

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-216		388	26	1	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> • <i>Judiciary</i> 595-596 • <i>Judiciary</i> 582-584 • <i>Judiciary</i> 597-598 • <i>Judiciary</i> 603-610 • <i>Judiciary</i> 614-624 				<u>House Pages:</u> <ul style="list-style-type: none"> • 2157-2160 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 1355-1356

H-112

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 5
1968-2502**

Wednesday, May 5, 1971

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Is there objection. Hearing none, the matter is retained.

CLERK:

Calendar 659, Substitute for Senate Bill 388, An Act Concerning the Correction of Child Abuse, File 467.

REPRESENTATIVE AJELLO:

May this item be passed temporarily, Mr. Speaker.

MR. SPEAKER:

Is there objection. Hearing none, the matter is passed temporarily.

REPRESENTATIVE AJELLO:

Mr. Speaker, will the Clerk please call the last item, the gentleman is back.

MR. SPEAKER:

Will the Clerk please recall the matter passed temporarily.

CLERK:

Page 8, Calendar 659, Substitute for Senate Bill 388 - An Act Concerning the Correction of Child Abuse.

MR. SPEAKER:

The gentleman from the 81st.

REPRESENTATIVE CARROZZELLA:

I move the acceptance of the Joint Committee's favorable report and passage of the bill.

MR. SPEAKER:

Question is on acceptance and passage. Will you remark.

REPRESENTATIVE CARROZZELLA:

The bill before us is, in my opinion, one of the most

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comprehensive and necessary pieces of legislation we will consider this session. It deals with the problem of child abuse. The effect of the bill is not only to establish a compassionate state policy with regard to the protection of our children but also to make far reachingly forms which will guarantee the execution of that policy. The policy enumerated in the bill is based on the belief that the State of Connecticut has the responsibility to protect children whose health and welfare may be adversely effected through injury and neglect. To assure the fulfillment of that responsibility this bill accomplishes the following things. Number 1, it expands the population of eligible people responsible for the reporting of any incidents of child abuse by including in that population medical examiners, police officers and clergymen. Number 2, it expands a definition of abuse to include malnutrition, sexual molestation, declaration of necessities and cruel punishment. Number 3, the bill also clarifies the administration of abuse cases to assure the prompt and adequate steps are taken to investigate and rectify the situation. Number 4, other major provisions of the bill extend adequate powers and rights to physicians, the Commissioner of Welfare and the courts, to assure that adequate treatment in all cases will be had. As a result of this bill, any physician who suspects incidents of child abuse may keep that child in the custody of a hospital for 72 hours, with or without the consent of a guardian, so that further investigation can be made. And the Commissioner of Welfare shall be authorized to assure that

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the child is kept in a safe environment either by providing adequate provision for the child's care at home or by petitioning the Juvenile Court for the removal of a child from the home. The bill also provides the various procedures for the Court to follow in its determination of each reported case. And finally the bill extends immunity to any person, agency or institution which in good faith acts in accordance with the directors of this bill. I believe it is the most significant piece of legislation and I urge passage of the bill.

MR. SPEAKER:

Will you remark further on the bill. The lady from the 109th.

REPRESENTATIVE GRISWOLD:

This bill, I am proud to say has my name on it and I agree with the Chairman of the Judiciary Committee that it is one of the more important bills we will have before us this year. Up to the passage of this bill, we could only take action in cases of serious physical injury to children. I urge the passage of this bill.

MR. SPEAKER:

Will you remark further on the bill. Gentleman from the 75th.

REPRESENTATIVE GILLIES:

I rise in support of this bill. I can't imagine that anybody would rise in opposition to it. One of the features in the bill which I think it particular merit, is that it does allow the courts in their discretion to determine if the child

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can be maintained in the home under proper supervision. This is a good bill, a necessary piece of legislation.

MR. SPEAKER:

Will you remark further on the bill. Representative Guidera.

REPRESENTATIVE GUIDERA:

I think that one point which should be brought out is that clergymen, policemen and others named in the new wording are often times the first to see the effects of real child abuse. Quite often it is not even necessarily the doctor.

MR. SPEAKER:

Will you remark further. If not, the question is on acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate. All those in favor will indicate by saying "Aye". All those opposed. The bill is passed.

CLERK:

One more item of Calendar business. Page 8, the matter passed temporarily, Calendar 642, House Bill 8683 - An Act Providing an Annual Appropriation for Loyalty Day Parades.

REPRESENTATIVE AJELLO:

Mr. Speaker, I move this item be passed retaining its place on the calendar.

MR. SPEAKER:

Is there objection. Hearing none, the matter is retained.

CLERK:

Senate Joint Resolution No. 88. A resolution Concerning the

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the meaning of the Statute providing a municipality must act within six months after voting to acquire land to condemn same for Municipal purposes.

THE CHAIR:

Senator Jackson.

SENATOR JACKSON:

Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill. The Bill is self explanatory and it requires that the town municipality must act within six months after vote has been taken or else said vote would be void.

THE CHAIR:

Questions on passage of the Bill? Those in favor indicate by saying aye. Opposed? Ayes have it. The Bill is passed.

THE CLERK:

Calendar No. 349, File No. 467, Favorable Report, Joint Standing Committee on Judiciary, Substitute Senate Bill 388, An Act concerning the correction of child abuse.

THE CHAIR:

Senator Jackson.

SENATOR JACKSON:

Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

THE CHAIR:

Will you remark?

SENATOR JACKSON:

Mr. President, this is a very important Bill. It expands our existing

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child abuse Statute and it broadens the act to extend the class of people who will be obliged to report child abuse to police officers and clergymen. It broadens the classes of abuse to include injuries in variance with history given, and condition which is the result of maltreatment, not limited to malnutrition, sexual molestation, deprivation of necessities, cruel punishment and expands the existing category of institutions to include any institution. It requires a written report to the Commissioner of Welfare by professional or public personnel who are obligated by Statute to report child abuse. It further provides that a physician treating an abused child may hold the child in custody for seventy two hours, with or without consent of the parent or guardian, pending study of the petition relating to abuse. Whereafter investigation, evidence is produced that the child has been abused, it is transmitted to the State Welfare Department, which agency shall take measures deemed necessary to protect the child, including removal of the child from the home, by order of the Juvenile Court.

THE CHAIR:

Any further remarks? Questions on passage of the Bill. Those in favor, indicate by saying aye. Opposed? Ayes have it. The Bill is passed.

THE CLERK:

Calendar No. 350, File No. 453, this is the Favorable Report on the Senate Committee on Judiciary, Senate Bill 748, An Act concerning allowing Members of the National Muzzle Loading Rifle Association to use Rifle Ranges on Sunday.

THE CHAIR:

Senator Jackson

**JOINT
STANDING
COMMITTEE
HEARINGS**

JUDICIARY

**PART 2
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JUDICIARY COMMITTEE

WEDNESDAY

MARCH 3, 1971

10:30 A.M. SESSION
Judiciary Committee Room
State Capitol

Presiding: Jay W. Jackson, Senate Chairman
John A. Carrozzella, House Chairman

Members Present: Senators: Strada, Rome, Rimer, Macauley
Representatives: Ritter, Healey, Bingham,
Nevas, Smyth, Paoletta

JUVENILE COURT AND YOUTHFUL OFFENDERS

Rep. Carrozzella: I would point out to the members of the public that for the first half hour we're going to allow the Legislators to give their testimony. Those people who do wish to speak, members of the public, there is a Speakers List in the back and you should sign that list if you wish to testify on any particular bill. I would point out further to the members of the public that even though there are only 3 or 4 of us here the testimony is taken down on a record and is transcribed for all the members of the Committee so that your testimony is not going to go to waste.

Senator Hammer.

Sen. Hammer: Mr. Chairman, Members of the Committee: Lucy Hammer, Senator from the 12th District. I'm here speaking this morning on S.B.#388.

S.B.#388 - AN ACT CONCERNING THE CORRECTION OF CHILD ABUSE

I would like to point out to you that this bill has been worked up by a Committee appointed by the Department of Health and by me and by the Welfare Department. And it's been rather hard to come to an absolute meeting of minds about all the fine points. The result is that we have a substitute bill which doesn't seem to be printed quite yet. So the changes are not major in it, so I hope you will give that consideration. The important, now this bill was, this law was put on the books in 1965. It was the first time we had anything like this for reporting and correcting child abuse in this state. And, of course, by now experience has shown that it needs a considerable revision and that's what we're presently doing here today. Now the principle addition which are not in the present

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Sen. Hammer: (cont'd) law are as follows: a doctor may keep a child in the hospital up to 10 days. At the present time, in the case of child abuse a doctor has no authority to keep that child there. He can keep him now pending study by the Welfare Agency or pending filing of a petition to the Juvenile Court. Another point of change is that whoever is reporting, Agency is reporting to the Welfare Commission, that is Agencies like hospitals or any other institution or any individuals must do so within 24 hours. And the Welfare Commissioner is instructed to investigate immediately and take action forthwith. There was nothing of this sort in the present law. The change with relation to the Juvenile Court which may cause the child or adults involved to be examined by the doctor or the psychologist, psychiatrist and so on. Our present law grants immunity to certain people or institutions reporting cases of child abuse. This new bill broadens the immunity to any institution or to any individual who reports.

There's a rather awkward method of reporting cases of child abuse. And it's in the present law. I didn't like it when we passed it but this is what we had to settle for. The present law says that any person or institution reporting shall report to the Welfare Commissioner or the Health Commissioner or the police. You see this is rather cumbersome but it has worked out well. The Department has worked it out between them. It is the Welfare Department which will handle the case after the first reporting of but you can understand why these three things have been left in. Doctors are used to reporting to the Health Department and people, just individuals in an emergency, say, in the middle of the night, are likely to call the police so although there was talk about having all the reporting go to Welfare Department it is my recommendation to leave it the way it is. It seems to be working. Then, this is followed by a written report to the Welfare Commissioner and from then on he takes it. I think these changes throughout this law and you will hear from some of the professionals on the matter. I think these changes are very, very advisable and I do hope that you will give this favorable consideration.

Thank you very much.

Sen. Rome: Will you have shortly a substitute bill for us?

Sen. Hammer: Yes, it's been prepared and it's in the printing right now. I expected it to be ready this morning but it isn't down there yet. It'll be here right away.

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Rep. Mortenson: Mr. Chairman, Members of the Committee: I'm Elmer Mortensen, representing the 24th District. Not knowing too much about this bill but what I've seen of it. I certainly want to register in favor of it. But there's one problem that I find is that where teenager is probably not child abuse but it's from gang fights and many other things that are never reported to the police.

Sen. Jackson: Which bill are you referring to?

Rep. Mortensen: #388 that Mrs. Hammer just spoke on. Is that many of these cases are not reported to the police. And this creates a problem because we don't know fully what goes on in many of these places in the evenings and I'm sorry that it can't be, the age couldn't be raised to 19 or 21. But these are problems that I find in my town and I imagine it's the same all over. A kid is beaten up. He goes to the hospital, gets a few stitches and this is the last we've heard of him. Then, I find out about it days after where there has been problems. I can't speak too much on child abuse but I do know there is certain amount of that too.. And I hope that you'll give it careful consideration. Thank you.

Rep. Holdsworth: I'm Representative Holdsworth, 125th District. I came this morning to speak initially on a bill which I had introduced relative to the Juvenile Court. And it was basically the transferring of juveniles or young adults from the age of 16 just under the age of 18 to the Juvenile Court. I recognize that there are one of the prime concerns of our citizenry is the fact that a young person possibly gets into trouble on a first offense and going to Circuit Court has a record (criminal record). So in order to circumvent this the provision was made to permit young people to go to, to have the case transferred to Juvenile Court. I just feel that the 16 year old young adult is allowed the privileges of driving a motor vehicle and the highways and in a point in their life where they are planning their education, future education. This certainly should be considered and now also we're arriving at the point where they are going to be allowed to vote at 18 so they're really arriving at a point in their life where they are really young adults.

I came to speak in favor of this H.B.#5318.

H.B.#5318 - AN ACT CONCERNING THE JURISDICTION OF THE JUVENILE COURT.

But I find that there is another bill which does a better job than the bill that I presented and that is bill#497.

S.B.#497 - AN ACT CONCERNING YOUTHFUL OFFENDERS

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J. Gill: (cont'd) There are two bills here which would do away with transfers and we say, well, there's got to be something to take there place. This is admittedly...

Sen. Jackson: Well, Judge, do you feel that the youthful offender bill #497 will facilitate transfers?

S.B.#497 - AN ACT CONCERNING YOUTHFUL OFFENDERS

J. Gill: I think, that I read this to be in lieu of transfers. And if this were passed the transfer section would be eliminated. Am I wrong?

Sen. Jackson: That's correct.

J. Gill: I think, it would be a substitute that 's worth trying. I think we've got a lot in the transfer act and what's happening under it is not as good as it ought to be and while obviously there are going to be problems in any act particularly a new one I thought the act was well conceived and I don't see why it couldn't be effectively implemented.

Sen. Jackson: Thank you.

J. Gill: Now, we also as judges favor the provisos in the bills #250 and #388 dealing with procedures in child abuse cases.

S.B.#250 - AN ACT CONCERNING TESTIMONY OF HUSBAND AND WIFE IN CHILD-ABUSE CASES.

S.B.#388 - AN ACT CONCERNING THE CORRECTION OF CHILD ABUSE.

We are the judges who hear these cases almost all of them and it is true that the effective presentation of these cases has on occasion been hampered by such technicalities as the question of privileges between husband and wife and some other problems which have been looked at in the statutes. We think they are good statutes and would hope that they would be passed. We also favor the amendment in bill #243 which would modify the definition of the kind of force that parents or parental surrogates may use on children by the insertion of the word "reasonable" as a qualification of the phrase of something less than deadly force. I think, a lot of people have felt that this is a pretty wide open clause and that it could stand some elaboration and interpretation.

We would like to point out that bill #6368 which deals with transfers from the Connecticut School for Boys to Cheshire may have built into it some of the same legal booby traps which have been characteristic of every transfer bill in the last 6 or 8 years.

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J. Gill: (cont'd) In other words, we wonder very much whether it is possible for the Juvenile Court to hold hearings which will result in a -- being issued to send the child to a so called, correctional institution which is unfortunately of the penal orientation. And with all of the cases, it seems to say that this is a questionable not to say unconstitutional practice. We're wondering if the new bill has moved us very far away from where we were with the old one. There's a great deal of law on this. There are administrative transfers in other states. But generally, it's between the same channels or the same levels of difficulty. You don't have children going with the penal system or the other way around. If it's within institutions, all right. But when you move up or you move down to a different level of treatment then, you may conceivably have a very real problem.

Now, gentlemen, if I've overstayed myself, I know. I'll introduce Judge Brenneman so that you could ...

Rep. Carrozzella: Judge, would you just mind, we have two other Representatives who I'm sure have other business and they're going to be very short, I hope, like about 30 seconds each.

Rep. Stevens: Very short, Mr. Chairman, would like to just comment briefly in favor of the concept of S.B.#734 by Sen. Ciarlone and Sen. Lieberman from New Haven.

S.B.#734 - AN ACT CONCERNING PARTICIPATION BY FOSTER PARENTS IN JUVENILE COURT PROCEEDINGS INVOLVING CHILDREN IN THEIR CARE.

Which is to give foster parents some legal standing in Juvenile Court proceedings involving children which are in their care. I don't think that Connecticut can wait for a case by case development in this area. I think, some legislation should come out this session that would give foster parents through their attorney the right to cross-examine, to confront witnesses and to add their testimony to proceedings involving a child which they have had with them. I know I had this brought to my attention during the past year by foster parents in Milford who related to me cases where children had been with the foster parents for 5, 6, 7 and 8 years and then, proceedings in the Juvenile Court were instituted and the parents have found it very difficult in dealing with the state to have any say. Often, I think, foster parents think of the state as a highly immovable object which has only one desire and that is to put complications between the foster child and them. I know that's not true but I do think that if

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Rep. Stevens: (cont'd) the foster parents could appear in the Juvenile Court with an attorney before the Judge and be heard that perhaps, many of the problems that they now have not all of which are real, I'm sure, but many of them are, could be aired before the proper judge. I think that especially when you're talking about a parent who has given up a child and then, goes into a foster home and the parent comes back at a later date. The Juvenile Court gets involved and the foster parents are rightfully concerned after 5,6,7 years of the child that they should have a form in which they can be heard. I think the Judge's remarks which preceded me were well taken. But I note that it is a statement of purpose bill and I'm sure the Judiciary Committee come up with a bill that meets the comments that the Judge made but also, and in fact, more importantly as far as I'm concerned insures that the foster parents may go to the Juvenile Court proceedings and be heard through an attorney of their choice on a child that is as close as any child that you or I might have naturally.

Thank you.

Rep. Carrozzella: Representative Griswold.

Rep. Griswold: 109th District. I'm here to speak briefly to S.B.#388 which Senator Hammer and I have introduced.

S.B.#388 - AN ACT CONCERNING THE CORRECTION OF CHILD ABUSE

I think Senator Hammer has already spoken to this bill and there are other people who will speak to it from the public. So I will be very brief. I feel, gentlemen, that this is a most humane bill. It is, its main thrust is to protect the child who has been abused not just through serious injury but through any form of abuse. The two or three points that I'd like to stress are: first, that anyone may report such abuse, with immunity, and the second point is that it does not limit abuse to serious physical injury. Then, such a child by this law may be hospitalized immediately, up to 10 days. This bill also simplifies procedures for reporting and demands immediate investigation of the problem by the Commissioner of Welfare.

Another point that I find very important is that this bill would establish a waiver of confidentiality between husband and wife. So that if a husband or wife has abused the child the spouse may go before the Juvenile Court with confidentiality and immunity and testify if he or she so desires. It is not mandatory.

And the last point that I would make is that this bill does not require proof of abuse of the child in order

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Rep. Griswold: (cont'd) for action to be taken. It (the Court) can move immediately without waiting for final proof. I recommend this bill very strongly to you of the Judiciary Committee.

Rep. Bingham: Rep. Griswold, have you been in touch with Attorney Virginia Boyd of the Family Law Committee of the State Bar Association?

Rep. Griswold: No, I haven't talked with her.

Rep. Bingham: It is my understanding that she also supports the bill?

Rep. Griswold: Yes, this bill was drawn up by the Child Welfare people and ..

Rep. Bingham: Thank you.

Sen. Jackson: Thank you very much.

J. Brenneman: Yes, I came this morning because I didn't know whether I'd get here this afternoon, too. Briefly, the purpose of the bills: #6265. #6279. #6365 they're all part of the same package. Relate to a problem that I brought before you in '69 in a statement of purpose bill that didn't get beyond the statement of purpose in that session. The problem briefly is this. The way it is now what we call neglect cases where legal guardians are removed for cause can be brought in either the Juvenile Court or the Probate Courts. In other words, there is a choice forum. This in itself wouldn't be bad, except that very different results stem from which forum is chosen. In the Juvenile Court, I think you're all aware of our procedures. We have endorsed the Gault concept in neglect cases so that parents are always represented by counsel. Children are frequently the most important thing that happens is that a parent who is removed in the Juvenile Court for cause has a right to come back every 6 months if necessary to seek revocation of the commitment and get the guardianship back. And, of course, in the meantime, during the placement whether it's with the State Welfare Department or private person efforts can be made to rehabilitate the parent to get the child back in his own home. When a parent is removed for cause in a Probate Court the procedures can differ between the districts depending on how that particular Probate Court is operated. There is no uniformity of procedures as there is in our Court. There is no guarantee of counsel to the parent who is being charged with neglect nor is there counsel necessarily for the child.

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Mrs. DeChello: (cont'd) We are opposed to this because we feel that child abuse is more than a misdemeanor and we would like to see it acted upon accordingly.

Thank you.

Rep. Carrozzella: Thank you very much. Miss Carol Cooper.

Dr. Leonard: Sen. Jackson, Rep. Carrozzella and Members of the Judiciary Committee: I'm Dr. Martha Leonard a pediatrician. And I come representing the Advisory Committee on Child Abuse of the Maternal and Health Section of the Connecticut State Health Department. I wish to speak in favor of bill #388.

S.B.#388 - AN ACT CONCERNING THE CORRECTION OF CHILD ABUSE.

A bill with which all of our Committee is familiar and strongly recommends. Abuse of children is a serious problem in our time. Two hundred and eighty-five abused children were reported to the protective services of the State Welfare Department in 1970. Undoubtedly, many more were unrecognized. Without intervention abuse of children leads to physical, intellectual and emotional damage and sometimes to death. It also promotes violence in children who are then likely to grow up to be abusing parents and then, to repeat the cycle. Since abuse of children was first brought to public attention about 11 years ago a considerable body of knowledge has been accumulated concerning the causes and effects of child abuse, and means of intervention. But one of the difficulties in applying this knowledge is that much of child abuse occurs in the privacy of the home, where the child is a helpless victim, and there are no witnesses who would dare to tell about it.

Recognizing the importance of the identification of the children who are being abuse, the Connecticut Legislature passes in 1965 an act concerning the reporting of child abuse cases, and has amended it several times since to include more categories of people who are required to report and protecting them from any liable suits from their reporting. This law defines abuse as "serious physical injury or injuries inflicted... other than by accidental means." Since this law has been passed more children have come to the attention. But still too many children in our state are suffering tragic abuse, irreversible injury and death. Because of this Maternal and Child Health Section of the State Health Department appointed an Advisory Committee on child abuse to study any unmet needs under the present law. The Committee consists of about 40 men and women who represent many professions

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Dr. Leonard: (cont'd) and groups from many areas of the state. The Committee includes Miss Virginia Boyd whose name was mentioned earlier. She was Chairman of the sub-committee on Legislative Approach to child abuse. We have met periodically since September 1968 and have studied many aspects of child abuse in our state and ways in which other states are meeting this problem.

As a result, we are convinced that one measure which would help is the replacement of our child abuse law with one with wider scope. Some of the disadvantages of the present law are: 1) it defines abuse only as serious physical injury. By the time a child is seriously injured it's already too late. Children should be discovered before that much injury occurs. And we know that usually it can be. 2) Our present law restricts reporting to specified professional people. But most abuse is first obvious to neighbors, friends and relatives. And 3) it stops with reporting and makes no provision for what shall happen after the report is made.

Our Committee has worked closely with Senator Lucy Hammer and Representative Mary Griswold in the preparation of bill #388 which we believe offers several important improvements to the present law. It broadens the definition of child abuse in a way which can make possible earlier intervention and protection from serious injury. It expands the responsibility for reporting and grants immunity of the reporter from liability incurred thereby to anyone who has reasonable cause to suspect child abuse. It allows for the possibility of hospitalization of a child if necessary pending study of the home situation. It specifies procedures for prompt investigation of each situation that is reported and for maintenance of a registry which can be used to identify repeated cases of child abuse. And it includes aspects of Juvenile Court procedures such as, waiver of privileged communication between husband and wife, and the importance of establishment of evidence that a child has been abused or has sustained a non-accidental injury.

I should like to speak briefly about the first of these five points, expansion of the definition of child abuse. Instead of, "serious physical injury" #388 lists physical injury or injuries inflicted other than by accidental means or injuries which are at variance with the history given or them or a child is in a condition which is the result of maltreatment, such as but not limited to, malnutrition, sexual molestation, deprivation of necessities or cruel punishment. Child abuse can often be suspected by repeated minor injury. By injuries which are inconsistent with the history given or by malnutrition.

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Rep. Carrozzella: You'll leave that material with the secretary?

Dr. Leonard: Yes, I will.

Rep. Carrozzella: Jeanette Dill. Oh, do you still want to speak, Miss?

Miss Cooper: I'm Miss Carol Cooper and I'm the chief social worker in the Department of Pediatrics at Yale New Haven Hospital. I have some very brief comments to make in favor of S.B.#388.

S.B.#388 - AN ACT CONCERNING THE CORRECTION OF CHILD ABUSE

As a member of the Yale New Haven Hospital Social Work staff for the past six years, I've become increasingly concerned with the problem of abused and maltreated children. It's from this basis that I would like to address concern to two areas of bill #388. The first area of crucial importance is the expanded definition of reportable instances of suspected abusive treatment. And that's section b, I believe in the bill. Our experience within the last few years in many studies around the country show that there's a correlation between early areas of poor care and future injuries of a more serious nature. We frequently must return children from our inpatient service or from our clinics to families in which we have seen demonstrated the parents' inability to protect the children from traumatic experiences. We have had eight or nine deaths of children brought to our hospital following abusive treatment. And in 1970 we reported 31 children to the State Welfare Department as abused. There are innumerable other children whom we have identified as being at risk but who do not fall within the current definition of abused. We are convinced that the child is chronically neglected and who experiences severe deprivation of physical and emotional needs has as little to gain from life as a child who suffers physical injury. The new definition of abuse makes it possible to bring in supportive services at a stage when serious physical damage and emotional harm might be prevented.

Second point that I would like to emphasize is the importance of the 10 day holding period not as a routine but as of utmost importance in those situations where the child in question has created tension fear and anger within his parents. A neutral setting of a hospital and relief of tensions through a temporary separation often makes it possible for parents to involve themselves in making a responsible decision about their family's future. In this way safety is provided for the child and a more punitive approach of change of custody against the parents

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Dr. Leonard: (cont'd) For instance, a child may appear in school many times with bruises, scrapes, bumps, black eyes that are not adequately explained. Or a child may present an emergency room with a fractured leg or fractured skull where the mother says that this two month old child fell off the table... or caught the leg between the bars of the crib. This is a very common story. These injuries are not reportable under our present law until or unless the injury is serious. Such children can be and often are treated for their injuries and sent home to be exposed to further trauma. Sexual molestation and cruel punishment may cause no serious physical injury, yet, frightful suffering and permanent emotional impact. Such children are just as truly abused and often have more serious resulting difficulty than those with fractures. The importance of broadening the definition of abuse is to help more children and to identify this earlier so that they can be protected from further injury.

While I am here, I wonder if I might read a paragraph from a letter from Dr. Dolin from the Yale New Haven Hospital. He was not able to come himself and has sent a letter some of which duplicates what I've said so I'll not read it entirely although I'll leave it with you. But may I read one paragraph to the Members? This speaks to the point about the Juvenile Court procedure.

"A fifth and very important aspect of the new legislation, is that evidence that a child has been abused or has sustained non-accidental injury shall constitute prima facie evidence sufficient to support an adjudication that such child is uncared for or neglected. This is an important new concept that has recently been accepted in New York in civil rather than criminal cases and protects the child using this principle. This also has, is part of the state law in Colorado. And the importance of this is that this allows the decision to be made about the disposition of the child on the basis that it has been proven that the child has been abused but without having to prove without a shadow of a doubt who was the perpetrator. Very often it's known that it must be one of the parents but there is no witness to say which one and without having to prove that if the child can be shown to have been abused then, a disposition can be made for the protection of the child without having to go through this sort of procedure where without a shadow of a doubt something that can't be done. On the basis of these facts then, I urge you to give a favorable report to bill #388 and to present it to the Legislature with your recommendations for passage."

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Miss Cooper: (cont'd) wishes might at times be avoided. I urge your support and consideration of this bill. And have left a few readings on the topic in case you might have some spare time and would like to pick them up. Thank you.

Sen. Jackson: Would you leave that material with the secretary. Jeanette Dill to be followed by John Trouern-Trend.

Mrs. Dille: Mr. Chairman, Ladies and Gentlemen: I'm Mrs. Jeanette Dille testifying before you today as the executive director of the Connecticut Child Welfare Association, a non-profit, state-wide, citizens group whose sole concern for 52 years has been the updating of services through all of Connecticut's children. We owe allegiance to no state department, no agency, no political party. We speak for those non-voting citizens of Connecticut, its children. I'm here to speak to you today on two bills. I'm speaking in favor of S.B.#388.

S.B.#388 - AN ACT CONCERNING THE CORRECTION OF CHILD ABUSE.

It has the opportunity, offers the opportunity to Connecticut to join those states who are leaders in the field of legislation designed to protect it's children. S.B.#388 is a great step in that direction. This bill for example, directly names the four year old who has been sexually molested as an abused child. Our current law relates only to physical abuse. The bill before you broadens the definition of abuse and offers for the first time a greater opportunity for the authorities to protect children by requiring more persons to report cases of suspected child abuse and by offering immunity to those who do report. No child can be protected. No family can be helped if the situation is not known. There are many more aspects to this bill which deserve your attention but will be discussed in detail by others who are testifying before you today.

The Connecticut Child Welfare Association takes great pride in urging you to act favorably on S.B.#388.

The second bill on which I am testifying today is #734.

S.B.#734 - AN ACT CONCERNING PARTICIPATION BY FOSTER PARENTS IN JUVENILE COURT PROCEEDINGS INVOLVING CHILDREN IN THEIR CARE.

And I am testifying in opposition to this bill as currently written although I do not know that I would take the same position if it is amended as Mrs. DeChello has spoken today. This depends on what actually comes out as a law.

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Mrs. Dille: (cont'd) So I'm speaking today on the way the bill is currently written and in my possession. And I'm authorized by the Connecticut Child Welfare Association's board of Directors to make the following statement concerning S.B.#734.

"The principle implied in this bill is a sound one. Foster parents should be considered as members of a team which make decision relating to children in their care. They have special knowledge about the child and his relation to his own parents. This vital information should be utilized to the fullest. However, to make foster parents an actual party to a Juvenile Court action can only confuse the illegal issue. The only appropriate parties to the Juvenile Court action are the Welfare Commissioner to whom the child is committed and the child's own parents. Foster parents have no legal rights to the child and therefore, have no right to confrontation, cross-examination and representation by counsel as the parties. While I could endorse a policy which permits the foster parent to appear as a witness in Juvenile Court proceedings the Connecticut Child Welfare Association is opposed to S.B.#734 as presently defined in the statement of purpose. Thank you. Any questions?

Sen. Jackson: Thank you very much.

Rep. Carrozzella: Mr. Trouern-Trend.

Mr. Trouern-Trend: John Trouern-Trend, Mr. Chairman, Members of the Committee: I'm an assistant professor of pediatrics at the UConn Medical School and I urge you to consider most favorably #388.

S.B.#388 - AN ACT CONCERNING THE CORRECTION OF CHILD ABUSE.

I would just emphasize a few points that have already come out in the previous discussion that I feel are very important in this new bill. As we are well aware the current legislation on child abuse has several deficiencies which hinder it's effectiveness in helping those concerned with children and their welfare. As a pediatrician, I'm especially in favor of the expanded definition of abuse. I think the restriction of the term abuse to severe physical injury is convenient from the point of view of application of the term but it obscures effect of this part of the wide spectrum of the deficiencies of mothering in appearance leading to problems with the children. This bill also shifts the emphasis away from seeking out punishment for the perpetrator and it emphasizes the immediate and the longer term therapeutic intervention in this pathological situation. From the pediatrician's

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Mr. Trouern-Trend: (cont'd) point of view of particular importance is the provision enabling the doctor to retain the child in the custody of the hospital for upto 10 days and by so doing in some cases we may provide a brief space with the child in safe keeping while the environment is investigated and a petition possibly made to the Juvenile Court. So I would strongly urge you to view this bill favorably. Thank you.

Sen. Jackson: Thank you. Mrs. Mary Langton to be followed by Margaret Worthington? I can't read the name correctly.

Mrs. Langton: I'm Mrs. Stephen Langton, Public Health Social Work Consultant, State Health Department. I'm in favor of substitute bill #388 which Senator Hammer and Representative Griswold have explained because it will promote an increase in the reporting of suspected child abuse by extending to many more people the immunity from suit which will encourage them to report children whom they believe to be in danger from abuse. It also spells out the responsibility of the state Welfare Department for the investigation of reported cases and for services to protect the child while it's attempting where possible to preserve and improve family life for the benefit of the child. This bill also requires the State Department of Health which I represent to maintain a registry of all reported cases. The Department has been keeping such a registry since October 1965 by agreement with the Welfare Department. There are now 603 cases in the register. Such a registry enables the Department to keep track of all suspected abuse cases and to spot incidences of repeated abuse. Physicians can call the Department to learn if the child has been reported and to consult with the Department's Maternal and Child Health staff about the handling of suspected abuse cases. The registry is also helpful to the Department because it contains material which can be used for educational work with physicians and other health personnel to encourage reporting and an understanding of what is needed to prevent child abuse. We hope you will give as favorable report to this bill.

Sen. Jackson: Thank you very much. Will you leave that material with the secretary please? Mrs. Margaret Wothington to be followed by Marjorie Diskey.

Mrs. Worthington: Senator Jackson, and Members of the Committee: I am Margaret Worthington, Protective Services Consultant in the State Welfare Department. And I've been asked to to present the Department's position on S.B.#388.

S.B.#388 - AN ACT CONCERNING THE CORRECTION OF CHILD ABUSE

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Mrs. Worthington: (cont'd) The State Welfare Department recommends the passage of S.B.#388. This bill was recommended after careful study by the Child Abuse Advisory Committee on which the Welfare Department is represented. Section 17-38 (a) of the general statute as presently enacted has provided for the reporting of suspected abuse but has not specifically authorized the services necessary to protect the abused child and strengthen his family. Questions have been raised as to the authority of protective services in the Welfare Department to make an investigation and to give service in an abuse situation. Protective services intervention is sometimes necessary without delay in order to protect the life of the child. Bill #388 mandates this service. The bill also increases the persons who may report suspected abuse and be immune from liability if they report in good faith. As the number of reporters has increased there's been an increase in the number of cases reported as other speakers have pointed out. We believe there's still many cases unreported because not all reporters are covered by the immunity clauses. This bill will protect anyone who in good faith reports suspected abuse. The bill also affords protection to an abused child by permitting a doctor can keep a child in the hospital while an investigation of the home situation and plans for his care are made by protective services. Parents have removed children from hospitals against medical advice - they can't now. And in some instances the child has later been brought back to the hospital dead. Juvenile Court procedures have brought together in bill #388 which will provide further protection for the abused child. The substance of S.B.#250 which Senator Mondani presented and spoke about which removes the privilege against disclosure of communication between husband and wife in abuse cases is included in bill #388.

S.B.#250 - AN ACT CONCERNING TESTIMONY OF HUSBAND AND WIFE IN CHILD-ABUSE CASES.

This is a bill which vastly improves the present child abuse law and we urge your favorable report on the bill.

Sen. Jackson: Thank you. Marjorie Diskey to be followed by Robert J. Stephanchick. Excuse me, just a moment. Anyone who has come in late who desires to speak I would call your attention to the fact that we have a sign-in sheet in the back. If you do not wish to speak but wish to simply register your opposition or approval of certain bills there is a separate sheet back there which allows you to do this without having to speak.

Ms. Siskey: I am Marjorie Siskey, Chief Child Welfare Services

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Mr. Stephanchick: Senator Jackson, Representative Carrozzella, Members of the Judiciary Committee: In the interest and protection of children and as a representative of an agency providing counseling services to adults and children in distress and as the president of the local task force on child abuse in Middletown, I respectfully urge you and the entire Judiciary Committee to bring about the passage and enactment of bill #388.

S.B.#388 - AN ACT CONCERNING THE CORRECTION OF CHILD ABUSE

Passage of bill #388 will have in my opinion positive effects toward the treatment of persons who abuse children and protection of persons reporting cases of child abuse particularly. In addition to that I'd like to go on record as stating supporting all of the testimony previously in regard to bill #388. Without taking more of the Committee's time. Thank you.

Sen. Jackson: Thank you very much. Elizabeth Speigle to be followed by Corporal Hughes.

C. Hughes: Good morning, I'm Corporal Doris Hughes of the Connecticut State Police.

Sen. Jackson: I'm sorry I called Elizabeth Speigle is she here? I guess you can go ahead.

Cpl. Hughes: I'm here today in behalf of Commissioner Mulcahey and the executive officer of our department to testify on behalf of bill #388.

S.B.#388 - AN ACT CONCERNING THE CORRECTION OF CHILD ABUSE.

I'd like to add that I would give my own personal endorsement to this bill. I'll endorse everything that Dr. Leonard, the Chairman of the Legislative Sub-Committee has stated all the other remarks I've heard for bill #388. The Connecticut State Police Department totally endorses the philosophy of this bill, gentlemen and ladies. We would like to point out that the substitute bill has not been furnished to you here today. We particularly would like to point out page 22. of the bill as you have it ...

Sen. Jackson: We do have the substitute bill; it was handed to us in the course of the hearing.

Cpl. Hughes: Does that delete the words, " not to punish parents but"?

Sen. Jackson: In what line are you referring to?

Cpl. Hughes: On page 22.

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Sen. Jackson: You mean line 22?

Cpl. Hughes: Yes, line 22. following the word, "neglect;" We endorse this bill only if the words, "not to punish parents but" are deleted. We see this as, these words as a stumbling block to criminal prosecution in child abuse cases where criminal prosecution is appropriate.

Sen. Jackson: Well, it appears that it has been deleted in this substitute bill which has been handed to us.

Cpl. Hughes: Right, I didn't have an opportunity. Also, We wanted resident state policemen dropped and just state police entered. for the simple reason as I'm sure you're aware of we have many towns in the state of Connecticut which are under original state police jurisdiction but do not have a resident and the agreement was that that was to be deleted and state police substituted.

Sen. Jackson: After you have testified will you then check the bill and if there are any problems we'll give you the opportunity to come back again.

Cpl. Hughes: Yes, I will. We're particularly pleased to see that this bill includes the provisions for the physician to hold the child for 10 days where in his enlightened considered opinion the child is or possibly or probably has been subject of abuse. This has long been needed and been a serious problem in most serious abuse cases.

I would also like to speak against bill #7944.

H.B.#7944 - AN ACT CONCERNING A PENALTY IN CHILD ABUSE CASES.

I would like to point out that we now have two criminal statutes that in my opinion cover the situation, injury or risk of injury to minor children 53-21, which have been retained in the new penal code. And this is a felony of \$500, not more than 10 years. penalty. Also we have the cruelty to persons which precedes this is 53-20 and these two statutes, gentlemen, are sufficient in effect H.B.#7944 would reduce the torture of a child from a felony to a misdemeanor which in my opinion absolutely contradicts what is trying to be accomplished in #388. I'm going to look at the new bill and see what the deletions were made.

Sen. Jackson: Could you do that and allow someone else to testify? We'll give you the opportunity to testify again.

Is Elizabeth Speigle in the room and does she wish to testify?

Mrs. John Malone to be followed by C.R. Zane.

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Mrs. Malone: Mr. Chairman, Members of the Committee: My name is Beverly Malone of Manchester and I would like to speak in favor of bill #388.

S.B.#388 - AN ACT CONCERNING THE CORRECTION OF CHILD ABUSE.

I am first of all a mother of six of Connecticut's younger generation and secondly, a most concerned citizen of Connecticut. Through my association with the Connecticut Child Welfare Association I have become increasingly aware and alarmed of what is and can happen to our children. Child abuse, ladies and gentlemen, simply to repeat these words should be enough to make anyone become alarmed. To learn more deeply just what has and can happen is frightening. To broaden our present child abuse statute can certainly be nothing but a step in the right direction. These children cannot speak for themselves. We must do it for them. I urge you who are in a position at this time to do so much take this step and support this bill.. thank you.

Sen. Jackson: Thank you. C.R.Zane. Raymond Lopas. Did you wish to speak again? Yes, go ahead.

CPL. Hughes: Yes, Mr. Chairman, I simply, Cpl. Doris Hughes of the State Police, I simply wish to confirm the fact that the substitute bill #388 does contain the deletions and substitutions that the sub-committee had requested and that the state police department finds extremely acceptable and we endorse substitute bill #388 without reservations and recommend it's passage.

Sen. Jackson: May I also ask, Dr. Leonard, do you also subscribe to the changes?

Dr. Leonard: Yes, I do.

Cpl. Hughes: Thank you.

Sen. Jackson: Thank :you . Raymond Lopas. Dr. Rowley.

Dr. Rowley: I'm Dr. Rowley. I'm chairman of the State's Academy of Pediatrics and head of the Children's Outpatient Department at the Hartford Hospital. I'd like to read a statment of support of bill #388.

As Chairman of the Connecticut Chapter of the American Academy of Pediatrics representing 200 pediatricians and Director of the Children's Outpatient Department at Hartford Hospital, I strongly urge the passage of S.B.#388, an act concerning the correction of child abuse.

This bill

This bill strengthens institutions and professionals ability to more rapidly and justifiably handle cases of suspected or

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Dr. Rowley: (cont'd) known cases of child abuse. It strongly emphasizes the philosophy of the supportive rather than the punitive approach to correction of the problem of child abuse. Reporting to a single agency, the Welfare Department and their Protective Services Division, also strengthens the bill preventing fragmentation and diffusion of authority and subsequent loss of continuity of care.

On Page 2 of the bill in the description of kinds of reportable injuries, I would respectfully request the committee to consider amending the present bill and add the term "emotional deprivation" after the word "malnutrition" so that the first three lines of Page 2 would read:

1. ... at variance with the history given of them, or is in a condition which is the result of maltreatment such as but not limited to malnutrition, emotional deprivation, sexual molestation, deprivation of necessities, or cruel punishment.

Sen. Jackson: Can you tell me your definition of those two words?

Dr. Rowley: Of emotional deprivation? In essence it's lack of mothering and mother love. Now, one of the things that we have experienced in our comprehensive infant clinics, especially for those who are underprivileged, is a considerable degree of emotional deprivation or lack of mothering. A mother can be, wash her baby, clean her baby, feed her baby and simply leave it in the crib. It's one of the most subtle and academic type of deprivations that occur but it also can be one of the most devastating. It can lead to mental retardation.

Sen. Jackson: I was going to ask how can you prove this?

Dr. Rowley: You can prove this by following various testing methods on a monthly or six monthly basis. And this is what we do and these are some of the tests that are beginning to show some of these things up. One of the most common tests that is used for this is called the Denver Developmental Screening Test. And it has a very marked inhibitory effect on infants development if there is no mothering or love. For instance, these infants come into the clinic and you cannot understand why they don't smile or they don't reach out and grasp. Why they don't follow their normal developmental milestones. Here you've got a baby that's fat and completely clean, apparently a fairly good nuclear family situation. And yet, the baby is just not developing.

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- Dr. Rowley: (cont;d) And there's no history of any birth injury or trauma. We will then take an infant like this that we feel is suffering deprivation and put it in the hospital for three or four weeks where several or one particular nurse and maybe two other nurses are assigned to that baby's care to give it real love and it's just remarkable what you see happening with an infant of this nature. And I didn't cite two or three instances, one of which I've recently testified before the Juvenile Court that they ought to have the child removed from the home. And once you actually the baby into a different situation they just blossom. And we are ...
- Sen. Jackson: Is it possible, Doctor, to have this emotional or let's say the tests would show up but you would appear to have this lack of the mother's love but would there be anything else that would also cause the negative reading on these tests?
- Dr. Rowley: Yes, the Denver Developmental Screening Test is simply a test of general motor milestone and it could include other causes. If there were brain injury and if there were severe infection of the brain such as in spinal meningitis. These also will cause poor development and would not be related to child abuse or emotional deprivation at all.
- Sen. Jackson: Then, wouldn't we have a problem as far as ...
- Dr. Rowley: Well, I would hope that you have physicians and who would be able to distinguish between this but the investigative agencies, detective services and our own social services team workers would make an attempt to make this. I don't think it's that much of a problem.
- Sen. Rome: It could be so subjective that three physicians and prove three different things.
- Dr. Rowley: I don't think so. I don't think it would be that hard a decision to make. The mothers that are depriving these children on an emotional basis are women and mothers who have definite problems of their own and we can almost predict this in a way by the way the mother reacts. Now, the mother herself may have a severe mental depression herself and have a lot of mental problems and so that she doesn't pour any love into the child. She is already in terms in need of help and is probably getting help and this respect.
- Sen. Jackson: Don't you feel that the mother is in need of help herself that then adding to her burden by pooling this is one of the factors that would be considered.

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Dr. Rowley: (cont'd) No, it'd be helping the mother. We would like to try to support the child and support the mother. And give the mother help in learning how to love her child. And in some instances it is very easy to do. We have some mothers who may be a little bit frightened about their babies and we can teach them not to be frightened and to really love their child.

Sen. Rome: Under the present wording which is not limited to the following we have an all inclusive definition. If your case of emotional starvation is very serious it comes under the present wording.

Dr. Rowley: It probably would except that I think that it gives a great deal of added meaning to the bill. Particularly as far as current philosophy is concerned on the care of infants and children. I'm not going to argue the point really. I just think that when I read the bill I felt that this was just one of the mild weaknesses of it. I think it's a very good bill. Now, I'm confused about this bill because one that I was handed had one recording agency to be involved. It's obvious that you all are discussing now reporting to the state police, the Health Commissioner, the State Department of Health. In our own using the mechanics of such a situation, I feel that this weakens the bill. And then, I hear there's a substitute bill. I don't know whether the substitute bill contains a single agency to report to or a multiple agency to report to.

Sen. Jackson: I haven't had a chance to read the ...

Dr. Rowley: Well, I would just like to state that a single agency would be used rather than a multiple agency. This, I think, would prevent a good deal of fragmentation and diffusion of the follow-up care, particularly. It's always easier for a hospital to or an agency to work with a single agency rather than multiple agency. The other factor that's in a multiple agency problem is that in our dealing with these families as they perhaps may come to an emergency room they may be very hostile and aggressive, particularly against police and the police authority. So that we make an effort and trying to get the police out of the picture if we possibly can. Because the families associated the police with a punitive agency. They're not but they are associated this way. Just can't - it makes it somewhat difficult for us to handle the family if the police - and it's not just the state police but the local police are involved. I would like to just add that. Thank you.

Sen. Jackson: Thank you. Mr. Heald.

Mr. Heald: It's Ernest Heald, Director of the Juvenile Court,

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Mr. Heald: (cont'd) 2nd District in New Haven. I'd like to speak favorably on #388.

S.B.#388 - AN ACT CONCERNING THE CORRECTION OF CHILD ABUSE.

And support these statements that have been given here this morning. However, I would like to point out that on line 59 and 60, the hospital and the doctor are given some very broad powers regarding holding the child where they suspect abuse. And I support that strongly. On line 70 and 71, in reference to the Commissioner of Welfare, it says he shall take such measures as he deems necessary to protect the child, including but not limited to the removal of the child from his home with the consent of his parents or guardian or by order of the Juvenile Court. I would like very much to see that strengthened to the point where the commissioner could for 48 or 72 hours take the child from it's home without the parent's permission, pending an order of the Juvenile Court. The practical problem here is that on a Saturday morning or late Friday afternoon or the middle of the week at 11:00p.m. they cannot get an order from the Juvenile Court. The Commissioner cannot get an order from the Court without a Judge. And what I'd like to see is the bill strengthened so that the Commissioner could for some limited period of time take the child without the parents' permission or consent pending an order from the Juvenile Court. So I wanted to make that point.

On #6882, which I haven't heard spoken to this morning.

H.B.#6882 - AN ACT CONCERNING CONFIDENTIAL COMMUNICATIONS.

No guidance counselor, school psychologist, etc. should be required or forced to testify on information in a privileged communication between he and a student. The principle, I'm in no way opposed to, I would point out that the Juvenile Court already has in its statute the authority to request and demand school report information. I would hope, I would also point out that psychological or medical information we get as the bill indicates by consent of the parent in any case, but general school information I would hope this would not be prohibiting the Court from getting school report information. I simply wanted to make that point. Otherwise, I would again reiterate I very strongly support #388.

Thank you.

Sen. Jackson: Thank you. Is there anyone else who wishes to speak? We've run out of speakers on the speakers list.

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Dr. Leonard: (Again) I'm Dr. Leonard from New Haven. I'd like to comment on both of the points that he made that seem to be at issue about bill number 388. One had to do with the reporting to three separate agencies; to the Health Department, to the Welfare Department and to the Police Department. I'm in agreement with him in philosophy that it would be much simpler if all the reporting went to one agency and this I discussed with Senator Hammer and she discussed with Attorney Brown in drawing up the bill. In actuality, this is what happens now. When the first bill was drawn up all three agencies wanted to be involved and the Legislature saw fit to include them all three in the final bill rather than to make a decision between them. But as guidelines have been worked out between the three departments almost all the reports now do come to the Welfare Department and the other two Departments are kept informed because these reports are on triplicate form. So that in essence what happens is that it is sent to the Welfare Department. However, Senator Hammer ascertained that if the other two Departments were taken out of the bill it was not clear that people who happened still under the old understanding to report to the police or to the Health Department would still be immuned and they felt that it was important to leave those two in in order to protect the immunity of anyone who reported.

As to the other question about emotional deprivation, I also agree with Dr. Rowley, that this is a very important part of serious abuse to children and as a person who works in child development I work a great deal with this kind of child. But I do think it's difficult to define and define under law. And the inclusive nature of this definition is such and broad enough since it's not limited to these specific things that it can include it. I also think it's important for those who are considering the law to realize that if a mother is reported with the idea that the child has been emotionally abused this is not a punitive action being taken but what will happen as the bill states is that someone from the protective services Department of the Welfare Department will go in to see what the problems are. And this can lead to help not to punishment. I do think it can be included as is without having to be specified since it's a hard thing to define in legal terms.

Sen. Jackson: That was quite obvious. Also, Doctor, I have one question. What is your opinion on the last speaker's request to allow the Juvenile Court to take the child without the consent of the parent for 48 hours.

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Dr. Leonard: As I understood it was the Commissioner of Welfare that was the request that the Commissioner of Welfare could take the child from the parents' home for 24-48 hours pending the ...

Sen. Jackson: Well, he was talking about an order of the Juvenile Court. What I'm getting is the question if the parent does not consent then, you'd have a right to take it out without - you know, for 48 hours.

Dr. Leonard: It's a little hard to give an opinion of that quickly without thinking through all the implications. It's easier for this to be done through medical channels. If the child is brought by the parents to an emergency room and the situation is one that is cloudy as to how the child's injuries came about there are medical facilities there to take care of the child. There are beds, there are nurses. The child can be cared for safely and give a cooling off period. The Commissioner of Welfare would work in this way through his representatives who would be members of the Protective Services in a local district. At the present time they do not have the jurisdiction to go into a home unless the door is opened. So that I'm not sure how this could be implemented. I can agree that it would be helpful if someone reports that a child is being beaten unmercifully it might be helpful for someone to have that privilege but at the present time the Protective Services worker can be admitted only if the family is willing to admit him or her. I understand they have very good ways of establishing good reports but this would have to be thought through very carefully by members of the Welfare Department as to whether it would be feasible.

Sen. Jackson: Thank you. Cpl., did you wish to speak again?

Cpl. Hughes: Yes, sir. Cpl. Hughes of the State Police, Detective Division. I'd like to address myself to this question of the practical aspect of what happens to the child when there has been an assault committed on the child. Now, I say assault because I want to leave it broad in the sense that it can be a physical assault, a beating or sexual assault. Now, we would be definitely in favor of the Commissioner of Welfare having the power to remove the child for a limited period of time. We would be in favor of the Commissioner of Welfare but only if it was a stated limited period of time. And the reason why I qualify it, gentlemen, is because in practice you very often have a 21 year old social worker and this is no way a reflection on the Welfare Department but we feel that the physician in the hospital is competent to make the decisions and we feel that in general certainly the state Welfare Department is competent. Our only reservation is that a very young either police officer or social worker with very little living experience and perhaps very little

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Cpl. Hughes: (cont'd) work experience to be allowed to make a decision that would be binding for longer than a period, say 48-72 hours. We feel that there should be a limit for the protection of the citizen, protection of the parent so that a child simply be removed without at least probable cause. We know what happens when our officers go in. We don't know what happens when other officers go in. We feel that there should be definite limits on this type of removal but in my experience of 15½ years working in the Hartford area there have been many times when we have desperately needed this. Now the child may not always show physical injury that permit you to get admitted to a hospital, unless you're friendly with a doctor and take him over to a corner and he still has to account for his board of directors and so forth so that it's not always practical. I'd like to point out on e other aspect of this bill.

In (g) line 83, it states that: " the Commissioner of Welfare shall transmit copies of said report to the Commissioner of Health who shall keep a registry thereof. Such records shall be used to identify repeated cases of child abuse."

Now, there has been a deletion there that I would like to bring to your attention. I would not be wholly in favor of this deletion. And the deletion was from the original bill, " identification of perpetrator".

Excuse me, it's line between 57 and 58 on the original bill: "Such report shall contain the names and addresses of the child and his parents, or other person responsible for his care if known. The age of the child and nature and extent of his injuries together with any evidence of previous injury or maltreatment to the child or his sibling and any other information which the reporter believes might be helpful in establishing the cause of the injury or injuries and this has been deleted and we would like to put it back in and the "identity of the perpetrator".

This is deleted from the substitute bill. We would like this wording to be left in or replaced into the bill. I would also like to point out that under (g) if you continue from page, line 93 of the old bill that you have before you: "such records shall be used to identify repeated cases of child abuse. They shall be confidential, subject to such regulations as the Commissioner may adopt to permit the use to prevent or to discover the abuse of children through the information contained therein. Now, it is our understanding that we have that we have access to this information and I'm wondering if perhaps, while we have a workable agreement with the Welfare Department at this time, if the policy of the Welfare Department should change then, the police throughout the state would

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- Cpl. Hughes: (cont'd) not be able to consult this registry to find out if the man that they have just arrested for beating a child has ever beatten one of the children befor e. As the bill reads now it's strictly subject to the Commissioner of Welfare and his decisions. And we wonder if perhaps, "shall be confidential" should be followed by " among state agencies".
- Sen. Rome: I dont' read it as you do. I think, it says that, " as the Commissioner may adopt " I think, the regulations are what he may adöpt. I think that's going to set out how he provides that information. I think that it's implied that at least, that he's going to adopt regulations regarding the separate agencies. He's pretty much required to do so. Maybe I'm wrong.
- Cpl. Hughes: You mean you feel that he's going to adopt regulation as to the confidentiality and not exclude the police?
- Sen. Jackson: I would think the legislative intent would be to give an action...
- Cpl. Hughes: Fine, that's what I wanted to hear you say, gentlemen. Thank you very much.
- Sen. Jackson: Is there anyone else who wishes to speak?
- Mrs. Worthington: I wanted to speak to this gentleman's suggestion that Welfare workers be power to remove children who may be abused without the consent of the parents or the Court order. The police have this authority already to remove children in danger to protect the life of children. Our workers sometimes have to ask help from the police in real emergencies which are extremely seldom. Generally, the parents are willing to give us the permission. Judge Gill has told me that as any citizen seeing a child in grave danger would remove that child a worker would have the authority to do that. But we would immediately seek permission of the Court for custody of the child. And as far as I know we never have been unable to reach the Judge. Day or Night. So I don't think it's anything that needs to be included in the law. I'd rather not have it in the law.
- Sen. Jackson: Thank you very much. Thank you very much, Ladies and Gentlemen, we appreciate your attention to the problems and we will now declare the hearing closed.