

**Act Number:** 09-185

**Bill Number:** 5421

**Senate Pages:** 5673, 5701-5703

**4**

**House Pages:** 6065-6076

**12**

**Committee:** Children: 493, 494 Human Services:305, 307-309, 62  
323-324, 327-334, 336-345, 348, 360-361, 367-371  
388-396, 463, 467-469, 473-474, 479-481, 504,  
552-553, 558-559, 598-600 Judiciary: 6848-6849

**Page Total:**

**78**

**S - 593**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

**VOL. 52  
PART 17  
5352 - 5682**

mhr  
SENATE

269  
June 2, 2009

THE CHAIR:

There's a motion on the floor to place Calendar 684 on the Consent Calendar. Seeing no objection, so ordered.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Continuing Calendar Page 16, Calendar 687, House Bill 5875 is marked go.

Moving to Calendar Page 17, Mr. President, Calendar 688, House Bill 6585 is marked go. Continuing on Calendar Page 17, Mr. President, Calendar 689, House Bill 5421; Mr. President, move to place that item on the Consent Calendar.

THE CHAIR:

Motion on the floor to place Calendar Number 689 on the Consent Calendar. Without objection, so ordered, sir.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Mr. President, moving to Calendar Page 18, Calendar 694, House Bill 5021; Mr. President, that item is marked go. Continuing on Calendar Page 18, Mr. President, Calendar 695, House Bill 6419; Mr. President, move to place that item on the Consent Calendar.

THE CHAIR:

**S – 594**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

**VOL. 52  
PART 18  
5683 – 5943**

mhr  
SENATE

297  
June 2, 2009

Mr. Clerk, please call Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber.

Mr. President, those items placed on the Second Consent Calendar --

THE CHAIR:

Mr. Clerk, please hold for a second.

I'm trying to hear the Clerk call the Consent Calendar and I'm sure you don't want to miss that vote either, so if I could have your attention and quiet, please.

Mr. Clerk.

THE CLERK:

The items placed on the Second Consent Calendar begin on Senate Agenda 1, substitute for House Bill 6486, substitute for House Bill 6649. Senate Agenda Number 3, House Bill 6394. Today's Calendar, Calendar Page 3, Calendar 317, Senate Bill 586; Calendar Page 4, Calendar 455, House Bill 5018; Calendar Page 7, Calendar Number 593, Substitute House Bill 5286; Calendar Page 8, Calendar 606, substitute

mhr  
SENATE

298  
June 2, 2009

for House Bill 5883; Calendar Page 9, Calendar 619,  
House Bill 6343; Calendar 626, House Bill 6476;  
Calendar 629, substitute for House Bill 6232; Calendar  
Page 10, Calendar 634, House Bill 6544; Calendar 636,  
substitute for House Bill 6483; Calendar Page 11,  
Calendar 649, substitute for House Bill 6466; Calendar  
Page 13, Calendar 663, substitute for House Bill 5254;  
Calendar Page 15, Calendar 680, substitute for House  
Bill 5821; Calendar Page 16, Calendar 684, House  
Bill 6231; Calendar Page 17, Calendar 689, substitute  
for House Bill 5421; Calendar Page 18, Calendar 695,  
substitute for House Bill 6419; Calendar Page 19,  
Calendar 699, substitute for House Bill 6284; Calendar  
Page 21, Calendar 711, House Bill 5099; Calendar 712,  
substitute for House Bill 6025; Calendar Page 22,  
Calendar 718, substitute for House Bill 5861; Calendar  
Page 23, Calendar 720, substitute for House Bill 5108;  
Calendar Page 32, Calendar 450, House Bill 6233;  
Calendar 467, substitute for Senate Bill 1031; and,  
Calendar Page 35, Calendar 205, substitute for Senate  
Bill 948. Mr. President, that completes the items  
placed on the Second Consent Calendar.

THE CHAIR:

Will you please call the Consent Calendar? The  
machine will be open.

mhr  
SENATE

299  
June 2, 2009

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber. The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be closed. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar  
Number 2:

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, would move for immediate transmittal to the House of Representatives of any items voted on, on Consent Calendar Number 2, requiring additional action by the

**H – 1055**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2009**

**VOL.52  
PART 19  
5896 – 6197**

rgd  
HOUSE OF REPRESENTATIVES

467  
May 21, 2009

Those absent and not voting 0

DEPUTY SPEAKER GODFREY:

Bill as amended is passed.

Mr. Clerk, kindly call Calendar 169.

THE CLERK:

On page 30, Calendar 169, substitute for House Bill Number 5421, AN ACT CONCERNING PROCEEDINGS AND OPERATIONS OF THE DEPARTMENT OF CHILDREN AND FAMILIES, favorable report of the Committee on Judiciary.

DEPUTY SPEAKER GODFREY:

The distinguished Vice Chairman of the Children's Committee, Representative Jarmoc.

REP. JARMOC (59th):

Thank you, Mr. Speaker. Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER GODFREY:

Question is on acceptance and passage. Will you explain the bill please, madam.

REP. JARMOC (59th):

Thank you, Mr. Speaker. Mr. Speaker, this legislation represents the work of the Human Services Committee and the Select Committee on Children. Many of you in this chamber may recall that these two

committees held joint hearings in regard to the operations and procedures of the Department of Children and Families last fall and also, early in this winter.

This bill also represents a cooperative effort between the Department of Children and Families, legislators, the office of the Child Advocate, the Commission on Children and also, the Center for Children's Advocacy.

Mr. Speaker, this bill requires courts to look for a suitable caretaker relative, and when we say that we mean someone who is related by blood or marriage. In the early stages of cases where children have been or are at risk of being removed from the home due to allegations of abuse or neglect. Additionally, this legislation encourages greater participation of family members through legal proceedings and grants those who come forward a legal perception in favor of relatives.

Mr. Speaker, this legislation will require that child welfare professionals conduct relevant searches early, broadly and consistently and in the best interests of the child.

Mr. Speaker, the Clerk has an amendment, LCO

rgd  
HOUSE OF REPRESENTATIVES

469  
May 21, 2009

Number 6631. I would ask that the Clerk please call the amendment and I be granted permission of the chamber to summarize.

DEPUTY SPEAKER GODFREY:

Clerk is in possession of the LCO Number 6631, which will be designated House Amendment Schedule A. Will the Clerk please call.

THE CLERK:

LCO Number 6631, House A, offered by  
Representatives Walker, Abercrombie, Jarmoc, Hamm and  
Senator Doyle.

DEPUTY SPEAKER GODFREY:

The gentlewoman has asked leave of the chamber to summarize. Is there any objection? Hearing none, please proceed, Representative Jarmoc.

REP. JARMOC (59th):

Thank you very much Mr. Speaker. This amendment provides for some technical changes. In addition it also implements the Federal Foster Care Connections to Success Act of 2008 by requiring DCF to immediately identify relatives and provide notice within 30 days of removal. And that notice must include an explanation of the options to participate in the care of the child.

rgd  
HOUSE OF REPRESENTATIVES

470  
May 21, 2009

This amendment also includes foster parents as mandated reporters and additionally, it also allows DCF to transfer the guardianship subsidy in the event that a relative caregiver can no longer care for the child to death, severe disability or serious illness without requiring the child to reenter foster care. I move adoption.

DEPUTY SPEAKER GODFREY:

Question is on adoption. Will you remark on House Amendment Schedule A? Will you remark on House Amendment Schedule A? If not, let me try your minds. All those in favor, signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, nay.

The ayes have it. The amendment is adopted.

Will you remark on the bill as amended? Will you remark on the bill as amended? Representative Sawyer.

And before you begin, madam, if I could have a clear line of sight between the dais and Representative Sawyer. Much better.

Representative Sawyer, please proceed.

REP. SAWYER (55th):

rgd  
HOUSE OF REPRESENTATIVES

471  
May 21, 2009

Thank you, Mr. Speaker, for your patience. In the analysis of the bill it says that the bill eliminates the provision under current law that requires the courts to grant grandparents motions to intervene unless they find good cause for not doing so. Instead, grandparents are subject to the provisions regarding relatives described above. Could I please have the proponent of the bill describe that in plain English and the actual effects of that? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Jarmoc, do you care to respond.

REP. JARMOC (59th):

Thank you, Mr. Speaker. This legislation actually strengthens the rights of grandparents and all relatives because it provides for a relative caregiver who is related by blood or marriage.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):

And in -- oftentimes, we as state representatives get calls from our constituency when there's an issue with DCF. We find that it is usually a very traumatic

period of time. And it is -- well, in the case where there is a discrepancy between the agency and the grandparents it's been very hard in the past.

We try to go to bat for the grandparents. We try to do everything we can after they pleaded their case and it makes common sense. They know the child. There's a comfort level with the child and it's been very difficult in past experiences, certainly, that I've had over the last 16 years.

When you say that they have increased the rights of grandparents as they caregiver, can you describe then in what circumstances, perhaps, grandparents would not be given or granted the provision? Perhaps, I can think of one instance, perhaps, if they already have -- if they themselves have a DCF record. But is there other circumstances they could see where it would not be the case? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Jarmoc.

REP. JARMOC (59th):

Thank you, Mr. Speaker and I just want to clarify when I -- grandparents are provided additional -- this bill provides for additional rights for families. It requires the Department of Children and Families

rgd  
HOUSE OF REPRESENTATIVES

473  
May 21, 2009

consider families as a foster -- a relative caregiver early and consistently.

And so, Representative Sawyer, it also must provide for the Commissioner for the Department of Children and Families to demonstrate that it is in the best interests of the child to be with that family member and where it is practical. And so there are safeguards within this legislation. I don't know if that answers your question. If you could just re-ask if it does not. Thank you.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):

Mr. Speaker, because we as State Representatives, even if we go into to try to advocate for a family with the department, we're not allowed into the court, juvenile court. So we're usually not privy to exactly what happens. How is this different than, currently, how the grandparents are treated? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Jarmoc.

REP. JARMOC (59th):

Thank you very much. This requires the

rgd  
HOUSE OF REPRESENTATIVES

474  
May 21, 2009

Commissioner for the Department of Children and Families to provide a report on relative suitability at the first court hearing within a certain timeframe, and therefore, those are the safeguards that are in place, Representative Sawyer.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):

I would like to thank the gentlewoman from Enfield for her comments on this and her work on this, because it's been an issue that has been pressing, I think, for many of us who have tried to help families who are in great distress. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, madam.

Representative Rowe.

REP. ROWE (123rd):

Thank you. Good evening, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Good evening, sir.

REP. ROWE (123rd):

I rise in support and appreciate the hard work of the proponent on getting everything together on this. I do have a little amendment, it's LCO 8057. I ask

rgd  
HOUSE OF REPRESENTATIVES

475  
May 21, 2009

that the Clerk call the amendment and I be allowed to summarize, please.

DEPUTY SPEAKER GODFREY:

Clerk is in possession of LCO Number 8057, which will be designated House Amendment Schedule B. Will the Clerk please call.

THE CLERK:

LCO Number 8057, House B offered by  
Representatives Rowe, Walker, Abercrombie and Jarmoc.

DEPUTY SPEAKER GODFREY:

The gentleman has asked leave of the chamber to summarize. Is there objection? Hearing none, please proceed, Representative Rowe.

REP. ROWE (123rd):

Thank you, Mr. Speaker. To summarize this is a, really, a technical amendment that will streamline the procedure that DCF uses when a biological parent in an adoption wishes to give identifying information to DCF to facilitate a reunion with a child given up for adoption once that child reaches the age of majority. And I move adoption.

DEPUTY SPEAKER GODFREY:

Question is on adoption. Would you remark?  
Would you remark? Representative Jarmoc.

rgd  
HOUSE OF REPRESENTATIVES

476  
May 21, 2009

REP. JARMOC (59th):

Thank you, Mr. Speaker. I thank Representative Rowe for this amendment and we perceive this to be a friendly amendment.

DEPUTY SPEAKER GODFREY:

Thank you, madam. Will you remark further on House Amendment Schedule B? If not, let me try your minds. All those in favor, signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, nay.

The ayes have it. The amendment is adopted.

Will you remark on the bill as amended?

Representative Gibbons.

REP. GIBBONS (150th):

Thank you, Mr. Speaker. Good evening. I support the new bill as amended, but I -- is it Senate Amendment or House amendment A -- and House amendment B -- and I urge passage of the bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, madam.

Representative Walker.

rgd  
HOUSE OF REPRESENTATIVES

477  
May 21, 2009

REP. WALKER (93rd):

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the bill. I also want to thank Representative Jarmoc and all the people that worked on it, Representative Abercrombie and many others.

We have, for about six months, been listening to parents and grandparents asking for a much more active role in addressing their grandchildren when the parents become incompetent to actually take care of them. And many times we feel that they have not been heard.

So therefore, this is a result of that and we are trying very hard to work with Department of Children and Families to come up with new ways of addressing family unification and maintaining families within an appropriate way. So I thank you and I thank the gentle lady for all her hard work and many hours. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, madam.

Will you remark further on the bill as amended?  
Will you remark further on the bill as amended? If not, staff and guests, please come to the well of the House. Members take your seats. The machine will be

rgd  
HOUSE OF REPRESENTATIVES

478  
May 21, 2009

open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber.

DEPUTY SPEAKER GODFREY:

Have all the members voted? If so, the machine will be locked. Clerk will take a tally. And the Clerk will announce the tally.

THE CLERK:

House Bill 5421 as amended by House A and B.

Total Number Voting	142
Necessary for Passage	72
Those voting Yea	142
Those voting Nay	0
Those absent and not voting	9

DEPUTY SPEAKER GODFREY:

Bill as amended is passed.

House will stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER GODFREY:

House will come back to order.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**SELECT  
COMMITTEE  
ON CHILDREN  
PART 2  
298 – 494**

**2009**

TO:

HUMAN SERVICES COMMITTEE  
PUBLIC HEARING AGENDA  
THURSDAY February 19, 2009

## I. CONVENE MEETING

## II. REMARKS BY THE CHAIRS

## III. COMMITTEE BILLS FOR REVIEW

Proposed S.B.No's: 636, 816, 818,  
Proposed H.B. No's: 5232, 5421, 5425, 5842,  
5980, 5981, 5982, 6145, 6148, 6149, 6150, 6352, 6353

HB6420IV. NECESSARY REVISIONS AND ADDENDUMS:

Revisions to the proposed and raised issues: listed by  
S.B &/or H.B No.

1. S. B. No 636: AN ACT CONCERNING THE PRESUMPTION OF INNOCENCE AND PRESERVATION OF CONSTITUTIONAL RIGHTS IN PROCEEDINGS ALLEGING CHILD ABUSE OR NEGLECT BY A PRENT OR GUARDIAN

In favor however, with the understanding that:  
With this addendum

Abuse and Neglect are crimes.

revision DCF is to halt all action if there is a crime of abuse and neglect. It would allow for a criminal conduction of investigative matters without DCF. In a criminal court. If an allegation is made DCF can not remove an children without proper court orders via juvenile and criminal courts, Otherwise they are to halt all face to face interviews upon the property of an individual and conduct telephone interviews. They must obey human and property rights to the individual.

2. H. B. No 5425: AN ACT PROHIBITING RELIANCE ON A THEORY OF PREDICTIVE NEGLECT OR PREDICTIVE ABUSE IN THE ADJUDICATION OF CHILD NEGLECT AND ABUSE.

In Favor; however, with improvement provisions to include:

All acts prohibiting reliance upon theory of predictive Neglect or predictive abuse in all phases of the adjudication processes of child neglect and abuse. With the immediate remedied procedures to occur for the best interest of children via returning them to the parents' or caregiver's home environment. And failure to do

so would place the child in imminent risk and danger where the Department of Children and Families and its individual employees to be held accountable for Abuse and Neglect in a criminal court system. With an imprisonment sentence of no less than 1 year.

3. H. B. 6148: AN ACT CONCERNING RIGHTS OF JUVENILES UNDER THE SUPERVISION OF THE DEPARTMENT OF CHILDREN AND FAMILIES. In favor for with an addendum for emancipated minors rights.

4. H.B. 6352: AN ACT CONCERNING THE OVERSIGHT OF THE DEPARTMENT OF CHILDREN AND FAMILIES Revision to allow for the necessary actions to continue with in office administrative case reviews only. No unnecessary court costs needed.

5. New Proposal: AN ACT CONCERNING THE PROPER TRAINING. NEEDED IN AREAS OF INVESTIGATION OF CLAIMS AND NOTING FICTITIOUS CLAIMS, IN MAKING PROPER DECISIONS OF FORWARDING INVESTIGATIONS BY SPECIALLY TRAINED INDIVIDUALS NOT JUST MERE CASE WORKERS. SENSITIVITY TRAINING TOWARD PARENTS AND INDIVIDUALS WITH PERCEIVED DEFICITS OR WITH THE DISABLED, AS CAREGIVERS, IN GENERAL.

*Leadership Training Killstein*

*Maybe put into one of the ACTs such as 6420*

6 In favor for all Bills raised Feb 10, 2009. Feb 19, 2009.

V. ANNOUNCEMENT OF TIME AND DATE OF NEXT MEETING

VI. ADJOURNMENT

FROM:

KARIN HASEMANN,  
MOTHER OF KRISTINA ROOS HASEMANN AND JOSEPH J. WATLEY JR.  
AND DANIEL J. HASEMANN WATLEY.  
WATERTOWN, CONNECTICUT 06795  
860-274-4617

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**HUMAN  
SERVICES  
PART 1  
1 – 331**

**2009  
INDEX**

So, I first get into some of our - actually, would my cochair like to say a few words?

REP. WALKER: No.

SENATOR DOYLE: No, she's all set. We're going to have an interesting hearing.

Our first speaker in the public officials is, Commissioner Susan Hamilton. Second is Carolyn Signorelli of Commission on Child Protection. And third is Elizabeth Brown, on Commission on Children. So Commissioner Hamilton, please.

SUSAN HAMILTON: Good morning, Senator Doyle, Representative Walker, distinguished members of the Human Services Committee. For the record, my name is Susan Hamilton. I am commissioner at the Department of Children and Families. And I appreciate the opportunity to provide testimony to you this morning, on several bills pending before you.

We have submitted written testimony. I am a quick speaker, fast-talker. So hopefully - I don't know if I'll keep with the three minutes, but I'll do my - I'll do my best to cover the materials as quickly as - as I can.

The first bill that I would like to provide some comments on is Senate Bill 818, an Act Concerning the Role and Responsibility of DCF in Safe Haven Cases. This was submitted by the department, and I'd like to express my appreciation on behalf of the department, for the committee raising this on our behalf.

In essence, what this bill does is clarify some ambiguities in the existing Safe Havens Statute. As you know, the legislature passed this law in 2000, to provide opportunities for

HB 5232  
HB 5421  
SB 636  
HB 5425  
HB 5980  
HB 5981  
HB 6145  
HB 6150  
HB 5842  
HB 6148  
HB 6352  
HB 6353  
HB 5982

Counseling Services. I - I'm not fully aware of the origins, or the intent surrounding this bill. I believe it emanates from a regulatory requirement that exists right now for our child caring facilities, which, basically, it's subsection L of 17a-20-42 of the Regulations of Connecticut State Agencies, which does require a child to sign-off on his or her clinical treatment plan as part of - in an effort, really, to engage them in the services that are going to be provided to - to them as part of their treatment.

So I think that we're interested in working with folks to identify what the concern is regarding having the child sign that treatment plan. We do oversee, obviously, through our licensing oversight activities, you know, our providers' compliance with that particular regulatory requirement. We have not been aware of concerns regarding that provision, but, we believe that that, you know, that is the impetus, perhaps, behind this particular proposal.

House Bill 5421, an Act Concerning Proceedings and Operations of the Department of Children and Families, we'd offer the following comments with regards to that bill.

The department supports Sections 2 and 3 of that bill, which, basically, would require that unauthorized disclosure of department records be reported in writing and that whistle-blower protections be provided to any employee who actually brings that concern forward.

This is really consistent with what we currently expect of our staff, in terms of adhering to the importance of the confidentiality of rules that apply to our records. And we, currently, of course, when

that issue is raised, or brought to our attention, take whatever actions are - are necessary to hold our staff accountable to that - to that requirement.

We have some concerns with regard to Section 4 of that bill that outlines some additional proceedings that must be done and requirements in the juvenile court related to placement with relatives.

I think, as the committee is likely aware, our policies and procedures right now, do require us to make diligent efforts to identify relatives and to place children with relatives whenever that is safely possible and whenever that is in the child's best interests.

So I think we, you know, have some concerns with the actual language. We can spend some time, if we need to, going through that, but we support the underlying intent of that section, which is consistent with our - our underlying efforts.

Sections 5 and 6 apply to guardianship and termination proceedings in the probate court. They, in somewhat - in some way mirror the language that are - that's in Section 4 that applies only to juvenile court.

And while the department is not generally a party to probate court proceedings, and, therefore, we don't have a strong opinion on Sections 5 and 6, we would note that there's some language in those two sections that would create a rebuttable presumption in favor of relative placement, which may be problematic in certain - in certain cases.

The department also supports Section 7 of that bill, which states that the mere fact that a

parent has either applied for or received voluntary services should not be used against a parent in any future - either investigation, court proceeding, or in any future licensing assessment that might be done with regards to that - that parent.

The department, obviously, encourages the use of our voluntary services program, and, certainly, should not be penalizing parents simply because they have applied for or received services through that - through that program.

There's a host of bills - and I'm just going to recite them and then talk a little bit about each of them, specifically, that really look to impose criminal court standards and proceedings on juvenile court actions. Those are Senate Bills 636, House Bill 5425, House Bill 5980, House Bill 5981, House Bill 6145, and 6150.

As this committee is well aware, child abuse and neglect proceedings are not criminal proceedings, they are civil in nature. And, in part, that's because the purpose of a juvenile court proceeding and civil proceedings - juvenile court in particular - is really not focused on fault finding, or identifying who was responsible for a particular act involving a child, but more focused on the condition of the child; and what actually needs be done to ensure and mitigate, basically, the child abuse and neglect and accomplish permanency for that child.

So I think that our current statutory scheme, as well as the juvenile court rules that apply, and the decisions that are done every day in juvenile court by our judges,

we've had an increase in the number of people who are going through the training, expediting the capacity for families to complete that quickly. We hope will give rise to the increases that we want to see in the numbers, along with some other things, but that's an example.

REP. WALKER: I'm going to go on, because I know a lot of people have questions, but once we start to acquire these foster families, I would expect a substantial reduction in residential budget. I would expect the numbers to just be shifted, because the whole purpose of these foster families is to take the children out of residential care. And so, therefore, we should not have an increase in the budget for residential. And we should not have an increase in the budget - I mean we should not have - yeah, we should not have an increase in budget for the residential. And whatever we have should be coming from - going from residential to foster. So, therefore, we don't have - we have a reduction in the budget.

HB5421

I'm going to give a chance to other people, but on the guardianships - I mean, the parents - families seeking to adopt their own children, or to keep the children within the families, we had too many testimonies from too many people saying that there was no effort made for acquiring or finding out if there were other family members.

So to say that we don't need it in statute, I unfortunately feel that we do need it in statute, because of the fact that we just have had too many people coming to us, both here and at public hearings, but also behind closed doors, because they're afraid of retaliation,

which goes to the next one, which is the whistle-blower.

Too many people have come to us and said, I would love to testify, but I'm afraid of retaliation from DCF.

So in order for us, as legislatures, to get the information freely, and be able to bring it forward with the people, we're going to have protect these people that are coming up - forward and saying - it is just like the people that are contacting you about neglect and abuse - we have to make sure that they are part of the conversation, too. So we will have that.

So I'll let other people talk right now, but I'm sure there - any questions?  
Representative Abercrombie.

REP. ABERCROMBIE: Thank you Madam Chair. I know we had to share the mike today. Good morning, Commissioner. Thank you for being here.

Just a quick question for you. House Bill 5232, which is where the minor has to sign off, can you tell me - I read your testimony here - but can you tell me the idea behind this? Why you think it's important for a child to have to be included? I mean, I think a child should be included with the plan, but I still don't understand why we think that we should mandate that they sign-off on it?

SUSAN HAMILTON: I - I think that the intent behind that regulatory requirement, initially, was to sort of encourage the inclusion of the youth in the development of what these services are that may be necessary for the - for the youth. I - I can appreciate - so I think that was the underlying intent behind it. We - we do,

REP. JARMOC: Good. Thanks for being here. I just wanted to speak for a few minutes, specifically, about House Bill 5421, Concerning Proceedings and Operations of the Department of Children and Families. And this is something, as you know, I've been involved in, and pretty outspoken, in regard to.

And, again, I just - you're expressing concerns about the families as first, the families as allies, priority one. You feel that you're looking to families wholeheartedly. And it's interesting, when you were here last year - it was in March, and I remember it, because I wrote the date down, because at that time, I was working with a few families who had an - who were really wanting to adopt their - a relative. And they were having issues, with the Department of Children and Families, even getting a return phone call from staff and a response.

And so it's unfortunate that we sort of reach this point, where we feel we have to put it in statute, but I just feel strongly that there's something - there is a disconnect that's happening. And a year later, I don't feel confident that it's changing.

I do want to recognize Brian Mattiello from your office. There was a case over the - in December, over the Christmas holiday, where a family was going to - an Enfield family. I represent the town of Enfield - they were trying desperately - they went - it took them more than a year to get their granddaughter and niece back with their family. And they said to me when - and it did have a positive result in my mind - but what they said to me was, this would not have happened had you not intervened.

And it shouldn't have to be that way. And I'm not sure, you know, how can we mandate that staff do their job. I don't know. It's in your policy. It's your first priority, but yet it's not happening.

And I've had other families who have not had a positive result. And I became involved too late in the process. And that's horrendous for that family. They're never going to see - in this one particular family - their niece and their grandchild again. And that's horrific, I think.

So I just - if you have concerns about putting it in statute, what's being done to change that? And what would give us the confidence that it is happening, is my question.

SUSAN HAMILTON: First of all, I - I very much appreciate your comments. And I think that, you know, again, there certainly had been cases brought to our attention and to other's attention, where the efforts to identify relatives as early on as possible and to do - and effectuate, basically, that placement as soon as possible, have not gone the way we - we all would have liked.

You know, I - I am pleased to see that - and, again, certainly recognizing your - your point that the policies are all well and good - and I think they, obviously are clearly well-intentioned, and in many cases followed, there are instances where - where more diligent efforts need to be made, and more of the things that we can do to kind of accomplish that.

I am - it's useful for me, to sort of look at where we are now, clearly recognizing there's room for improvement, and continue to improve,

in increasing the number of kids who are placed with relatives. We have almost doubled, over the last couple of years, the number of kids who are placed with relatives, as opposed to nonrelatives, which is a good trend, but we're not, ultimately, where we need to be.

So I would want to clarify my comments regarding the - this particular language. I have some concerns with some of the language. I don't - I'm not necessarily taking the position that there is - that we would be strictly opposed to any statutory changes in looking at how the courts and how the department work with relatives. So it - so I - I don't want my testimony to reflect that we don't recognize there may be a need to look at tightening some of that in statute.

But - and we can certainly talk - we can walk through - I have some concerns with the current language, as drafted, that might actually not be in the best interests of families and relatives, ultimately, who might be interested in becoming a subsidized guardian, there's some details around it that we could work through.

But - so I guess, really, that's, you know, something that I'd be interested in talking with you about, and others in the committee, to make sure that we have the proper balance in statute that will mirror what we are trying to do in our - in our practice, you know, every day with families and relatives.

And to the extent that there are efforts that we can utilize through the existing - particularly in cases where the court is involved, of having families identify relatives as soon as possible. I know there

have been some cases where that was, in part, the issue, whereby the identification of the relative resource, or the, you know, the efforts to try to effectuate that placement were - were not done in a timely way; that ultimately ended up making it contra to the child's best interest to actually move the child from their existing placement.

So those are things that we - we agree we want to, you know, avoid whenever we can do that.

So I'd be happy to sit down and talk with you about some of the specific language.

REP. JARMOC: And I thank you for that, because, I think, you know, from my perspective - and, again, I want to be careful how I say this - but, quite honestly, there almost seemed to be, at times, a manipulative effort on behalf of staff, to keep a child with a particular foster family for more than a year, so that the argument could then be made, well, this child has bonded with this family. And it's really disturbing.

But it's - and I just want to also be clear, it's not an isolated case. It's - these are not isolated - it's sort of a systematic issue that I've witnessed within the agency.

But my other question is; therefore, foster families are already licensed. Now, when there's a relative, they're not necessarily planning on becoming involved in the DCF system, so they're not licensed. And so that tends to be an issue. How can a child be placed with a relative? That sort of seems to be an argument. Well, you're not licensed, so we're going to place the child now, with a foster family.

And then, I mean - look at this one family - in more than a year, if it wasn't - there were two sisters who were options. They pursued the more difficult option. But why didn't you just say to the - why didn't the DCF worker say, you know what, families are our first priority, we are wholeheartedly supportive of this. Why don't we work toward placing your niece with you? It would be - you're in state, it would be - and then we can work toward the other issue. But there was no proactive, no really clear understanding on the part of staff about this policy. I don't know - you know, and, again, is that the issue that families are not necessarily licensed?

SUSAN HAMILTON: Actually, I - I don't think that's the case. As you know, we have this - the legislature has passed a statute that allows greater flexibility for placing kids immediately with relatives.

You know, our state statutes and the federal law require uniform licensing standards, whether you're related or not, which is a good thing, I mean, obviously, it's - in terms of assessing safety and suitability to care for kids in foster care. However, they do recognize, as do we as a state, in our statutes, increased flexibility for doing immediate placements with relatives who are not yet licensed.

So we're actually able and do, quite regularly, place kids with relatives prior to full licensure. You have to do a criminal background check and a CPS check and a home study, but you can get in and out the same - we generally do those the same day as the removal in many cases. And then the licensure, you have 45 days by statute to then complete the ultimate licensure. So the fact

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**HUMAN  
SERVICES  
PART 2  
332 - 666**

**2009**

that a person is licensed or not is not - is not a barrier.

Now, certainly, there may be examples where that may have been the perception. And if there's a lack of sort of understanding on that front, we - we can certainly take a look at that. But there's not a preclusion to that and staff utilized that statutory flexibility quite regularly to do those immediate placements with relatives.

And, in addition, it was recently expanded - that same level of flexibility was expanded to what we call, special study families, who are families who are not necessarily related to the child, but who have an existing relationship with the child, but is not - but they're not related. So somebody who might be a teacher, or - or a coach, or somebody who has an existing relationship. I forgot the age cutoff for that. That tends to be for older - for older youth, but it does not require that youth, then, to be placed with a stranger, you know - oh, ten - ten and up. So there is recognition of that. And - and those - those processes are available.

REP. JARMOC: All right. Thank you. So, again, that's where my confusion comes in is how - how is - there's a disconnect somehow with frontline staff. I don't know, but it's not, you know, it doesn't seem to be happening.

And I would say, additionally, there doesn't seem to be a proactive approach to connecting children to their family, even if they are in a foster - with a foster family that's not a family member. There doesn't seem to be a proactive consistent, which is called for in your policy. But it does - systematically,

I've witnessed that it's not happening. And so it's very concerning.

This one grandmother said to me, they'll only allow me to visit my granddaughter once every two weeks. And that's if they do show up. And I said to her, well, why once every two weeks? Well, come to find out, there's no such policy that it has to be. I mean, why couldn't she see her every week? Why couldn't she see her every few days? This is her grandmother.

But there just doesn't seem to be - and I understand that staff is stretched and that they're busy - but if this is priority one, if this is part of your mission, then it should be happening.

SUSAN HAMILTON: I disagree that it - I think it is happening more than might be evident, in some of the calls that you're getting. I think that there are clearly situations where it's not happening the way it should. And we're truly invested in trying to do what we can to improve that. And if it's a look at how we can look at whether it be statutory language tightening, or other things that we can do in our practice to improve that.

As I said, I do think that when you look at - that's obviously an outcome measure, in the exit plan that gets tracked. And we are, at least in terms of the court monitor's reports, in compliance with that particular standard. However, that, again, looks at currently - what that measures is, the efforts made to actually identify and locate relatives.

So for me, that's certainly a first step, but I take it further, which is, we want to ultimately effectuate the placement. So, you

know, there are - there's some dated evidence that we're - that it's - there are improvements in that, and it's not an across the board failure, but, clearly, in those areas where it's not happening the way it should, we need to tighten.

REP. ABERCROMBIE: Thank you very much. And I know - I think we ultimately - I don't know that legislators and your agency will agree on everything, but we do need to work together. And I think we all - you know, we feel - as a legislature, I feel strongly there needs to be some change. And I think there are others who do as well. And so I'm eager to work with you and your agency.

SUSAN HAMILTON: Thank you.

REP. WALKER: Thank you. Representative Lyddy.

REP LYDDY: Good morning, Commissioner. My question was a while ago. So I have to kind of look at my notes again. One of my questions was in relation to DCF, kind of trumping other services that may be provided to families.

Some of the families, as we know, are involved in a number of different systems, whether it be DSS, DDS, the judicial system. And - so I'm wondering about the confidentiality of sharing records in that respect, and how DCF responds to confidentiality with those departments.

SUSAN HAMILTON: I appreciate the question. There is a bill pending here, actually, that is a - that the department has submitted, that addresses our confidentiality statute that would allow, I think, some appropriate flexibility in our capacity to share

[HB6403]

some ways, I think the importance is engaging them in the development of the plan. You can sign a piece of paper and say, I'm going to do this, this and the other thing, or not. It doesn't - it doesn't necessarily mandate that the child participate.

So I think, really, the crux of it, I'm guessing - not knowing where the impetus was behind the bill - that is more around some concern about the youth having to authorize their own treatment. And so I - I think we're collectively in agreement with, perhaps, looking at making that a little more flexible.

REP. LYDDY: And also just for the record, I think there are also cultural implications of having somebody sign paper, especially in treatment. Some cultures are a little bit more resistant to putting their name on paper to signing things. And so we need to be culturally sensitive when delivering treatment, especially when we're delivering treatment. And these are situations that, you know, legislation will always be able to capture. So thank you.

REP. WALKER: Thank you. And Representative Orange.

REP. ORANGE: Thank you. Good morning, Madam Chair. Good morning, Commissioner. How are you today?

SUSAN HAMILTON: Good, thanks.

REP. ORANGE: Good. Getting back to House Bill 5421, as you know and the past committee members know on this committee, this bill came before us last year, a bill came before us. The committee bill that has been drafted is

the exact same language that passed the House of Representatives unanimously last year.

This bill was worked out with Judge Keller, also the probate court administrator, who was then Judge Lawlor. And, I hope to see it go forward just the way it is this time.

Since last year - and we've listened to the concerns of the public regarding your agency, it even proves more to us that we need to move forward with this bill.

And so Section 4, you have concerns regarding Section 4. And I think that Representative Jarmoc went over that quite well.

Sections 5 and 6, basically, have been worked out. There is no opposition from the probate court administrator because that section was worked out last year. Judge Keller was involved, as well, for the juvenile court system.

And, you have here for Section 7, which states: The mere fact that a parent has applied for or received voluntary services for his or her child, should not be used against the parent as a subsequent child protection investigation, study, or proceeding. The department encourages the use of voluntary services whenever possible and certainly should not penalize parents for simply applying or availing themselves of these services.

I'm glad to see you changed your tune since last year because the case that I know of, certainly, that was a big issue. That was put forth before that grandmother. And so I'm glad to see that you support that language this year.

REP. WALKER: Thank you. Any other questions from the committee? I'm going to go back to the discussion you had, you said where you were talking about civil versus criminal court.

First of all, I was in a judiciary committee meeting last - two weeks ago, and we were talking to some of the nominated judges for reappointment. And she pointed out to us that the procedures that DCF uses for their child abuse and neglect were written by DCF. And those procedures were not written by the judicial department, which they said, normally, that's something that has never happened. This is something totally unusual. You're saying, no?

SUSAN HAMILTON: The proceedings that are conducted in juvenile court, many of them are spelled out in our statutes. So I'm not sure what the specific areas -

REP. WALKER: Child abuse and neglect treatment, the statutes for them, those were written by DCF.

SUSAN HAMILTON: And we don't - we participate, as along with many others and the legislature, ultimately, in passing what the final statutes look like. So, I mean, you know, I think if there's - if there's concern about the existing statutes, in terms of not reflecting what people believe the public policy of the State ought to be, and how the court processes ought to play out, you know, we can participate in that process. But, really, right now, our activities, in dealing with investigating, and particularly proceedings before the juvenile court, are all spelled out in the existing statutes.

REP. WALKER: The difference between procedures in criminal court and civil court are what?

SUSAN HAMILTON: I think, with regards to the bills that are pending before you, my -

REP. WALKER: No. No. I'm just saying civil because you said, these are - this is the structure of a civil court versus a criminal court. So I just wanted to know what did you mean by that?

SUSAN HAMILTON: Criminal court proceedings, as you know, are really focused on identifying whether or not there's enough proof to support the underlying charge or whatever the charges are that the - the defendant is being brought to court for.

The burden of proof in those cases, is beyond a - you know, proof beyond a reasonable doubt. And, really, the focus of those proceedings is on, you know, the - whether or not there's enough evidence to support the underlying charges.

In juvenile court and in many civil proceedings - and I'll speak, specifically about juvenile court, that's our area of expertise - the focus is not necessarily - and if you look at the statutes around, not only the neglect and abuse definitions, but the statutes that pertain to the juvenile court proceedings - what the court really looks at is whether or not there's enough evidence to support that the child has been neglected or abused.

So the adjudication that the court makes in a civil case, in juvenile court, is whether or not the child is in a condition that - that

meets the statutory definition of abuse and neglect.

In the course of doing that, the court does often identify, for purposes of then moving towards permanency planning, what services may be needed. But it's not focused on identifying, necessarily, who's at fault. It's really on, what is the condition of the child? And what does the court and the department and the other parties to the case need to do to ameliorate that - that condition.

REP. WALKER: Basically, in civil court it's - the burden of proof is on the person accused. And in a criminal court, the burden of proof is on the people that are accusing. So, therefore, you - when you go and you make accusations that there is child abuse, it is up to that person to deny those issues. Correct?

SUSAN HAMILTON: No, it's actually - the burden is on the state in a civil proceeding as well. So the department is generally the petitioner. The child does have - there are other eligible petitioners in our statute in juvenile court. But generally speaking, on the neglect and abuse side of the juvenile court, the department is the petitioner.

So we have the affirmative obligation to actually prove the facts that we have put before the court - just like a regular - you know, all the rules of evidence apply in juvenile court as they would in other civil proceedings. We have to put forth evidence to the court to support our - our petition, which is alleging that the child has been abused or neglected.

So the burden is still on the department, or whoever the petitioner is, to prove their case, same thing as any other civil case.

REP. WALKER: And in those cases where you - the burden of proof is put on the department, to what degree, or what depth does the department really have to validate the accusations?

SUSAN HAMILTON: The burden of proof is, again, similar. Fair preponderance of the evidence, that's the standard that applies in civil proceedings. So the department is responsible for putting forth whatever evidence, factual evidence. You know, just like in any other proceeding, we have people testify, all the parties are represented, which is, actually, a real strength in Connecticut. It's interesting.

It was actually surprising to me, frankly, to learn that some states don't have representation for parents, or for in some cases youth, who are before the - or parties to the juvenile court proceeding. But it is the department's obligation to prove its case by a fair preponderance of the evidence in neglect and abuse cases.

In termination of parental rights cases, the standard is even higher, rightfully so, because of the level of invasion into, you know, that is relevant to a termination case, and that is clear and convincing evidence.

REP. WALKER: So your objection to changing the procedure for how we address child protection and neglect is the fact that you're changing the operation from a civil court to a criminal court. And it's not because of the burden of proof because you're already proving the

burden of proof from what you're saying right now?

SUSAN HAMILTON: The burden of proof is higher. As proposed here, the burden of proof in a criminal case, the burden is always on the state, regardless; but the burden of proof in a criminal case is proof beyond all reasonable doubt. That is not the standard in a civil juvenile court case. It's not the standard in any juvenile court across the country. And it would be unprecedented to have a criminal burden of proof standard apply in juvenile court cases.

REP. WALKER: If you are removing a child from a family and basically, you're - it's a seizure. That's somewhat of an invasion, and you're disrupting a family and everything. You feel that doing it on a civil case basis is adequate and sufficient for the family?

SUSAN HAMILTON: I believe that not only do the proceedings allow for sufficient protections - because we all have a vested interest in making sure that all of the rights of the parties in those cases are adequately protected, frankly. And not only are the standards, in terms of the burdens of proof appropriate, I think, given the balancing of the very important public interest that are in play in a juvenile court case, but in addition to that, these standards and statutes for what is necessary for even intervening in a case to remove a child are very very high.

So it's not - we do not have, nor should we have, the statutory authority to intervene and remove a child without a very very high burden in terms of a child being in immediate physical danger, immediate - suffering from immediate physical illness; and the statute

requires that the child - that immediate removal from the surrounding circumstances is necessary to insure the child's safety.

So we don't have the authority right now - and, again, I'm not advocating that we should have that authority - but we cannot intervene and remove a child based on just, you know, standard neglect or abuse concerns. It has to - you know, our statutes set a very high standard for removal.

REP. WALKER: So none of these procedures are subjective, in your opinion. These procedures are black-and-white. When you go in and you make a determination that there is threat to this child, then you immediately remove the child. If you don't think that there's a threat, but there is a problem, maybe with poverty, housing, things like that, you immediately go in and you give them the support that's necessary. But the child stays there, and you give them things that they have - the parents and the family has to do in order to - to correct that.

And all of these procedures that you have right now, you feel, are fair and just for the families?

SUSAN HAMILTON: I do. There - there's often disagreement around whether or not we are collectively assessing the risk factors the same way. So - but I think the procedures are - are -

REP. WALKER: Those are subjective. And how we assess is subjective?

SUSAN HAMILTON: Well, I think, I don't know I'd say they're - they're necessarily subjective, but I'm saying not all parties - in other

words, I think the rules and the procedures are fair and allow for the court to properly consider all of the evidence that is put before the court, in balancing those very important interests.

I guess my point was to sort of say that I believe that there are certainly cases - and that's why people have representation, all of the parties to the case - where there's a disagreement about the level of risk, or about whether or not the child has been subjected to immediate physical, you know, danger and whether immediate removal was necessary.

But Connecticut, frankly, has a very very solid process in place to provide relatively quick access to the court. And this dates back several - several years ago, where we actually shortened - the state has through its statutes, and with the legislature's support - shortened the length of time between an immediate removal and getting the case before the court; rightfully so, because parents need an opportunity, quickly, to challenge whether or not the removal was, in fact, warranted.

So I do believe that the current procedures balance -

REP. WALKER: Okay. I think that - I hope you stay for some of the testimony because I don't want to go through some of the things that people have, but I think that the people here, the lawyers and the families strongly disagree with you.

HB6352

And I think that it's - I would hope that you would listen to what they have to say, because we will, basically, at the end of this, make some determinations on what we're going to do, and how we're going to proceed. So I think

this is a good time to start the dialogue and participate in the conversations.

As far as the oversight of DCF, one of things that we've been talking about for the last six months has been your reorganization and your structure.

I just wanted you to know that we looked at the Department of Social Services also. And the Department of Social Service has an administration top group of - that is only \$11 million. Yours is \$30 million. When we look at the structures of our agencies, we have to make some strong determinations on what we're going to do, because we're in a very strong budget crunch. You know that. So we are going to very carefully look at - and unfortunately, we may have to put this in statute - but we're going to look at the structure.

And we have asked for detail on what you're doing for your reorganization. And it's been stringing along. And we get a little information here. And we've heard from people out in the fields that this has already gone forward. And we have discussed this over and over again.

So at this point, as legislators, we're really frustrated with this, but when we have a budget crunch, we don't want the services to be cut off. The services are the last things to go. So we need to really have a stronger conversation about what we're going to do with the organization structure of DCF. And we'll have that. Okay. Thank you.

Any other questions? Representative Lyddy. Oh, Representative Thompson, do you have a question?

Ms. Stevenson, please. Thank you.

DEBORAH STEVENSON: Good morning. And thank you. Thank you for having me here. I did have written testimony.

REP. WALKER: Who are you, please? Could you identify yourself, please?

DEBORAH STEVENSON: I'm sorry. I'm Deborah Stevenson. I am an attorney. And I'm in private practice. I do educational and appellate law. And I represent parents with - in juvenile court and with regard to DCF complaints, routinely.

I am speaking in favor today, of S.B. 636; H.B. 5421, 5425, 5980, 5981, 5982, 6145, 6149 and 6150.

[HB6403]

I do have written testimony, as I said, but I'd like to deviate from it because of the testimony of Commissioner Hamilton, I would like to address a few points.

Because I do, do private practice and I routinely see these problems; I'm in favor of this legislation for a number of reasons. But to address some of the issues that we were just discussing, I tried to write down as diligently as I could - but bear with me, I'm going to skip around a bit.

Commissioner Hamilton opposes some of these bills. One reason because it's unnecessary to verify facts because it's in the statutes already. The facts are verified before you go to juvenile court.

Well, that's partly true and partly not true. The bill before you has to do with verifying

know people are uncomfortable with a notion of predictive neglect, but our statutes specifically say, and we've adopted a policy in our state, where the legislature has specifically said: the public policy of this state is to protect children whose health and welfare may be adversely affected through injury and neglect.

The use of the term, "may" in the statute necessarily means that a child does not have to suffer actual injury or discernable consequences of neglect, in order for the State to act to protect a child from harm.

So to be brief - because I know you want to hear from a lot of people - there's a balance that our statutes have attempted to achieve. There's a balance of a fair preponderance of evidence attempts to achieve, in balancing the rights of parents and the interest of children in protection. And I agree that sometimes that balance is not achieved in our court system. But we're dealing with individual cases. We're dealing with very fact specific cases.

And I don't want to come across as opportunistic here. But the reality in all these situations that you've heard about: relatives not getting the opportunity to become resources for their children; parents not getting an opportunity to put their side of the case in front of the court and have the case be determined based upon all of the evidence, not just what's DCF's presenting. These things can really be addressed in specific cases by competent, zealous attorneys, representing those parents' interests; making sure that DCF isn't allowed to just present their facts to the court; making sure that the facts of the parents had

HB5421

at their disposal is also presented to the court.

I wanted to address the question that Representative Jarmoc had, regarding the issues with relatives who were unsuccessful. There are also many many cases where relatives are successful. And it's very important, if DCF is not embracing the notion of placing a child with an appropriate relative for whatever reason, that the child's attorney be proactive in that.

A relative does not have to be licensed in order for a child to be placed with them. A juvenile court can consider a motion to transfer custody, or a motion to transfer guardianship. And it does happen. And attorneys for children and sometimes attorneys for parents present these motions. And if they're being proactive and not sitting back and waiting for DCF to give the thumbs up on a license, children can be placed with their relatives on a - on a much quicker basis. And it does happen.

The other thing that I wanted to address - and I don't want to take up too much time - but is the issue, the Act on Educational Stability because that's one that I'm favor of. And I would like to say to you that I hope that this Act is passed as quickly as possible.

H35842

Let me just find - if the State of Connecticut were successful in reducing the number of foster children who experience unnecessary and detrimental school transitions, and the number of school disruptions for those children who must change schools, it will have taken a significant step towards effectively helping foster children achieve their full potential.

In relation to your comment about the Children's Trust Fund, that agency needs to survive. It's primary prevention.

And I would also submit to you that I have proposed - and others are proposing - that family conferencing model of engaging families and parents in the problem-solving around their case, be utilized in every case of removal and that it happen in the court system, so that the parents and the children can have representation in that process, as well.

REP. WALKER: Thank you. Any other questions?  
Yes, Representative Jarmoc.

REP. JARMOC: Good morning. How are you?

CAROLYN SIGNORELLI: Good morning.

REP. JARMOC: I just - I wanted to get back to your comments earlier in regard to the child, each child in DCF care being assigned an attorney, or who could access an advocate -

HB542

CAROLYN SIGNORELLI: Yes.

REP. JARMOC: - potentially. And I -

CAROLYN SIGNORELLI: Just to clarify, that has had a petition filed in court again -

REP. JARMOC: Okay.

CAROLYN SIGNORELLI: - in relation to that case.

REP. JARMOC: And so my issue is that I am not hearing that those attorneys are necessarily even - I don't know whether it's the high case load, or a lack of initiation, but, I, you know, ideally, if what you are saying is true,

that the attorney - the child's attorney could initiate that child being placed with a relative, although, again, it's DCF policy that they should be taking initiative, as well. But I'm not hearing that at all, even honestly, quite the opposite.

And so, again, that's where the disconnect is happening. And does it require legislation? Does it require - I don't know what. I mean, that's what I grapple with. But it's systematic. These are not isolated situations. It's systematic.

CAROLYN SIGNORELLI: And I agree with you. It is systematic. Obviously, my agency was created, specifically, to deal with the issue of competent quality representation, and to try to insure that children's attorneys do what they're supposed to do.

So what we've done is, we've issued standards. We've tried to improve compensation to attract better attorneys. And - so that can have more attorneys. So that we can reduce case loads. But, you know, we're - we're struggling, as well, trying to achieve our goals with these attorneys.

My staff and I, we go out to meetings with foster parents. And in spite of being in existence now for three years, and telling attorneys that they need to get out and meet their clients, we hear from foster parents, the children's - that they've never met the child's attorney.

And so I'm doing what I can, to start really taking, you know, almost micromanaging attorneys who should be acting under the professional code of ethics. They have

standards to comply with. They know what the expectations are.

But, you know, my - I'm the only attorney in my agency. My agency is a nine-person agency. And we have close to 200 attorneys out in the state doing this work in 13 different courts. So it's very difficult to sort of do the quality assurance piece.

And it's also very difficult to attract more attorneys and competent attorneys. And that's not to disparage. We have some great attorneys doing this work for very little money. And some of them do a great job. But we don't have enough of them, in order to make sure that every child has an attorney that is devoting the time and diligence necessary on their cases.

So, you know, we're struggling with that. And I have proposals before the legislature to try to help my agency achieve those goals. But, I agree with you, it is systematic.

But, I don't know that these particular proposals, trying to shift burdens and change, are almost policy approaches to child protection, are what's going to achieve the results that you're - you're looking for.

REP. JARMOC: Thank you. So - but what I'm hearing is that there's a system in place. There are attorneys in place to advocate for a child -

CAROLYN SIGNORELLI: That's correct. Every child -

REP. JARMOC: - to communicate with a family.

CAROLYN SIGNORELLI: - every child who has a petition filed against them gets assigned an attorney immediately. And that attorney has

standards to tell them: they need to get out as soon as possible to see that child in whatever placement they're in. They need to review the DCF record. They need to talk to all the service providers. And they need to come up with an advocacy plan on behalf of their child client and assert that in the juvenile court.

REP. JARMOC: Is that a requirement that they meet with family?

CAROLYN SIGNORELLI: Well, that, you know, families, parties, they're represented; that, you know, they would have to get - because it is litigation. It is in court. There are certain ethical rules about attorneys being able to speak to other represented parties. But they - you know, what often happens times, is a child's attorney will ask the parents' attorney, do you mind if I speak with your client? Or they'll - they'll speak to the client in the presence of the parents' attorney.

REP. JARMOC: So, again, what I'm really concerned about is there are these sort of systems in place. But it's not happening -

CAROLYN SIGNORELLI: Not on a -

REP. JARMOC: - to the degree that it should be.

CAROLYN SIGNORELLI: Not on a consistent -

REP. JARMOC: There's a real disconnect. There's no consistency. Things are really falling between the cracks. And so that's my issue.

CAROLYN SIGNORELLI: Right. And, you know what, I mean, I believe that my agency could - could do a better job at getting really competent

zealous attorneys, if we had the ability to pay attorneys more. Right now, they're earning \$40 an hour. We did bring child welfare law specialties to the state of Connecticut. Those attorneys have become certified. It's quite a rigorous process; will be paid a higher rate in order to try to attract more attorneys and get them to devote to the system.

But, you know, in some respects it is a resource issue. In other respects, it's, unfortunately, an enforcement issue, which, you know, I'm almost embarrassed to say, quite honestly, because these are attorneys and they're professionals. And I hear from the foster parents that they've never met their child's attorneys. He's been in their home for two years. And that's really not acceptable.

REP. JARMOC: Well, thank you. And I'll be contacting you as we move forward -

CAROLYN SIGNORELLI: Thank you.

REP. JARMOC: - working on these DCF issues. But I do thank you for your honesty.

REP. WALKER: Thank you. Senator Doyle.

SENATOR DOYLE: Good morning. It's still morning. I'm actually new to Human Services Committee, so in a way, I think I bring a fresh perspective. I'm not new to legislature and I'm not new to a lot of the DCF issues, but, you know, this morning, issues have raised - there are some real concerns here that anyone would - cannot challenge. And one of the problems that concerns me is there's a presumption of guilt for the parents. That's what some people have testified. That's an

SB636

was harassment, basically. She put in an appeal, says, look, we sent you the proof. Please stop this.

There was doorbells ringing at the front of the house, the back of the house, the phone ringing, the cellphone. He was curled up on the bed crying because he's, like, they're going to take me. And so this is what I'm saying. It's got to stop.

REP. COOK: Don't stop fighting, protect them and keep up the good work. And thank you for your testimony and wish him well.

ISABELLE HALL-GUSTAFSON: Thank you.

SENATOR DOYLE: Thank you very much for taking the time to come here. You're educating us. And so I appreciate your time and the courage to come. Thank you.

Next speaker is Elizabeth Brown. Liz Brown. After Liz Brown, it is John DiBiase and then Representative Claire Janowski. Thank you. Good morning.

ELIZABETH BROWN: Good morning, Senator Doyle and Representative Walker, members of the committee. My name is Elizabeth Brown. I am the legislative director for the Commission on Children. And I want to thank you for raising these very important bills.

The commission supports key concepts in most of the bills in front of you: Senate Bill 636, House Bill 5421, House Bill 5425, House Bill 5980, House Bill 5981, and House Bill 6352. And after hearing other testimony, I guess I support them all.

But I think there's a fundamental systems issue here that we're hearing. As an introduction and framework for my testimony, the commission supports efforts to make DCF a more transparent, accountable and a more family-friendly department.

Over the years, the agency has morphed into an agency driven by court orders and outside observation. Decisions are based on the rule of law and not necessarily driven by a deep understanding of the changing family, or experience in serving families of diverse backgrounds and economic status. Are families better off because of the existence of DCF?

The number of bills before this committee would indicate that the public has lost confidence in the department's goal and mission: reform, oversight, parental rights, presumptive innocence, more confidentiality in proceedings, more mandates related to giving family members the first priority in placing a child and establishing a rebuttal presumption for custody for a foster parent who is a relative. They all reflect a deep need for an assessment of the effectiveness of the existing procedures, protocols, training and leadership necessary to focus on the interests of the child in the context of the changing family economic circumstances and demographic reality of where children live.

Over the course of the public hearings held jointly by the Human Services and Select Committee on children last fall, it became clear that there is a disconnect between the statutory mission of DCF and the actual operations that carry out their mandate.

The perception becomes the reality. Families feel disenfranchised and not part of the

solution; families do not understand their rights and do not feel valued or respected. The bills before you seek to hold DCF accountable give families an equal footing and provide a process for mutual benefit.

The commission supports implementing these statutory changes, but believes the department needs to embrace a new culture of doing business focused on: prevention, family support, extended family inclusion, community capacity building and move from crisis to prevention. This would be a dramatic culture change and may require a statutory change to the mission and performance measures of the department.

The commission welcomes an opportunity to work with all parties on this important issue to insure children live in safe, loving, secure families. Thank you for the opportunity to testify this morning.

SENATOR DOYLE: Thank you, Ms. Brown. Any questions from the committee members?  
Representative Thompson.

REP. THOMPSON: Good morning, Liz.

ELIZABETH BROWN: Good morning, Senator Thompson.

REP. THOMPSON: Did you hear my outburst before?

ELIZABETH BROWN: I did. I did.

REP. THOMPSON: Are you familiar with the Birth to Three program?

ELIZABETH BROWN: The interagency. And I guess I would agree wholeheartedly, that in terms of oversight and collaboration, I think we really should look at establishing an interagency

committee, a problem-solving committee that brings people together, similar to what we did with the Family with Service Needs Task Force, or other models.

Right now DCF is not - they're doing their comprehensive plans, but I don't know who they are doing it with. It's not something that they're doing in collaboration. So I think that should be part of how we move forward, because I agree with you, nobody wants to sit here and castigate agencies. There's - it's a difficult job. But I think we've been doing it for so many years and haven't seen a change. And I think that's our frustration.

So I absolutely agree. We need an interagency problem-solving committee to move us forward. And, I think, you know, if you look at the proposed budget, it is not moving us towards prevention. It's eliminating all of the Children's Trust Fund activities. And, quite frankly, there's only six positions that I see in the Governor's budget for prevention, as opposed to hundreds for this whole investigative, legalistic, anti-family process that we've set up.

And I want to thank Representative Walker for bringing up the North Carolina model, because that's really what we have to move towards. And I think if we could use this interagency collaboration to move us towards that model, we're based on best practices. And I think that's the way to go. And come back here at a year and say, okay, we are making progress.

You know, we can sit here and tweak. And it's them and then us. It's just - you know, you're - then you hear stories of real families. So I think that we - it's time to really move us forward and out of this

legalistic morass that we're in. God love all the lawyers. But I don't think that they are the answer, you know, to what we're trying to do.

So, I mean, I was appalled to hear that they're just looking at hearsay evidence. And a principal or a superintendent can say anything and nobody even looks to see whether or not that's valid. And I can't believe that we can't have a motion to dismiss. I mean, these are real problems in the current system. But I guess, you know, we need to kind of have a parallel track and do what Representative Thompson proposed.

But, really, where is the differential response system? We've been talking about that. And I've heard the department talk about it, but if you look at the budget, we're not moving in that direction. There's no allocation to implement that. There's nothing. It's not there.

So, I mean, I think it all sounds good, but when are we going to see action? So I think establishing the interagency collaboration would be a step in the right direction.

REP. THOMPSON: Well, when I mentioned the Birth to Three -

ELIABETH BROWN: Yes.

REP. THOMPSON: - I also included that the families are heavily involved in that oversight committee and participate. In fact, the vice-chairman of the interagency, quote, is a parent, and she's there because she's a parent.

But let me just give you one example of what happened yesterday. One of the agencies, who has to complete reports for the federal government, said that they were jammed-up and they thought that they could meet their deadline by contacting parents by telephone. And these were youngsters with delayed speech. And they had a series of questions they thought would be satisfactory.

Well, the vice-chair said, oh, no, you can't do it that way. And she had a special education background. If my child is going to be questioned, I want the person to be there -

ELIZABETH BROWEN: Yes.

REP. THOMPSON: - and see the child and talk to the child. Another parent, who was also on the advisory group, said the same thing. I mean, they were there, and they're meeting, and they're on a regular basis. They meet quarterly. But back - when they go back to their communities, they have groups similar. And they're interacting with the agency all the time in a structured way.

ELIZABETH BROWN: I think it's great.

REP. THOMPSON: But the parents are involved, the families are involved. That doesn't seem to be happening here.

ELIZABETH BROWN: That - that model is - is not there. And that should be part of the prevention model. And quite frankly, after listening to the testimony today, I think there's an inherent conflict of interest between the person who's investigating and the person who's supposed to be helping the family address their needs. To me, there needs to be a firewall between the investigation and the -

and the people who are supposed to be working with the family, because the end gain - if you don't do what they want - it sounds like the end gain, is termination of parental rights.

You know, so I mean, I think there's a lot of issues here. And we really need, you know, a real concerted effort to look at the continuum here.

I know out of the 80,000 or so complaints that come in, that go through 211, you know, we're down to about 6,000 substantiated cases. Now, of those 6,000 substantiated cases, I am not sure of the percentage that actually end up with termination, but maybe that's something we can find out because, you know, I think that would be an interesting number to see. And maybe DCF has those numbers.

But, you know, if you look at, kind of like a triangle - visualize a triangle - DCF, the petitions to court should be a very small number of their work. It's too much of their work as attorney - as Carolyn - I never could pronounce her name correctly - but I think we have to lessen the funnel. We have to stop these petitions before they get to the court and work on the family conferencing, or the mediation, or whatever.

And DCF should not be allowed to go knock on somebody's door like that. That person should just be fired. I - I, you know, I'm just appalled by that, anyway.

SENATOR DOYLE: Thank you.

ELIZABETH BROWN: Thank you.

SENATOR DOYLE: And I'd like to - Representative Thompson, I'd like to straighten you. I

disagree that your presentation was an outburst. It was a passionate and sincere statement. And Representative Orange has a comment.

REP. ORANGE: Hi, Liz. Good to see you.

ELIZABETH BROWN: I think I'm becoming an outburst here.

REP. ORANGE: I think, Liz, that listening to the person that testified before you and, you know, watching this agency, that they think that they're just a little mini-police organization because they have powers of whatever. And they really don't, or aren't trained in how to handle the power that they have, number one.

And they're not untouched by the law themselves, and I think that they think that they are. And that they can do anything they want, to whomever they want; whenever, where ever they want, because they're a little mini-police, Gestapo; that really doesn't know how to handle their power in that fashion because they're not trained to. And I think that they should be trained in approaching people. And, obviously, they're not, if these things are happening. And I know, for a fact, that these things are happening.

And that's why I brought up to the woman that testified before you, did you consider a lawsuit? I mean, it's plain, pure, and simple; it is wrong. And I thank you for all of your work. You work so hard on behalf of children in the state. It's just remarkable how hard you work. And I know that with the bill that's in here this year; that you worked on that last year, as well. And, you know,

you really rollup your sleeves and do the work. And I thank you very much.

ELIZABETH BROWN: Thank you.

SENATOR DOYLE: Thank you. Any other comment?  
Representative Walker.

REP. WALKER: I just want to say thank you. I mean, I don't have to - we've had many conversations since, so you know that. And I truly believe that your commission brings such value to this state. And we will have to fight for you, as well as the families, because we need to have more voices out there fighting for the families. So thank you very much.

SENATOR DOYLE: Any other questions from committee members? Seeing none, thank you, Ms. Brown.

The next speaker is John DiBiase. Right after that, it's Christine Rapillo and then Donna Blackman. Mr. DiBiase.

JOHN DIBIASE: I remembered to turn the light on. You have to bear with me, I've got a little cold. I'm here to ask for support for -

SENATOR DOYLE: No, first, sir -

JOHN DIBIASE: My name is -

SENATOR DOYLE: Yes, there you go. Thank you.

JOHN DIBIASE: - John DiBiase. And my address is 17 Newton Street, Meriden, Connecticut. And I'm - I'm here to - I'm representing one - two organizations, the DMAC, Divorced Men's Association of Connecticut and the Connecticut Civil Rights Council. We're advocates for parents with disabilities.

SB636

160  
2009

February 10,

csd HUMAN SERVICES COMMITTEE

10:00 A.M.

JEROME RICHARDSON: Thank you.

SENATOR DOYLE: Thank you for taking your time to come, Mr. Richardson. The next speaker, Cheryl Martone. Cheryl's here. Okay. And after Cheryl is Joey Watley and Robert Johnson. Ms. Martone.

CHERYL MARTONE: Good afternoon -

SENATOR DOYLE: Good afternoon.

CHERYL MARTONE: - Senator Doyle and Representative Walker and the panel, Select Committee on Children - I mean, this one is Human Services. I'm dealing with both of them. And I testified three times last week, too, so twice, I went to three hearings.

I just want to say that my name's Cheryl Martone and I'm a parent and a parent investigator on DCF. And DCF's documentation of reports is really bizarre.

SENATOR DOYLE: Excuse me, are you an employee for - does that mean you're an employee for DCF?

CHERYL MARTONE: No, not DCF. On - I'm a parent investigator.

SENATOR DOYLE: Oh, sorry. Okay.

CHERYL MARTONE: I'm investigating them.

SENATOR DOYLE: Oh, okay.

CHERYL MARTONE: Yes, we got that right. I'm a parent who has been - my child was illegally taken away from - by DCF. I'd like to add that my mom just passed away on January 15th

HB 6352  
HB 5421

164  
2009  
csd

February 10,

000467

HUMAN SERVICES COMMITTEE

10:00 A.M.

And it's horrible. It's horrible. I know I hear a lot of stories of what's been done to children and families because I'm talking to a lot of families now. And I want it to stop. I want children to stop being harmed. I want children to stop being - I'm working with Able Child.

And I want children's parents to work with Able Child because they're the ones who are against children being labeled and drugged. And it's despicable. It's a trillion dollar a year business, the psychiatry business. And that's who - that's who DCF sends a lot of referrals to, the psychiatrists, who are making a lot of money on false reports.

Thank you.

SENATOR DOYLE: Thank you, Ms. Martone. Any questions from committee members?  
Representative Jarmoc has a question for you.

CHERYL MARTONE: Thank you.

REP. JARMOC: I just have a few questions. In regard to when your son was taken from you, what attempts were made by DCF to contact family?

HB 5421

CHERYL MARTONE: They made one phone call to my father.

REP. JARMOC: They made one phone call to your father.

CHERYL MARTONE: Uh-huh.

REP. JARMOC: So in terms of - I know the Commissioner uses the word, "wholeheartedly," they wholeheartedly looked for relatives?

165  
2009

February 10,

csd HUMAN SERVICES COMMITTEE

10:00 A.M.

CHERYL MARTONE: No, they do not. I gave them a list of people. They didn't call anyone. I even brought my dad up to the DCF office in Middletown. Okay, we took your information. We'll contact you. They never contacted him.

REP. JARMOC: Right.

CHERYL MARTONE: I have to do the foot work. It seems like I have to do - I have to get out and do. And I stand up to them. And they're trying to make it look like I'm - now they're trying to - this is the latest thing - they're trying to make it look like I'm harassing them.

REP. JARMOC: Yes.

CHERYL MARTONE: And I'm not.

REP. JARMOC: And in regard to visitation, is it - so there's this scheduled visitation. And do they call and cancel, or do they not just show up? What -

CHERYL MARTONE: Oh, okay. In September, that was one of my last, like, major visits with my child, in September 24th. I asked them - they had me driving from Clinton, Connecticut, all the way to Jewett City to Lighthouse Services.

Well, when I got there, I asked - well, that morning I asked my worker, Janine Weise, to - if I can have the visits closer to my home. They had me driving 45 miles one-way in the heat of the summer. My air-conditioner was breaking down; \$5 a gallon for gas. And I said, could you please, like, find some place closer to my home.

So when I got to the visit, I even had a witness with me. My son was very upset. And then they made up that I - that I upset my son. I would never ever try to upset my child.

So now when my mother passed away on January 15th, I called up my lawyer and I said, How about a lawsuit? If I don't see my son at my mom's funeral, maybe I'll file a lawsuit because they're violating my child's constitutional rights and they're violating - they're doing parent alienation. My son was there at my mom's funeral. Thank God. Somebody's watching out for me up there.

REP. JARMOC: All right. Thank you very much.

SENATOR DOYLE: Thank you. Any other questions from committee members? Seeing none, thank you for coming, Ms. Martone.

CHERYL MARTONE: Thank you.

SENATOR DOYLE: Next speaker, I think, is Joey Watley, if I'm pronouncing it. Yes, please come up, sir. And after that is Robert Johnson and Joseph Maisano. Mr. Watley, please.

HB 6352  
HB 5421

A VOICE: (Inaudible.)

SENATOR DOYLE: Yes, that's fine. Is that Karen Hasemann? Yes, you can come together.

JOSEPH WATLEY: Joseph Watley, Thomaston, exiled father of two boys.

KAREN HASEMANN: Karen Hasemann, Watertown, Connecticut and mother of three children.

170  
2009  
csd

February 10,

000473

HUMAN SERVICES COMMITTEE

10:00 A.M.

services nationwide. Activate immediate change.

Every day passes, means more families and children are subject to being held hostage and their lives destroyed, like Karen and I.

Abolish the federal and state financial incentives that have turned child protective services into a business that separates families for money.

Grant the parents, verbally, and in writing, their rights, which was never done for Karen and I and probably other families out there.

Mandate a search for family members to be given the opportunity to adopt their own relatives, if children need to be removed permanently.

And I'd like to quickly insert here, relative placement. I've spoke with Representative Toni Walker about this. I have an older brother, Robert, pillar of the community, highly achieved. He's an overachiever; built his own two-story colonial home, 65 acres of land. He's a plant manager in his factory. He was a licensed foster care worker for the Torrington DCF for five years, but Kathy Dayner, 25-year veteran of the Torrington DCF testified on the witness box, I never heard about Robert Watley. What? Are you kidding?

HB5421

My sister, Nancy Watley - Nancy Griswold now - won Connecticut lottery. What a wonderful resource she is, that could have taken my children in the meantime, while Karen and I had to go through this gauntlet. Kathy Dayner, once again, I never heard about Nancy Griswold, my sister. Well, guess who was at

171  
2009  
csd

February 10,

000474

HUMAN SERVICES COMMITTEE

10:00 A.M.

the first visitation, that they call it? Oh, and I hate that word, "visitation." That smacks of a convict. I'm no convict, visitation.

My first parental session with my child, my sister was right there. And Kathy Dayner was in the room. And she testified in court though, at our - at our termination of parental rights hearing, I never heard about Nancy.

Once again, I'm asking you very nicely, please investigate this particular case. And I'm not saying that our case is any better or greater than anybody else's, but I'm telling you, this case right here is serious abuse.

You're violating federal law by holding her brain tumor removal operation against her. Quit victimizing the victim here. Do something about this. Through no fault of her own, she had to go through this experience. And now you're piling suffering on top of suffering, destroying our family because of this, because you're claiming she cannot parent her children. Well, what about me?

Why do you take the state funding and the federal funding and put it into a third party's hands to keep our children away from us. Why can't you put the services in place and keep our children with us? We, the people, view this as stealing. You're stealing out of the taxpayer's pockets to keep our children away from us.

REP. WALKER: Joe, can I interrupt. Have you gotten contacted by DCF in the last week or two?

SENATOR KANE: I do remember that. And that's why, you know, I wanted to make sure - when I saw you walking around, I did remember meeting you and appreciate you coming up here today. It's very important for you to do it. It's not easy. It's not easy for us, let alone for people to come in, like yourself, and open up the way you did. And that's very very important.

JOSEPH WATLEY: Listen. Listen. The truth will withstand any amount of scrutiny. If I sit back and do nothing about this, it means I condone what they're doing. And I certainly don't. That's why I'm here. And I thank you for the opportunity to give me this chance.

SENATOR DOYLE: Okay. Wait a minute. Wait a minute. Representative Jarmoc has a question.

JOSEPH WATLEY: Yes, sir. Yes, ma'am.

REP. JARMOC: Thank you very much for your testimony. And I'm just trying to really drive a point here, so I probably sound repetitive, but I'm just going to keep saying this because when Susan Hamilton, who is the Commissioner of DCF came earlier today to testify in regard to some legislation - one of which was in regard to family and placement of children with family - she testified that department policies and procedures required social work staff to diligently search for and assess relatives in every case where an out-of-home removal is necessary.

In addition, the identification of, and placement with relatives is a key concept. And so just to reiterate, you're saying that your brother -

177  
2009

February 10,

000480

csd HUMAN SERVICES COMMITTEE

10:00 A.M.

JOSEPH WATLEY: My brother Robert -

REP. JARMOC: - is a licensed -

JOSEPH WATLEY: - licensed foster care - he was -

REP. JARMOC: - and you also have a sister -

JOSEPH WATLEY: - for five years.

REP. JARMOC: - and you also have a sister who was  
potentially willing to take your son?

JOSEPH WATLEY: Absolutely. They both testified to  
that fact.

REP. JARMOC: Was there any attempt - I mean, I'm  
hearing that they diligently searched -  
diligently. So was there a diligent search?

JOSEPH WATLEY: Listen. Now - now this - thank you  
for saying this. Now - now, is there any  
doubt from this point further that DCF lies  
through their teeth and they lie in the  
witness box?

REP. JARMOC: I'm just trying to understand, so was  
there -

JOSEPH WATLEY: They testified - they testified -

REP. JARMOC: Was there a diligent search for your  
relatives to see if they would be willing to  
take in your son?

KAREN HASEMAN: No, they did not.

JOSEPH WATLEY: DCF did not.

KAREN HASEMAN: Did not.

178  
2009

February 10,

csd HUMAN SERVICES COMMITTEE

10:00 A.M.

REP. JARMOC: Okay.

JOSEPH WATLEY: And if they tell you so when we leave this meeting, I'm going to - I'll - bring us together, because I'll tell them that they're a liar to their faces. My brother testified that he would take them. And he still will.

REP. JARMOC: And they're with a foster family right now. Is that correct?

JOSEPH WATLEY: Say that -

REP. JARMOC: Your sons are with a foster family?

JOSEPH WATLEY: Yes.

REP. JARMOC: A nonrelative?

JOSEPH WATLEY: A nonrelative.

REP. JARMOC: Nonrelative. All right. Thank you. Thank you very much.

SENATOR DOYLE: Thank you, Mr. Watley. Any other questions from committee members? Thank you for taking the time to come up and tell your story. The next speaker (clapping) is Robert Johnson and after that it's Joseph Maisano. And then I'm not - at this point, we have no other people signed up. And if other people, they still have the ability to speak, but right now we just have those two remaining speakers. Robert Johnson.

ROBERT JOHNSON: Good afternoon. What is it? I represent the LDS Church.

HB6352

SENATOR DOYLE: Just for the record, please give us your name.

T1 1/2

**Deborah G. Stevenson****Attorney-at-Law****Executive Director, National Home Education Legal Defense, LLC****226 East Flag Swamp Road****Southbury, CT 06488****Tel.: (860) 354-3590****Fax: (860) 354-9360**

February 10, 2009

**TESTIMONY IN FAVOR OF SB636, HB5421, HB5425, HB5980, HB5981, HB5982, HB6145, HB6149, and HB6150.**

I am an Attorney practicing in the areas of Education and Appellate Law, and I routinely represent parents, some of whom have been accused falsely of neglect. I thank the Committee members for their hard work and thoughtfulness in proposing the legislation before you today, and I hope that you will vote to approve SB636, HB5421, HB5425, HB5980, HB5981, HB5982, HB6145, HB6149, and HB6150.

For the sake of time, I will not address each of the bills individually, but in your review of those bills, I hope you will agree that each of them will restore the Constitutional rights of parents and will level the playing field when a DCF social worker, with the awesome power of the state, comes knocking on a parent's door.

Right now, when that happens, the parent is presumed guilty until proven innocent, the social worker is not required to verify any facts before beginning an investigation, is not required to inform parents that they do not have to allow the social worker into their home or to speak with them, and may take custody of a child, not because the parent neglected the child today, but because the parent "might" neglect the child at some point in the future. That's called "predictive neglect" and courts have affirmed DCF's actions based on that theory. In other words, right now, DCF takes many actions that simply are unconstitutional. The bills before you today, require DCF to restore the Constitutional rights of parents, simply by actually applying Constitutional principles to their everyday actions.

One of the most important bills before you is SB636. Not only does it place into statutory law the principle that parents are presumed innocent until proven guilty, but it also requires the protection of a parent's Constitutional rights, in addition to requiring the firing of DCF employees who violate those Constitutional rights. This sends a strong message to DCF, one that is long overdue, that its past unconscionable practices no longer will be tolerated. I applaud you for this. DCF cannot continue to practice business as usual. If any change is to occur within this agency, sanctions must be imposed when wrongdoing occurs.

I also applaud you for proposing HB5425, ending the practice of "predictive neglect". While it is laudable to protect children, there must be balance in the system. No one can predict with any certainty that another person will neglect a child at some point in the future. The theory of "predictive neglect" disregards the need for any proof that neglect actually occurred, is simply absurd, and should no longer be used to tear families apart.

The remaining bills are equally important. They would require DCF to verify facts before beginning an investigation, to forbid the use of hearsay as evidence against a parent, and to allow DCF records to be made available to the public unless the parents requested that the records to remain confidential. These bills bring fairness to the system, do not cost the state any money, make common sense, and restore fairness and justice to a system that long ago lost the public trust. **Please vote to adopt all of these bills.**

(k) The clinic shall ensure that the treatment plan and any subsequent revisions are explained to the child and his parent or guardian in language understandable to these persons.

**(l) The treatment plan shall be signed by the chief administrator of the clinic or his designee; the child, if he is capable of doing so, and the child's parent or guardian.**

(m) In accordance with the treatment plan, each record shall contain notes which document services provided and progress made toward goals and objectives. Each note shall be typewritten or entered in ink by a qualified staff member or consultant and shall be dated, legibly printed, signed by the person making the entry, and include the person's title.

(n) The clinic shall have policy and procedures governing the use of special treatment procedures which shall be consistent with state statutes and regulations, and shall receive prior approval by the department.

(o) The treatment-planning process is designed to ensure that care is appropriate to the individual's specific needs and shall provide an assessment of the severity of his or her condition, impairment, or disability.

(p) The treatment plan shall reflect the individual's clinical needs and condition and identify functional strengths and limitations.

**H.B. No. 5421 (COMM) AN ACT CONCERNING PROCEEDINGS AND OPERATIONS OF THE DEPARTMENT OF CHILDREN AND FAMILIES.**

The Department of Children and Families offers the following comments regarding **H.B. No. 5421 AN ACT CONCERNING PROCEEDINGS AND OPERATIONS OF THE DEPARTMENT OF CHILDREN AND FAMILIES.**

The Department supports Sections 2 and 3 of **House Bill 5421**, which together require that unauthorized disclosure of Department records be reported in writing and that whistleblower protections be afforded to persons reporting such unauthorized disclosures. Presently, Department employees are expected to maintain the strictest confidentiality, and there are multiple and redundant systems in place designed to prevent and/or identify such breaches. When such breaches do occur, they are swiftly dealt with through discipline of the involved employees.

While DCF has concerns regarding the language in Section 4, the Department wholeheartedly supports the concept of placement of children with relatives whenever this is safely possible and in the child's best interests. In fact, Department policies and procedures require social work staff to diligently search for and assess relatives in every case where an out-of-home removal is necessary. In addition, the identification of and placement with relatives is a key concept underlying the recent federal Fostering Connections to Success and Increasing Adoptions Act of 2008 which the Department is in the process of implementing agency-wide.

Sections 5 and 6 apply to guardianship and termination proceedings in probate court. While the Department is not usually a party in these cases and, therefore, has no position on the proposed language as it relates to those cases, we would like to note that establishing a rebuttable presumption of relative fitness may not be appropriate in all cases.

SB 636  
 HB 5425  
 HB 5980  
 HB 5981  
 HB 6145  
 HB 6150  
 HB 5842  
 HB 5982  
 HB 6148  
 HB 6149  
 HB 6352  
 HB 6353

The Department supports the language in Section 7 of H.B. 5421, which states that the mere fact that a parent has applied for or received voluntary services for his or her child should not be "used against" the parent in a subsequent child protection investigation, study or proceeding. The Department encourages the use of voluntary services whenever possible, and certainly should not penalize parents for simply applying for or availing themselves of these services.

**Proposed S.B. No. 636 AN ACT CONCERNING THE PRESUMPTION OF INNOCENCE AND PRESERVATION OF CONSTITUTIONAL RIGHTS IN PROCEEDINGS ALLEGING CHILD ABUSE OR NEGLECT BY A PARENT OR GUARDIAN.**

**Proposed H.B. No. 5425 AN ACT PROHIBITING RELIANCE ON A THEORY OF PREDICTIVE NEGLECT OR PREDICTIVE ABUSE IN THE ADJUDICATION OF CHILD NEGLECT AND ABUSE CASES.**

**Proposed H.B. No. 5980 AN ACT CONCERNING VERIFICATION OF INFORMATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES IN CHILD ABUSE AND NEGLECT CASES.**

**Proposed H.B. No. 5981 AN ACT CONCERNING COMMUNICATION BETWEEN THE DEPARTMENT OF CHILDREN AND FAMILIES AND PARENTS OR GUARDIANS IN JUVENILE MATTERS.**

**Proposed H.B. No. 6145 AN ACT CONCERNING EVIDENCE IN DEPARTMENT OF CHILDREN AND FAMILIES PROCEEDINGS.**

**Proposed H.B. No. 6150 AN ACT REQUIRING INFORMATION TO BE PROVIDED TO PARENTS CONTACTED BY THE DEPARTMENT OF CHILDREN AND FAMILIES.**

The Department opposes a cluster of bills that seek to impose criminal court standards and procedures on juvenile court proceedings. As this Committee is aware, child abuse and neglect cases are not criminal proceedings. They are civil in nature, as they are in all states. This is because the purpose of child protection litigation is not necessarily to determine whether a particular person committed a particular act but, rather, whether a child has been abused or neglected and, if so, how that abuse or neglect may be mitigated. Our current statutory scheme is designed to balance the rights of parents to the integrity of their families with the rights of children to be free of abuse and neglect. This scheme is consistent with national standards and its various elements have been repeatedly upheld by Connecticut courts and other courts throughout the nation. Converting civil child protection proceedings to criminal cases will upset the delicate balance between child safety and family preservation, create unnecessary delays and barriers to presenting a legally sufficient case to the juvenile court, and add unnecessary procedures to what is already a careful and thorough judicial review process. Together, these bills could create a level of risk to children that is unprecedented in the nation, and constitutionally unnecessary. The Department believes strongly in protecting the constitutional rights of all the children and families it serves, and the current statutes, policies and procedures are already in place to ensure these rights are protected.

**House Bill No. 5425** seeks to change the burden of proof in a child abuse or neglect cases to "beyond a reasonable doubt." The burden of proof in all civil cases, including neglect and abuse

State of Connecticut  
GENERAL ASSEMBLY



COMMISSION ON CHILDREN

Human Services Committee  
Public Hearing  
February 10, 2009

Testimony Submitted by Elizabeth C. Brown

Senator Doyle, Representative Walker and members of the Committee. My name is Elizabeth C. Brown and I appreciate the opportunity to testify on many bills before you that seek to reform and provide families a stronger voice in DCF proceedings concerning custody and parental rights.

The Commission supports key concepts in the following bills: SB 636, An Act Concerning the Presumption of Innocence and Preservation of Constitutional Rights in Proceedings Alleging Child Abuse or Neglect by Parent or Guardian; HB 5421, An Act Concerning Proceedings and Operations of the Department of Children and Families; HB 5425 An Act Prohibiting Reliance on a Theory of Predictive Neglect or Predictive Abuse in the Adjudication of Child Neglect and Abuse Cases; HB 5980, An Act Concerning Verification of Information by the Department of Children and Families in Abuse and Neglect Cases; HB 5981, An Act Concerning Communication Between the Department of Children and Families and Parents or Guardians in Juvenile Matters; and HB An Act Concerning Oversight of the Department of Children and Families.

As an introduction and framework for my testimony, the Commission supports efforts to make the Department of Children and Families a more transparent, accountable and a more family friendly department. Over the years the Agency has morphed into an agency driven by court orders and outside observation. Decisions are based on the rule of law and not necessarily driven by a deep understanding of the changing family or experience in serving families of diverse backgrounds and economic status. Are families better off because of the existence of the Department?

The number of bills before this committee would indicate that the public has lost confidence in the Department's goals and mission. Reform, oversight, parental rights, presumptive innocence, more confidentiality in proceedings, more mandates related to giving family members the first priority in placing a child and establishing a rebuttable presumption for custody for a foster parent who is a relative- reflect a deep need for an assessment of the effectiveness of the existing procedures, protocols, training and leadership necessary to focus on the interests of the child in the context of the changing family, economic circumstances, and demographic reality of where children live.

Over the course of the public hearings held jointly by the Human Services and Select Committee on Children last fall, it became clear that there is a disconnect between the statutory mission of DCF and the actual operations that carry out their mandate. The perception becomes the reality. Families feel disenfranchised and not part of the solution. Families do not understand their rights and do not feel valued or respected.

The bills before you seek to hold DCF accountable, give families an equal footing and provide a process for mutual benefit. The Commission supports implementing these statutory changes, but believes the Department needs to embrace a new culture of doing business focused on prevention, family support, extended family inclusion, community capacity building and move from crisis to prevention. This is a dramatic culture change, and may require a statutory change to the mission and performance measures of the Department. The Commission welcomes and opportunity to work with all parties on this important issue to ensure children live in safe, loving, secure families.

T12

To members of the Human Service committee. My name is Jerome Richardson of Griswold and I am here to testify in support of H B No. 6352 (RAISED) an act concerning oversight of the Department of Children and Families... SUBJECT MATTER THE DEPARTMENT OF CHILDREN AND FAMILIES H-B No. 5421, 5425, 5842, 5980, 5981, 5982, 6145, 6148, 6149, 6150 and 6352. The objective of t his testimony is to address the inappropriate behavior conducted by social workers in the Norwich office

I strongly disagree with the procedures and tactics that were used to obtain temporary custody of my child. These tactics were abuse of the judicial power and judicial system DCF is a "moving force" behind the on-going violations of federal law and violations of the Constitution... DCF takes on the personal of the feeling of exaggerated power over parents and that they are totally immune. Further, that they can basically do anything they want including engaging in deception, misrepresentation of facts and lying to the judge as well as the AAG.

Child removals are "seizures" under the Fourth Amendment. Seizure is unconstitutional without court order or exigent circumstances. Court order obtained based on knowingly false information violates Fourth Amendment. Brokaw v. Mercer County, (7<sup>th</sup> Cir 2000). It is not enough to have information that the children are in some form of serious danger. The evidence must also pass a test of reliability that our justice system calls probable cause.

Making false statements to obtain a warrant, when the false statements were necessary to the finding of probable cause on which the warrant was based, violates the Fourth Amendment's warrant requirement The Warrant Clause contemplates that the warrant

Applicant is truthful "no warrant shall issue, but on probable cause, supported by oath or affirmation" Deliberate falsehood or reckless disregard for the truth violates the Warrant Clause

On November 30<sup>th</sup>, 2007 my son, Jordon R was removed from Hospital and taken into custody by the DCF. Jordon R did not require immediate removal to ensure his safety, or were the conditions or circumstances surrounding his care require immediate attention as Carrie Quinley (social worker) of DCF sworn to, on Nov 30, 2007

Social workers Carrie L. Quinley, Stephanie Browder (Supervisor) and David Silva (Program Director) who had no knowledge of the case but was filling in for Beth Saypalia signed summary of facts documents stating that there were reasonable efforts made to the Family where in fact there were no efforts made on the Father's behalf. After the OTC was granted based on false and reckless statements made by social worker Carrie Quinley. Father and Mother did not receive equal opportunity to bond with their child as required by law, the scale of equality was craftily tip by the Department of Children and Family to favor both the Mother and the state.

The state's absence of responsibility to comply with Connecticut General Statute's 46b-129. That the agency should give primary consideration to placing child or youth in the town where child or youth resides. The agency shall file in writing with the clerk of the court the reasons for placing the child or youth in a particular placement outside the town where the child or youth resides. Created numerous problems, i.e. around visitation schedules, transportation, communication difficulties (language barriers) denying me my fundamental rights to bond with my child The Father is not aware of anything filed by DCF to the court to date Although the Honorable Judge Driscoll order the

Department to make reasonable effort for visitation for myself on May 5<sup>th</sup>, 2007 rather than comply with such order. The Department filed a motion to suspend visitation in order to protect its social workers failure of responsibility

With no respect of due process I was denied significant time with my son which in return gave the state and the foster parents an advantage, from the state point of view the reason being some courts view this time with one parent or guardian as a significant factor related to maintaining continuity in the child's life. Although a lost opportunity to spend significant time with my child cannot be replaced by a subsequent order of custody as part of an ultimate dissolution judgment. Madigan v. Madigan 224 Conn. 620 a 2d 1276 9 1993). The state relied on this tactic.

It was also documented by Dr. Mary Cheyenne – court appointed psychologist that they were no concern of Father's role as a parent and an assessment of my interaction with my child. Instead psychological notes from 10 years ago were introduced to court to discredit Father's current state today. I have achieved sufficient personal and professional rehabilitation that is well documented to date to allow me to assume a responsible position in my child's life.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 21  
6584 - 6932**

**2009**



**State of Connecticut**  
**DIVISION OF PUBLIC DEFENDER SERVICES**

**OFFICE OF THE CHIEF PUBLIC DEFENDER**  
 30 TRINITY STREET  
 FOURTH FLOOR  
 HARTFORD, CONNECTICUT 06106

**CHRISTINE PERRA RAPILLO**  
 EXECUTIVE ASSISTANT PUBLIC DEFENDER  
 DIRECTOR OF JUVENILE DELINQUENCY DEFENSE  
 (860) 509-6472 TELEPHONE  
 (860) 509-6495 FAX

**TESTIMONY OF CHRISTINE RAPILLO**  
**EXECUTIVE ASSISTANT PUBLIC DEFENDER**  
**OFFICE OF THE CHIEF PUBLIC DEFENDER**  
**COMMITTEE ON THE JUDICIARY**

**Raised Bill 6702, An Act Concerning Public Access to**  
**Proceedings in Certain Juvenile Matters**  
**March 26, 2009**

The Office of the Chief Public Defender is concerned that **Raised Bill 6702, an Act Concerning Public Access to Certain Juvenile Matters** erodes the basic protections of the juvenile courts. **Raised Bill 6702** proposes a pilot program to open certain child protection proceedings. The Office of the Chief Public Defender believes that this creates a slippery slope, whereby more and more child protection and delinquency cases will be open to the public. Many arguments have been made that opening the juvenile courts will lead to systemic improvements that have been hard to achieve by legislative or other reform efforts. This is not in the best interest of the children which the courts are designed to serve.

System reform, however necessary, should not be done on the backs of the children. Well meaning advocates argue that bringing light into the juvenile courts will result in better outcomes for children. This ignores the fact that confidentiality is one of the major protections offered by the juvenile courts. Opening a child's most private and intimate family issues to the public will not make the child safer or help wounds heal more quickly. The whole rehabilitative purpose of a separate juvenile court for delinquency matters is foiled by exposing the accused children to public scrutiny.

This proposed pilot program is of particular concern since there are other bills currently pending in this Session that would make further inroads in confidentiality protections in juvenile courts. **Raised Bill 5425, An Act Concerning the Department of Children and Families** would significantly increase the Department of Children and Families' ability to release records without the consent of the family or child. **Raised Bill 5421, An Act Concerning Proceedings**

Raised Bill 6702, An Act Concerning Public Access Proceedings in Certain Juvenile Matters  
Testimony of Office of Chief Public Defender, Christine Rapillo,  
Committee on the Judiciary - March 26, 2009

and Operations of the Department of Children and Families would open all juvenile proceedings, delinquency and child protection to the public. This would be devastating to the children and families that receive services from the Juvenile Courts and could result in a chilling effect on voluntary referrals, both for child protection and delinquency. Families will choose not to seek helpful programs offered by the court if they fear that their neighbors can get access to their case records.

Opening juvenile court record and proceedings to the public is not in the best interest of children. Delinquency matters are kept confidential because we recognize that children make mistakes and should benefit from accountability and rehabilitation provided by a closed proceeding. This leaves them without the stain of a criminal record and allows for full integration into the community. Likewise, a private child protection session allows families to try and resolve their most upsetting and traumatic situations without public scrutiny or comment. Juvenile Matters courts have traditionally been kept closed to protect the children. System reform must be accomplished without exposing children to the trauma of having intimate details of their lives aired in the public eye.