

Legislative History for Connecticut Act

SB100	PA 251	1974
SENATE	1802	1
HOUSE	S336-5341	6
CORRECTIONS	153-155, 158-169 (62), 166-169	11
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

JOINT
STANDING
COMMITTEE
HEARINGS

CORREC-
TIONS,
WELFARE &
HUMANE
INST.

1974

SENATOR HELLIER: As I understand your comments there may still be a need for clarification of this legislation if the courts rules one way, if the court rules the way you and other attorneys feel it probably will, there is no need for the bill at all, is that correct.

MISTER DOERMAN: That is correct sir.

SENATOR HELLIER: But, however, with the deadlines we have during this session, if clarification is going to be required to statutory action this committee will have to give a joint favorable report on the bill by no later than 5:00 p.m. on the 27th. Which is of course next Wednesday. And we will actually be making those decisions next week. Next Monday or Tuesday. It does not mean necessarily that it will have to be taken up on the calendar but it will have to be reported out of the committee. I can assure you that we can keep it from going on to the floor but we will have to get a report on its final words by next Wednesday which means that we will need your clarifying comments today on or no later than Monday to our attorney Susan Halperin. If that can be done I think we can satisfy all problems and take care of the action.

COMMISSIONER NORTON: Mr. Chairman, I am Nicholas Norton, Commissioner of Welfare for the state of Connecticut, and I would like to comment on SB. 100, SB 395, HB. 5043, HB 5673.

SB. 100, Mr. Chairman, AN ACT LEGISLATION PERMITTING THE TRANSFER OF CERTAIN CHILDREN'S SERVICES FROM THE WELFARE DEPARTMENT TO THE DEPARTMENT OF CHILDREN AND YOUTH. I support that transfer wholeheartedly. We have supplied to your committee, along with the enabling legislation proposed contracts between the welfare department and the department of children and youth services which would implement the legislation. The legislative package and the contracts have been developed cooperatively between the two departments with the assistance of attorney briefs we believe to be experts in this field as well as experts in the law, it has been reviewed conscientiously by your staff and by the budget division and some changes have been made to satisfy the concerns expressed by both of those departments.

I would like to comment about our present program. Primarily with respect to quality as I see it. Quite often I think the general label of protective services is attached to the whole range of children's services provided in the welfare department and in fact the title of this bill uses that expression in the department. We actually use two different expressions to describe two rather different programs for protective services by our definition is the program of caring

for children and their family in their own homes after there has been a report of suspected or actual abuse or neglect. In an effort to correct the problem in the home. If the child does not have to be removed from his family. Unfortunately it happens that we do from time to time have to be removed and then because our social workers after a careful investigation and very diligent effort to get the families straightened out find that it is not possible for the child to be safe at home and we petition the juvenile court for a commitment of the child or children, to the welfare commissioner. If that commitment is made, the child then comes under the supervision of the different program then in the welfare department called Children's Supervision. In which social workers provide the placement of the child, in some other living arrangement.

There are generally three forms of living arrangements. Foster homes, Children's Institutions, or group homes, we have approximately 7,000 children now being cared for in both programs that is 7,000 children being cared for in their own homes while we are trying to straighten out the families. 7,000 being cared for in alternate living arrangements.

Although we have 7,000 children who are in alternate living arrangements only about 5,000 of those children representing cost to the state because there are 2,000 who are living with relatives or with their own families because although they are committed to us they probably had been for some period of time in foster care or other kinds of alternant care, enough progress has been made so they have been able to go back to their own family. Although still committed to me. We do sometimes go to court for revocation of the commitment but we also sometimes continue the commitment until the age of 18. Even though the child may return to his own family. So the 5,000 children for whom there is an expense we are now spending at an annual rate of eleven and one half million dollars each year. Of the 5,000 children about 4200 are in foster care and about 800 are in what we call organizational care with in group homes or institutions. The cost the state incurs averages \$140. per month for foster care, and \$600 for institutional care.

During this past year, we increased the rates for both the childrens institutions in which we deal by at least 10% and about one and a half years ago we increased the rates for foster care by in excess of 20% when the Governor has recommended to you that my budget for this program be increased this year for fiscal '75 by \$217,000 in order to permit an

additonal 5% increase in cost of care rates. We believe that the rates will pay for these types of care are adequate and appropriate and we adjust them as the need arises based on information that we gather from the various groups from which we purchase services.

What is most important to me is that no child comes to the attention of the welfare department goes uncared for. At least 5,000 children are in excellent caring situations for which we make an adequate payment and we have rarely failed to find and adequate kind of care to meet the needs children for whom we are responsible. We have a very strong commitment to giving adequate care and to pay for it. In my opinion we have done an excellent job in both of these programs and one statistic in my opinion does the best job of portraying success of the welfare department since 1965, when we were first by statute given the responsibility for protective services.

In the last five years there has been a 28% increase in the number of children committed to the welfare commissioner. The cost of that reduction is the ability of the welfare departments staff to provide protective services in the home. But the child does not have to be removed from his family. Therefore, he does not have to be committed. In making the transfer we will be transferring to the department of children and youth which is well able to administer this kind of service, a set of programs of children which in my opinion is very excellent.

In respect to SB. 395, which would study, the transfer of psychiatric department of mental health, I am opposed to section 1, Mr. Chairman, solely because section 1, expresses an intent. It changes the character of this bill in my opinion, from its title which calls for the establishment of a commission to study into a specific and by implication final act. In which the legislature is called upon to express its present intent. That these services be transferred.

I oppose that, Mr. Chairman, because of my concern as to what in my mind is some unanswered questions about how programs for children can be administered.

In the welfare department, now, with the exception of a small diagnostic center, Windsor Locks, which houses no more then 80 children for the purpose of permitting the welfare department specialists to determine in some difficult cases what kinds of alternate care would be most appropriate. The welfare department does not manage or directly provide services for children. It purchases no service

create hardship in the family. We intend to be conscientious and reasonable about that limitation but we will not reduce the award so much that it will create a hardship on the family. In fact, it would take longer to recover an overpayment when we use the reduction of the award as the means of doing it, then our former system of completely removing the mother from the welfare. We think that that is appropriate.

For several years, the central collections division has been charged with responsibility for overseeing if you will, the handling of overpayments in the welfare department. In my opinion it is entirely appropriate that there be a second agency which has that responsibility for assuring that the welfare department is making a proper decision on overpayments. The general thrust of the changes in the legislation which Mr. Rourke has or will present to you, is to continue that responsibility on the part of his agency and to make it possible for his agency when it reviews our overpayments, to choose amongst three options for disposition. One is prosecution, when there is apparent evidence of fraud, another is to refer for civil recovery and the third under the new legislation and the new Federal regulation would be to revert back to the welfare department for recoupment of recovery by way of reduction in the welfare award.

I urge you, Mr. Chairman, to give a favorable report to HB. 5673, with the amendments proposed by Mr. Rourke, and I urge you also to give a favorable report to SB 100, transferring childrens services from welfare to children and youth, I don't believe that 5403 is needed and I urge you to change SB 395, in order to make it less restrictive and more broad. Thank you Mr. Chairman.

REPRESENTATIVE WESTBROOK: A question on Comm. bill 100, this bill is loaded with the phrase or his designee. In my way of thinking I would like to be a little bit more specific could this bill be written more specifically in that or his designee?

COMMISSIONER NORTON: Mr. Chairman, may I have Attorney Breetz speak on that question?

ATTORNEY BREETZ: Representative it could be written more specifically, let me explain the philosophy that went into drafting it the way it is.

As I have pointed out to a number of other people, the actual transfer that would take place with the services is shown only as the tip of the ice burg in this legislation. The contract itself, that is the crucial docu-

ment in transferring the services. The reason we have to do it that way is because a Federal requirement that there be a single state agency at the state level that receives title 4a funds. It is for that reason that the contract makes very clear who the welfare departments designee is going to be. That is going to be the department of Children and Youth Services in every instance.

I think that Commissioner Maloney may want to speak to the question of why we put it in this format. We don't want to saddle any department with statutory obligations unless it is absolutely necessary and unless the dollars are there. We think that this form reserves some flexibility while we can tie it down in the contract and in my judgment that is the soundest way to do it.

REPRESENTATIVE KABLIK: One question, would you be able to get away with this as far as the Federal regulations are concerned or don't you have to be more specific from what you have just said?

ATTORNEY BREETZ: We recognize that we haven't completely, the Federal government hasn't said yes or no to us yet. We expect to discuss it within the very near future to the extent they have any difficulties they would like to be able to solve their problems but they haven't raised that question to date.

REPRESENTATIVE KABLIK: Just one more comment that I would think the commissioner would really like to keep the control in his office or to be more specific about this, these really.

COMMISSIONER NORTON: Mr. Chairman, in my judgment the question is in the legislation will not have a bearing on whether the Federal Government approves or disapproves of this approach. You no doubt have heard, and I know many have, that the Federal Government is opposed to this transfer. In my judgment that that is correct concerning some of the bureaucrats in HEW, who have said to me personally that in their opinion it would be far more suitable if the department of children and youth were transferred to welfare and the other way around. It is my judgment that those are the words of welfare bureaucrats who want to hold onto the welfare empire and do not represent the thinking of sound people who take a balanced view of how to develop human services.

I have talked with the regional HEW director and I have talked with the highest authorities in Washington in welfare administration and I have been given a great deal of encouragement that they would accept this approach. I realize that there is a risk that their attorneys may overrule but I think that they will do their

best to get an opinion from their attorney's which will permit us to go forward with this approach.

REPRESENTATIVE WESTBROOK: Just in closing I would say generally speaking, if you know who the designee is its better to put it in the bill then to leave it out.

COMMISSIONER MALONEY: Thank you Mr. Chairman, I am Francis Maloney, Commissioner of the Department of Children and Youth Services, I would like to address myself to two or three of these bills if I may sir.

First, Bill number 100, and as Attorney Breetz and Commissioner Norton, has indicated we are working closely on this bill. I would like to say that I am not happy with the prospects of transfer of being done through purchases of service. I don't think that the Commissioner Norton is either, however, due to the question of the potential loss of Federal dollars we have to deal with this fashion.

I would much rather see a clear cut transfer of services and responsibilities. Both for the sake of the Commissioner of Welfare and Commissioner of Children and Youth Services. However, we are endeavoring through this contract to purchase the service which we are aware that other states have done, Rhode Island. We will naturally watch these contracts very closely as to what is included because there are a lot of things at stake here and most importantly the lives of these children.

For example in the section that 2, where it talks about the transfer of the various powers of the titles it also mentions including licenseing and I have written a paragraph note in here saying I hope that includes rates. Now I don't take unridgid anything Commissioner Norton has said about his rate setting but I would not expect him to have to live with rates that I set. It may be just an agreement. I do not want the responsibility of dealing with these children if I cannot clearly carry out the responsibilities. That is a key operation right there in itself. I think we will address ourselves to it. I think the committee certainly understands that unless there is a contract there isn't any transfer. This is what the two commissioners are bound by, this is what we have been dealing with: I certainly favor bill 100 in lieu of any other viable way of getting off with working with these children.

On bill #395, I favor the bill I do not have the same fears and section one that Commissioner Norton has expressed and he and I have talked about this. I would say I could argue from his standpoint as well as he did or I could argue from my own standpoint of my past experience has been that to have the money and power

and ability to speak out vote I certainly want that but I begin to wonder if they won't in fact, be out voting the commissioner most of the time. Maybe that is good tonic for the commissioners but I wonder if that would then mean that six public members were controlling the operations of the state departments. I think you being a member in the past council know what I am referring to but all commissioners don't agree and that is really the way it should be if necessary. I wonder if, I would guess that maybe the six public members could get together I suppose much more readily then perhaps the

I will not oppose the bill on that basis but I throw that out for the wisdom of the council and committee to consider. Thank you.

CHARLES ROURKE: I am Mr. Charles Rourke, Director of Provisions and Collections. I will speak on three bills today if I may, SB. 100 to which Mr. Norton spoke earlier does raise some questions in my mind under the child welfare laws particularly chapter 301, of the general statutes, there are statutory responsibility placed upon our agencies to where we must bill and collect. From either the parents and/or the children for whom certain services have been rendered. Those people and under the commitment child program, where we bill for the those children committed to the state welfare commission we wonder if the transfer of all guardianship of April 1, 1975, wish clearly states that the commission of youth services are guardians of those particular children. If that in fact is not now mean that there will be no effort made to bill and collect from those responsible people who care for those children.

Representative Curtis is now chairing the meeting.

ROBERT MELANDAR: Commissioner Johnson is here from Mental Health Department, and I wonder if I could defer to him and he has some briefs.

COMMISSIONER JOHNSON: The department did want to speak in favor of the principle of bill 395. However, we have the same concerns that Commissioner Norton has about the wording of section 1, relative to the intent to appoint a commission. It would sound to us as if there is a hypothesis rather than a pure finding and that the commissioner is charged to validate the hypothesis. We would be much more comfortable seeing the commission evaluating the merits of such a transfer within the indices that have been listed. Rather then starting with an opreory intent and having a commission validating it. There is a great deal of merit to the ambitious charge to the commission. I also have certain reservations about whether they can accomplish all of that

We are in the van-guard yes, but we are certainly in step with the times.

I would also agree with Mr. Melandar, and this comes as a minor reservation I have about this, that I would like to see the public members increased from two to perhaps four or something like that and I think that if that were done that there is in response to Sen. Hellier's comments resources of public interest around the state people who could be enlisted to work on the problems that of caring out the instructions of this bill and certainly it is a broad charge that a lot of hard work to be done in here. I have been to some of this before and I looked at this and I was a little bit stunned particularly where it says such plans shall include but not be limited to the following areas, and I was delighted at seeing that section in there to as a matter of fact and not be limited to, I thought boy there is work to be done in there but by God lets work and get it done.

NORMA SCHUTZ: Rep. Curtis, Sen. Hellier, and members of the committee, I am Norma Schutz, speaking for the Community Council for the Capitol Region which is a non-profit Planning Agency for Social Services in this 29 town area.

I have a policy statement here on Consolidation of Children and Youth Services which I will leave with you and not read because there is much historical information in it. I will say that the establishment in 1969, of the department of Children and Youth Services was the first step in the direction of improving services to children. There must be, we believe a single department which can respond to a variety of needs in a child. This department must have adequate finances for a professional inter-disciplinary staff and resources to resolve the child's problem.

We support the transfer of protective services in child supervision services from the department of welfare to the department of Children and Youth Services. We also support the transfer of Mental Health Services to children from the department of Mental Health to the department of Children and Youth Services with a properly financed studies on the ways to meet such a transfer. We believe that much of the ify if you will ify work that has already been done by a variety of other services including the commission on Human Services, Council on Human Services and the earlier study on children. 100

The proposed consolidation effect the system of services to children and could but does not necessarily effect the quality of those services which is our major concern. Therefore, these caviats. The comm-

Commissioner of the department of Children and Youth Services must not be hamstrung in his efforts to pursue any available federal funding or adequate state appropriations for his enlarged departments proper functioning.

While we reluctantly accept the proposed purchases of services arrangement between departments of the state government this should not preclude we feel a concerted effort to change the social security law to eliminate the requirement for administration of a single state agency. Purchase of services between departments of the state government is unnecessarily complicated. Implicit in the support of position we take on the transfer of services is that a mere transfer with that improvement in the quality of these services and adequate funding for them will serve no purpose.

I would like to point out that in Section 2 of SB100, the commissioner of Children and Youth Services is given "all liability and responsibility for children not now under the guardianship of the welfare department. There is some vagueness which I presume Attorney Breetz has explained I hope, in section 1 as to exactly which children, which programs staff and which funds will go to the commissioner of department of Children and Youth Services.

To sum up our position, we support the transfer of as a step toward the consolidation of services to children. We see the need for much improvement in the quality of these services being transferred and we urge an increase in funding for these services.

MRS. AMBER: Thank you Madam Chairman, my name is Mary Amber, I am speaking for the Connecticut Council of Churches, simply to say that I am very much in favor of 5673, it is good to hear the commissioner of Welfare this morning say that taking mothers off welfare for fraud is too stringent a step. We would certainly approve of that stance that is being taken as a good step forward toward a humane approach to the people who are suffering under the poverty conditions which they may be living. Thank you.

MRS. ADNOPOZ: Thank you Rep. Curtis, I am Mrs. Robert Adnopolz, President of the Board of Directors of the Connecticut Child Welfare Association, and I am going to be testifying for you this morning on three separate bills.

The first bill on which I will speak is CB. 100. On March 12, 1974, the Board of Directors of the Connecticut Child Welfare Association, voted unanimously to make the following public statement.

The Connecticut Child Welfare Association urges the

transfer of Children's Services from the department of public welfare to the department of Children and Youth Services. With the growing public demand to consolidate services to and for children, this first step offers the opportunity to lift the welfare label from our abused, and neglected children to place in full public view the current delivery of services through protective services, foster care and adoption and to strengthen those services that effectively and efficiently. The Connecticut Child Welfare Association eagerly awaits the public release of concrete plans for the transfer and for the proposed services to our children.

It is our understanding that the committee bill 100, makes the technical amendments required in order to permit the state of Connecticut to continue to receive federal funding and to contract all children's services to the commissioner of Children and Youth.

While we are not in a position to analysis the technical intricacies of the required by this shift we have confidence in the drafters and in the study that we know has gone into the bill. And therefore, we urge a favorable report.

If I may I would like to testify on CB. 395, and unfortunately we were not aware until yesterday that this bill would have a public hearing today and while we understand the problem from the committee and relationships to the deadlines we feel that this piece of legislation is of such crucial importance that it should have a full public hearing and sufficient notice to all interested persons.

We are aware of many groups who wish to be heard on this subject and just did not have adequate time to prepare. In general CB 395, appears to be consistent with the historic position of the Connecticut Child Welfare Association in urging the consolidation and coordination of services to children in the state. For this reason we would urge you to make a favorable report.

Finally, may I testify on CB. 5529, although we are somewhat puzzled by the difference between the title and the stated purpose of the bill, our testimony reflect our decision to testify on the stated purpose as opposed to the title. We urge a favorable report by your committee on this bill as it represents the legislatures willingness to commit the money, visibility, and prestige of commission status to the study of a vital phase of the states care of the children.

MR. O'CONNELL: Mrs. Curtis my name is Mark O'Connell, I am

President of the Council of Human Resources which is a organization in Southeastern Connecticut which is made up of between 125 members. Concerned citizens and professionals in the human services field who are trying to identify some of the issues which we think are important at this time and become informed on them and take positions on them.

This morning I would like to speak in favor of CB. 100, 395, and 411.

Specifically, in reference to bills 395 and 100 just like to endorse the concept of those bills because I think they lead us in a direction which protects the interests of the children of the state of Connecticut in terms of being treated as a whole person.

One of our collective and one of my personal concerns is the question of children's rights. I don't think it is stretching it to say that I feel in some way the rights of children are not best represented or recognized by a system which treats them in separated parts when in fact the same child maybe suffering from some other problems that the individual state agencies are dealing with. I think the organization with individual services under one departments a department gives the state an opportunity to have someone speak in behalf of the interests of children. I think that is the principle we are endorsing.

In reference to CB 411, I would like to say while I am sure the Attorney General ruling is constitutionally correct, and I respect that I am none the less disapointed that we are going to be losing people like Sen. Hellier from that council and I am concerned that the council is not moving as rapidly as it might though the task isn't easy, and I am also sorry that to see some of the people who I think are leading at best have to leave. The only solution which seems to make any sense at all is the solution represented in 411 which calls for the inclusion of public members on the council. We would support that wholeheartedly. Thank you.

COMMISSIONER NORTON: Madam Chairman, I would like to remark that I fear my earlier testimony on SB 395 may have been misconstrued to the intended to suggest that we have to have perfection and nothing else. That was not my intent. My intent was to express my personal belief that there is a likely hood that another way of organizing the responsibility of the state for children is being carried out.

I would also like to ask if I could beg your indulgence for a remark for 30 seconds on new material that I have presented to your committee on a different matter

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PROCEEDINGS

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Committee's favorable report and passage of the bill.

Mr. President, this would provide to the municipalities where a licensed gaming facility is located one-quarter of one percent of the betting handle that is derived as a result of this activity. The purpose of this, I think, is an equitable one and that is to compensate the municipality in part for the increased costs which will result from this kind of activity. I think it is a good bill. Many other states that have gone into gaming have given their municipalities a piece of the action, so to speak, and in fact, New York gives a much larger piece of the action than this, but I think this is good for a starter. If there is no objection, I recommend that it be placed on the Consent Calendar.

THE CHAIR:

Thank you, senator. Are there further remarks? There being none, the question is on transfer to the Consent Calendar. Are there any objections? There being none, it is so ordered.

THE CLERK:

Page 13, Cal. 520. Substitute for Senate Bill 100.

THE CHAIR:

Senator Hellier.

SENATOR HELLIER: (18th)

Thank you, Mr. President. Substitute for Senate Bill 100, AN ACT TRANSFERRING CHILDREN'S PROTECTIVE SERVICES FROM WELFARE DEPARTMENT TO DEPARTMENT OF CHILDREN AND YOUTH SERVICES.

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May 3, 1974

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of the House if at all possible this afternoon. We have a great deal of business. The machine will be opened. Has everyone voted. The machine will be closed and the Clerk please take a tally. The lady from the 61st in the affirmative.

ASSISTANT CLERK:

Total Number Voting.....	130
Necessary for Passage.....	66
Those Voting Yea.....	128
Those Voting Nay.....	2
Absent and Not Voting.....	21

THE SPEAKER:

The Joint Committee's Favorable Report is accepted

and the bill is PASSED.

THE CLERK:

Returning to your Calendar, top of Page 7, Calendar

735, File 522, Substitute Senate Bill 100, An Act Transferring Children's Protective Services From Welfare Department to Department of Children and Youth Services.

Favorable Report of the Committee on Corrections, Welfare and Humane Institutions.