilsky said that he had reviewed the documents and the case, which involved the right of a foster parent to bring a case on behalf of their charges. He pointed out that in this case, Ms. McKune was the natural mother of the minor child. Mr. Bovilsky said that he felt that the cited case was not relevant to the issue because of this. He added that an official copy from the Court of Probate had been received on August 10th, which found the following:

A LETTER WAS SUBMITTED TO THE COURT ON JUNE 29, 2009 BY TAMIKA MCKUNE, MOTHER OF THE MINOR CHILD... REQUESTING THAT THE TEMPORARY GUARDIANSHIP AWARDED TO CHANNIE JAMIESON ON MARCH 24, 2009 BY THE NORWALK PROBATE COURT BE RESCINDED.

AND IT IS ORDERED AND DECREED THAT:

THE TEMPORARY GUARDIANSHIP OF THE MINOR CHILD BE ENDED EFFECTIVE JULY 1, 2009.

Mr. Bovilsky explained that as of July 1st, by court order, the natural mother, Tamika McKune, of the minor child is now the proper guardian of the child. He explained that while the case was filed between March 24th and July 1st, based on other legal research, Mr. Bovilsky felt that case law supported the change of plaintiff,. He then gave two examples of cases in which a substitution of Plaintiff was allowed during the pendency of a Motion to Dismiss. One involved a substitution of a corporation for the names of the owners of the corporation, the second one involved a father who named himself as a main plaintiff and named his infant son as an additional plaintiff. The Court allowed the name of the infant son to be substituted as the plaintiff after a motion to dismiss was filed. The key issue in those cases was that the Plaintiff was identified sufficiently for the Defendant to be able to prepare a defense and that the matter required the change of Plaintiff to proceed. Mr. Bovilsky said that he felt that the facts were similar enough to this situation, although the cases were not directly on point, that the Commission could move to deny the motion to dismiss because the proper plaintiff was always listed.

Ms. Tobin joined via telephone conference at 12:32 p.m.

Mr. Bovilsky then gave Ms. Tobin a quick overview of the details and explained that the minor child was always listed as the proper plaintiff and that the mother had brought the suit on the minor child's behalf. An original order from Probate Court is now on file with Human Relations. He said that it was clear that there was an error in listing the proper person to bring the case to the Commission, but that this error had been remedied.

Mr. Bovilsky then asked the Commission members if there were any questions.

4. **VOTE ON MOTIONS ON CASE 231-09N**

**** MS. TOBIN MOVED TO APPROVE A DENIAL OF THE MOTION TO DISMISS CASE 231-09N.**

**** REV. GAMBLE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

5. **ADJOURNMENT**

Ms. Frank thanked everyone for their participation.

**** MS. FRANKLIN MOVED TO ADJOURN.**

**** MS. PALADINO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 12:35 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services