

PA 11-112

HB6312

House	3431-3435	5
Judiciary	5698, 5702-5707, 5723-5726, 5733-5736, 5763-5770, 5856- 5867, 5923, 5925-5926	38
<u>Senate</u>	<u>6553, 6573-6578</u>	<u>7</u>
		50

H - 1101

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 10
3113 - 3437**

THE CLERK:

On page 29 -- 21, Calendar 379, substitute for House Bill Number 6312, AN ACT CONCERNING THE RIGHTS OF A PARENT OF GUARDIAN IN AN INVESTIGATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES. Favorable report by the Committee on Judiciary.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Committee on Judiciary, Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. I move for the 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 sir.

REP. FOX (146th):

Thank you, Mr. Speaker. This bill is aims to -- make sure that parents are -- are aware of their rights when a DCF investigation is taking place or about to take place. And what it would do is it would require DCF to incorporate into their -- their handbooks notice of certain rights that parents have when they're about to be investigated in matters

involving their children.

Amongst those rights include the written notice that the parent or guardian is not required to let the representative DCF into the house or residence, that they are not required to speak with the representative of DCF, that they are entitled to have an attorney present if they should so choose, as well as other requirements that the parents may not be aware of at the time of an investigation.

There was support for this, including support from DCF because the -- the thought was that informed parents will always improve the process and we will ultimately come out with better outcomes.

Mr. Speaker, the Clerk does have an amendment, LCO Number 5889. I would ask that that be called and I be permitted to summarize.

DEPUTY SPEAKER GODFREY:

Clerk is in possession of LCO Number 5889, which will be designated House Amendment Schedule "A". Will the Clerk please call the amendment.

THE CLERK:

LCO Number 5889, House "A", offered by
Representative Fox.

DEPUTY SPEAKER GODFREY:

Gentleman has asked to leave the Chamber to summarize. Is there any objection? Hearing none, please proceed, Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. This bill takes out one provision that required a -- that notified the parents that a warrant would be required in order to enter the residence. What -- the rationale behind the amendment is that with a warrant, of course they would be allowed to enter the residence. It was not necessary to be part of the bill, so I urge adoption.

DEPUTY SPEAKER GODFREY:

Question is on adoption of House Amendment Schedule "A". Will you remark on House Amendment Schedule "A"?

Representative Holder-Winfield, do you wish to remark on House Amendment Schedule "A"?

A VOICE: No.

DEPUTY SPEAKER GODFREY:

No. Representative Hetherington, on House "A".

REP. HETHERINGTON (125th):

I rise in support of the amendment and I believe that this amendment improves the bill. It removes an unnecessary and possibly confusing set of words and I

would urge adoption. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Remark further on House Amendment Schedule "A"?

Will you remark further 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 further on the bill as amended?

Will you remark further in 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 open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is taking a roll call vote. Members to the Chamber, please.

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted? If so, the machine will be locked. The Clerk

will take a tally. And the Clerk, will announce the tally.

THE CLERK:

House Bill 6312 as amended by House "A".

Total Number voting 143

Necessary for passage 72

Those voting Yea 143

Those voting Nay 0

Those absent and not voting 8

DEPUTY SPEAKER GODFREY:

Bill is amended as passed.

Will the Clerk please call Calendar 192.

THE CLERK:

Calendar 192, on page 40, substitute for House Bill Number 6325, AN ACT CONCERNING JUVENILE REENTRY AND EDUCATION. Favorable report of the Committee on Human Services.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Education Committee, Representative Fleischmann.

REP. FLEISCHMANN (18th):

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

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 18
5574 – 5939**

2011

Are there members -- questions from members of the committee?

I have a question for you. You mentioned in your testimony that there were studies conducted. Were you involved in any way with those studies, or are you well versed in them?

THERESA DREW: We work closely with Connecticut Juvenile Justice Alliance. They have released the report, Safe and Sound, and you can find the research that they've done in Connecticut in that report.

REP. HOLDER-WINFIELD: The reason I'm asking the question is because if -- if you are well versed I would ask you questions, if not I'd wait until later when someone else testifies.

THERESA DREW: I'm sorry. I didn't hear.

REP. HOLDER-WINFIELD: The point in asking you the question was if you know the studies well or if you know the history around the studies, I have questions. If not, I would wait until probably Abby testifies later.

THERESA DREW: You can let Abby answer those.

REP. HOLDER-WINFIELD: Okay. Thank you.

THERESA DREW: Thanks.

REP. HOLDER-WINFIELD: Thank you very much.

Carolyn Signorelli.

CAROLYN SIGNORELLI: Good afternoon, Representative Holder-Winfield, esteemed members of the Judiciary Committee.

SB1164
SB1223
SB1229
HB12312

statements of a 16-year-old, it's my understanding of the reading of the statute that essentially what it's attempting to do is to make sure that the rules regarding admissibility of confessions apply equally to -- to delinquents and in the event that a 16-year-old was to be tried as an adult, for some reason, they get the benefit of those admissibility rules and they should get the same benefit in the delinquency proceedings. And that's how I read that statute, and I think that's what it will provide if it was passed.

House Bill 63-12, AN ACT CONCERNING THE RIGHTS OF A PARENT OR GUARDIAN IN AN INVESTIGATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES, I am opposed to that as drafted. I won't -- I've submitted written testimony so I won't go into great detail. But, essentially, if -- if we were to require the first provision that DCF obtain a warrant before they could even commence an investigation, we would really be tying its hands in its ability to protect children in emergency situations. And so I don't believe that it would be beneficial to the children that we are attempting to protect and that my office serves, as well, for this provision to go forward. I think it would be a very difficult -- for DCF prior to even being able to commence an investigation to provide sufficient information and aver to it as true in an affidavit in order to obtain a warrant in order to just get their foot in the door. And I think many parents when told, you know, you don't have to let us speak to you without a warrant would choose that course. And those children who, perhaps, involve an abuse allegation wouldn't be able to be protected if the Department was unable to obtain a warrant in that circumstance.

The other provision of that bill that is

problematic is telling parents that they are entitled to legal representation. The vast majority of the parents who undergo DCF investigations are poor and do not have the resources to obtain an attorney on an emergency basis at any given time during the day or night on the weekend in order to fulfill that entitlement. And by putting language in a bill indicating that there is an entitlement you could be expanding the entitlement to counsel and, therefore, the need for the State to provide counsel in situations where individuals are indigent. And while there are some good reasons to, perhaps, do that, at this juncture, there is no funding either in my office or -- or the public defender's office to provide that, not to mention, it's a -- it would be quite a logistical challenge that would take some time to work out how we would provide that representation.

If there are there any questions, I'd be happy to entertain them.

REP. FOX: Thank you.

Representative Hetherington.

REP. HETHERINGTON: Thank you.

I'm not sure I understand your point to the effect that the absence of a warrant would preclude a parent from speaking with the DCF representative. The warrant -- would be my understanding -- only goes to entry on the premises. The -- I would assume that the parent, as it stands, has the right to refuse to -- to speak to the DCF representative.

CAROLYN SIGNORELLI: That -- that's true. They do have a right to refuse, but I think if you have an advisement that tells them, you know, we have

to get a warrant in order to come in, it's going to increase the likelihood that parents are going to refuse and require a warrant.

The -- an essential part of a DCF investigation into an abuse allegation is the opportunity to be in the home and see the surroundings that the child is living in and under. And if they don't have the ability to do that, they're going to have limited information to act upon and to make an assessment as to whether or not the child is in imminent physical danger. So that's -- I mean I just think it's a -- it's creating a further barrier for the Department to be able to do what they need to do in an emergency situations or at least when the allegations suggest there may be an emergency, or if they do go into the home, they can see the safety risks and then address them accordingly. And our statutes currently give that authority to the Department of Children and Families to make those assessments and take action to protect the safety and well-being of children. And the way that our system currently deals with that is by requiring the Department, if they decide to take an emergency action to protect the child, to seek court approval through an order of temporary custody process.

REP. HETHERINGTON: If representatives of the State, for example, someone in the criminal justice system, were to go to the home of a suspect in a matter relating to child abuse, kidnapping, so forth, the access to the premises might be helpful but the -- the authority, the representative would have to -- the representative or state authority would have to advise the person in charge of the premises that they -- could refuse to speak, and so forth, not gain access without a warrant.

CAROLYN SIGNORELLI: Well, I mean I do believe that,

generally speaking, you know, police officers or other individuals in the criminal justice field need to obtain warrants, but there are exceptions in exigent circumstances.

REP. HETHERINGTON: Uh-huh.

CAROLYN SIGNORELLI: And so if, for example, a police officer was responding to a complaint or contuc -- conducting an investigation and had a belief that there was an exigent circumstance where some -- an individual or a child inside the home needed protection, they would be able to act without a warrant in order to address that situation.

And the Department of Children and Families has been given the authority by the legislature to act without getting a prior court order or an order of temporary custody prior to commencing an investigation because they need to gat -- have the opportunity to gather the facts to determine whether or not the child is in imminent physical danger.

REP. HETHERINGTON: Well, it seems to me that you're putting a parent in a -- a worse situation than a stranger would be in because the parent is being asked to -- to open his home, her home, to an investigator who, without a warrant, who would otherwise not be able to simply go on a -- an investigation into the premises to gather evidence.

CAROLYN SIGNORELLI: Well, I mean, I believe that, you know, part of the reason that on the juvenile side of things and the child protection side of things these things are considered civil matters. So while I agree that the rights that are at stake in relation to the Department of Children and Families investigations for the parent and

the child are extremely significant and of constitutional dimension, we are still attempting to provide a balance between the rights of the parent and the safety of children. And the way that we have done that is through granting the Department of Children and Families the authority to take a 96-hour hold and if they do do that in order to maintain custody of the child to get an order of temporary custody from a court. So I think that it's dangerous to start, you know, comparing or saying that a child protection investigation is exactly analogous to a criminal investigation because the goals are different. It's not to treat the parent as a criminal. It's to try to protect the children and, hopefully, get the parent whatever help or assistance they need in order to address the issues of neglect or abuse and get their children back so --

REP. HETHERINGTON: Can the -- can the parent be charged criminally on the basis of evidence secured in the DCF investigation?

CAROLYN SIGNORELLI: Well, the Department of Children and Families if they find evidence of physical or sexual abuse, are required to inform law enforcement of those findings so, yes, it is possible that eventually the fact that an investigation was commenced by DCF could lead to a criminal investigation as well.

REP. HETHERINGTON: And the fruits of that DCF investigation would be presumably part of the criminal prosecution.

CAROLYN SIGNORELLI: I believe so.

REP. HETHERINGTON: Okay. Thank you.

CAROLYN SIGNORELLI: You're welcome.

REP. FOX: Are there any other questions? No.

Thank you very much.

CAROLYN SIGNORELLI: Thank you.

REP. FOX: Next is Albert Fang.

ALBERT FANG: Good afternoon, Representative Fox,
members of the committee.

My name is Albert Fang, and I'm a law student and
a legal intern at the Center for Children's
Advocacy.

And we support Bill 6637, AN ACT CONCERNING
DETERMINATIONS OF COMPETENCY IN JUVENILE AND
YOUTH IN CRISIS MATTERS for the following
reasons. As you know in Connecticut, there's no
established procedure to be followed when the
competence of a child is in question. Many
children don't have the -- don't have the mental
development needed to be competent to stand trial
and due process concerns have moved the majority
of other states in the US to implement similar
juvenile competency policies.

Children are at a disadvantage when it comes to
understanding the complexities of an adjudicatory
proceeding. They don't often -- they often don't
understand what Miranda rights are. They can
have difficulty comprehending the intricacies of
a trial. The science and the literature has
indicated that they have signi -- significantly
lower understanding of adjudicatory proceedings
than do adults. One-third of 11- to 13-year-olds
and one-fifth of 14- to 15-year-olds are as
impaired as seriously mentally -- mentally ill
adults who would likely be found by court
evaluators to be incompetent to stand trial.

part in terms of, I mean, when we think about motivating parents actually to be involved. People generally get motivated when they're treated with more respect. I think the contempt thing is not necessarily respectful with exactly what they need. And I don't know if you reach out often enough to find out exactly what parents need.

Those parents who don't care about their kids and have abandoned their kids, they are completely another story. But I don't know you sit in court and judge who those parents are and who the parents are that really care. So it's a -- it's a tough legislative issue.

REP. FOX: Thank you

Any other questions?

Thank you very much.

ROBERT FRANCIS: Thanks.

REP. FOX: Next is Michael Agranoff.

MICHAEL AGRANOFF: Is this okay?

REP. FOX: Yes. Good afternoon.

MICHAEL AGRANOFF: Good afternoon, Mr. Chairman, distinguished members of the Judiciary Committee. I'm Attorney Michael H. Agranoff of Ellington Connecticut, and I thank you and appreciate the opportunity to testify briefly on Agenda Item 14, the bill -- ACT CONCERNING THE RIGHT OF PARENTS OR GUARDIANS IN A DCF INVESTIGATION. HB16312

Our office drafted this bill and has pursued it in one form or another for the past six or seven years. We consider it the Mini Miranda or the

Magna Carta of parents' rights in Connecticut.

I'm happy to say that last year the bill passed the Children's Committee and the Judiciary Committee and passed the House of Representatives by an almost unheard of 145 to nothing vote but somehow didn't make it to the Senate.

We're pursuing it again this year, and I'm incredibly delighted to say that we have the support of DCF, itself, after years of contesting. The DCF testimony submitted today makes it clear that DCF is in support of the bill with two caveats. First, they requested that implementation be delayed until October 1st so that they would have time to up -- upgrade and supplement their booklet and forms.

And secondly, they ask that the -- the presentation of rights, the advisement of rights be clarified to be before the first face-to-face contact between DCF and the client, and I support this also.

The intent of the Mini Miranda was when DCF comes to your door unannounced and implies that you have to let them in and the parent is frightened half to death and, after the fact, is given a booklet that most people can't understand, the intent of the bill is to give the parent the advisement of the right from the beginning. DCF also contacts you either by a phone call or a letter or sometimes leaving a business card on your door, and I agree it wouldn't make any sense to give an advisement of rights at that time. So I'm extremely pleased to have DCF support. I have to draw the inference that that was due to the new commissioner's placement at the agency and who is well known as a supporter of individual rights, as well as law and justice, and I intend to work with her closely as I've

worked with other commissioners in the past.

I do feel it's necessary to correct what might have been a misimpression. When Attorney Signorelli, who chairs the CCPA, testified about warrants, I'd like to respectfully draw your attention. The sentence in question says, the parent or guardian is not required to permit the representative of the Department to enter the residence.

And if you prefer, you could end it right there. They aren't required.

The reason I had suggested adding the language without a warrant that authorizes it, is that in case these DCF shows up with a 96-hour hold, which is the equivalent of a warrant, or has a police officer there who has a warrant, I don't want the parent to say I don't have to let you in, you're DCF. So the purpose of putting "warrant" in was to simply make it easier for the police if they did have a warrant. It wasn't intended to cause a problem. It's always true that you don't have to let DCF in the house because they're not a police force and they don't give warrants.

Now lest there be any confusion, as far as representing poor people, when I say a person is entitled to a lawyer that means as a matter of right. It doesn't mean that the State has to provide one. For example, if I'm filing a lawsuit against that gentleman over there, I'm entitled to have a lawyer. That doesn't mean the State has to provide one.

Our firm -- our full service DCF defense lawyers that is we represent clients in investigations, home visits, substantiation, registry, appeals, related divorce and related minor criminal

matters. We see people and we try to prevent it from becoming an abuse or neglect, a TPR case in the juvenile court if at all possible, or if it does get there, we're so familiar with the case we can defend them.

Our purpose is then to represent the client from the beginning, not to wait until it's too late in court and the client's already made damaging statements. But lest anyone be worried, I do get numerous calls from people who don't have a lot of means and we can usually find a way to represent them or at least give them a brief consultation. The -- if -- the CCPA deals only with children and indigent parents and sometimes indigent relatives once the case has already gotten into juvenile court and when the lawyer sees it for the first time, they seldom had any idea of what went on in the case previously or how it -- getting to court might have been avoided.

In any event, I'm sorry I ran over. I appreciate DCF's support on this. I do respect the CCPA's objections, and I'd be happy to work with her on it. I had offered that before. And if any of you have any questions, either now or in the future, by sending an email, I'll be delighted to answer them promptly.

REP. FOX: Well, thank -- thank you very much for being here for your testimony, for lending us your -- your experience.

Are there questions?

I don't see any right now but we may have some going forward and I appreciate -- maybe if you want to leave with everyone your contact information if we do have any questions.

MICHAEL AGRANOFF: Okay. The -- my testimony does

the Age for 17-year-olds go into effect on time on July 1st of 2012.

I'd be happy to answer any questions and thank you for your time.

REP. FOX: Thank you. Thank you for your testimony.

Are there any questions?

Well, thank you very much.

ABBY ANDERSON: Thank you.

REP. FOX: Martha Stone.

Kimberly Wigglesworth. Hi.

KIMBERLY WIGGLESWORTH: Thank you for your time.

REP. FOX: Thank you.

KIMBERLY WIGGLESWORTH: I'm supporting bill, numbers 6312 -- and I'm sorry I'm about to cry, but it absolute breaks my heart to listen over and over and over time in this courtroom that parents don't have any rights.

I'm asking for warrants. I'm asking for support because here in the state of Connecticut, I've been told by Lisa Flowers the Ombudsman's Office in DCF, I do not have any human rights because of a crime that happened to my son because the crime happened to my child, not because of anything I have done.

DCF -- people don't realize that when DCF knocks on your door, they claim they're social workers, even though they lack the education. They do not have a BSW or an MSW and only criminals know that they have the right to remain silent, anything

that they will be said, will be held against you. When you are somebody, who is not a career criminal, who doesn't understand this system the way it is, you have a tendency to trust an organization who claims that they're there to protect children. And in turn, what they do is take what you say and use their own stigmas, their own racism and twist it around and puts it in a court under perjury.

Even in Johnson versus Sackett when it went to the Appellate Court in Florida directly represents the fact of best quality of children is qualified immunity. Here in the State of Connecticut we have absolute immunity to DCF workers who act inappropriately. What I'm asking for is just, one, decency human rights issue for the parent because right now we have none. We have no representation. My CCPA attorney when I had him told me the State of Connecticut pays my bill. I don't have the right to do what you're asking me for. And she even said, quote/unquote, DCF has a responsibility to turn over records of crime.

Well, that's not true. Because my son at six weeks old had his skull fractured and DCF chose not to turn over that information to the criminal court, allowing a man to get away with breaking my son's skull because -- and here is the big thing because I was sexually assaulted as a child, I lost all my human rights. I do not get victim's rights because DCF was involved. I didn't have the right to a trial. I was blackmailed out of everything -- and all for the fact that DCF has the right to have absolute immunity.

Now the only thing I would change on this bill, which is absolute, because the original bill was 5247. It very clearly stated in the original

bill before it all got changed, is if a DCF worker knowingly violates human rights, they will be fired. You know, we have DCF workers who make racist comments to citizens. We have DCF workers who will schedule a drug test on the same day as the visit as a child so that they can force somebody's who's never had drug problems to go through a drug program, which is just a waste of money, just to stigmatize you in juvenile court.

I'm asking, you know, my son never got the rights he should have gotten when he had his skull fractured. I and my son were never treated like a victim. We were always treated like a criminal, all because of something that was out of our hand. And for the record, when Katz was here, with -- Maureen, she congratulated me for winning my appeals, okay, my substantiation appeals was reversed, but the DCF workers still lied in probate court, claiming that I did not -- making it look like I was still guilty to probate court and the rubberstamp judge of DC -- uh, probate court in Waterbury -- who nobody runs against and somebody needs to run against him -- transferred it over to Juvenile Court. And I went through another eight months of hell, being treated like a criminal for a case that I had already won, for a case that all I asked for is my son to have justice for his skull fracture, which he never did, to this day he hasn't. And to this day, he never will, because the State of Connecticut feels the best interest in a child is absolute immunity when even though we have recognized best interest of the child is qualified immunity. And if we are not going to hold DCF workers accountable for their bad behavior, then let's give a few human rights issues back to the parents.

Thank you.

REP. FOX: Thank you.

Are there questions?

No. Well, thank you very much for your testimony.

Roger Chapman and Matthew Hallisey.

MATTHEW HALLISEY: Good afternoon, Representative Fox and members of the Judiciary Committee. My name is Matthew Hallisey. I'm director of Government Relations and Legislative Council for Connecticut Construction Industry Association. CCIA is comprised about 350 members and represents the commercial construction industry in Connecticut. With me is Roger Chapman of Blakeslee, Arpaia, Chapman, a heavy civil marine construction contractor in Branford and a CCIA member. We're here to testify on behalf of CCIA in support of House Bill 6598, AN ACT CONCERNING OFFICE OF COMPROMISED AND CONSTRUCTION CONTRACT ARBITRATION PROCEEDINGS AND MEDIATION AND ARBITRATION OF CONSTRUCTION CONTRACTS.

We have submitted written remarks to the committee, as well. And I want to thank the committee for raising the concept and holding a public hearing on the bill. House Bill 6598 allows an offer of compromise to be made during an arbitration of a construction contract and prohibits construction contract provisions that require mediation or arbitration to be held outside of Connecticut.

As arbitration has become more common in resolving construction contract disputes, it has become more structured, formal and costly. Much like in civil actions where an offer of compromise helps to facilitate timely settlement of litigation, an offer of compromise in

REP. FOX: A second conviction is three years?

JON SCHOENHORN: I believe the second conviction's five years.

REP. FOX: Or five years -- I'm sorry -- five -- so that would be a felony.

JON SCHOENHORN: That would be and is considered a felony.

REP. FOX: Yeah, okay. I just wanted to make sure I was correct on that. Okay.

Well, thank you very much for your testimony.

JON SCHOENHORN: Thank you very much.

REP. FOX: Is Ed Gavin here?

Jon Clemens.

Cheryl Martone. Just so I --

CHERYL MARTONE: Good afternoon.

REP. FOX: -- before you begin, if I could just -- is Mary Parents here?

Or Kaitlyn -- I'm sorry. I can't read the spelling of your last name, but you're still here anyway. Okay.

Hi, good afternoon.

CHERYL MARTONE: Good afternoon, Judiciary Committee and chairs, and I'm not sure I forget who the chairs are.

Is that you Representative Fox? Okay.

SB1225
HB12312

Lots change this year. I can see that there's like a 25 percent turnover in the House of Rep because I have a -- I don't know if you're aware that I have an email list for all the representatives and senators now that I send notices out to.

Okay. My name is Cheryl Martone, and I'm from Westbrook, Connecticut, and some of you may know me very well. I talked to people (inaudible). February of 20 -- February of 2009, I started US Concerned Parents. I'm the founder and administrator of a support group and movement that I started because of DCF taking my child illegally. And I am also -- I have just recently been nominated for We the People Family Preservation. I was nominated as a chairwoman on the Investigations and Research Committee. And I just got back from Washington DC, and here's my -- here is my plaque. They gave me plaque because I do investigate things concerning DCF. Because I'm testifying on Bills Number 63 -- was it 6315 -- 6312 - sorry -- and that the senate bill. Right? 6312 and Raised Bill 1225.

And I want to testify that in section 7 you have a failure of the parent or guardian to communicate with the representative of the Department and you have serious consequences which may includes Departments filing of a petition for the removal of the child.

Well, when they petitioned me for -- in 2006 -- 2007 -- 2007, they petition me, the DCF investigative worker came to my house on a false report -- was walking in plain street clothes with no badge on up in front of -- the side of my house. And I went out there and I said, You know, who are you -- because I'm Italian, I'm a curious person. That's my personality -- so I said, Who are you and why are you casing up and

down the street in front of my house?

And she says, Oh, I'm a -- a CPS -- DCF investigator.

I said, Okay.

She says, Well, I want to come in your house and inspect your house.

And I said, Where's your credentials and where's your warrant?

She didn't have either. And she had jeans on. And she said --

I said, You know, you can't come in my house without a warrant or in -- some kind of paperwork or something.

So she started getting huffy with me, If you don't let me in your house, I'm going to petition the court.

So these are the kind of things that you need -- we need to -- I want to implement in this bill because, you know, parents do communicate. I do -- I am the voice of parents in the state of Connecticut, and they do communicate and her name is Betsy Torres. And I just wanted to play a video for you if I may -- not a video -- I'm sorry -- a testimony of somebody that was at the Family Preservation Festival --

REP. FOX: What might be a better way because it would be really hard for the committee members to -- to see it, do you have a copy of that? Is there a way for you to put that on a -- on a disc and you can give it to the committee, that way the members could see it?

CHERYL MARTONE: I don't have any way to put it on a disc, but it's only like a minute.

REP. FOX: It's an audio?

CHERYL MARTONE: It's an audio, too. And I just wanted you to hear this because --

REP. FOX: Okay.

CHERYL MARTONE: -- somebody testified. There -- it was a child -- a person that was in the foster care system and she was moved to 30 different homes and she is an adult now and she testified about the way that she was treated in the foster home.

I just want you to -- she wanted me to hear your voice. It's only, like, a minute long.

AUDIO: -- and destruction. I finally have my family stepping up to home plate and saying, yeah, you got shafted. And we should have stood beside you, but we were just little kids. We didn't know what our adult people were doing. Most families, they're ostracized from their families when the child is taken by Children Services. It is a death sentence --

CHERYL MARTONE: Death sentence.

AUDIO: -- d-e-a-t-h, s-e-n-t-e-n-c-e.

CHERYL MARTONE: -- when children were taken away.

AUDIO: -- for families when you steal their bloodlines.

That's right.

Supposedly, we're not slaves, yet, if you that

sign that birth certificate. You send your kid to school, well, you just gave the state a way -- you can't take our kids for free and get paid for doing it, no. I'd like to have a scam like that and we put Bernie Madoff in jail for that, okay? So I know which congressman in my state are getting fat in the wallet.

CHERLY MARTONE: It's the state of Ohio.

REP. FOX: Uh-huh.

AUDIO: They're the ones who didn't come to the congressional educational panel this week. They didn't even send a state rep this week, even after they said they were going to. We didn't see one. They're afraid of the family rights issue. It's a huge civil rights era. Look out (inaudible), we're coming on out. Okay. Because --

CHERYL MARTONE: It's about our civil rights.

AUDIO: -- that's what Martin Luther King should have covered how to keep families from being destroyed, especially, because he was fighting to have those civil liberties. Those civil liberties were forgotten by modern day man, including historical men. So, as I watch people walking up --

CHERLY MARTONE: Okay. I just wanted to --

REP. FOX: Well, thank you very --

CHERYL MARTONE: I wanted you to hear that because this is a -- this was a foster child that's an adult now that was sexually molested in a foster home and then this is -- this is my whole ending statement that DCF workers are not held accountable for their actions, and I want this to

be a part of this bill. And I will send everyone an email on this committee because I think it's a serious -- they should hold them -- it's a serious offense when a DCF worker commits a crime against a child or parents.

REP. FOX: Well, thank -- thank you very much and thanks for your testimony and for staying here all -- all afternoon.

Are there any questions?

CHERYL MARTONE: Thank you for listening.

REP. FOX: Representative Hetherington.

REP. HETHERINGTON: Mr. Chairman.

Good afternoon.

CHERYL MARTONE: Good afternoon, Representative Hetherington.

REP. HETHERINGTON: -- and thank you for hanging around. Right. I just wanted to ask you more about this. When you -- when you challenged the authority of this DCF worker to come into your home, did she say she would get a warrant or a --

CHERYL MARTONE: No. She said she was going to petition the court. And with my child looking out the window --

REP. HETHERINGTON: Okay.

CHERYL MARTONE: -- watching me talk to this woman, she proceeded to flip me the middle finger and throw punches at me. And that's the kind of behavior that we have to deal with in public.

REP. HETHERINGTON: If I may ask you what subsequently

happened?

CHERYL MARTONE: And there was witnesses, other witnesses, too.

REP. HETHERINGTON: What subsequently happened? Did -- did --

CHERYL MARTONE: I told her I wasn't going to let her in my house because I didn't know who she was. She didn't have any proper credentials on her.

REP. HETHERINGTON: And was there follow-up?

CHERYL MARTONE: Yeah, she took me to court. And they ultimately -- because DCF files false reports, they ultimately kidnapped my child. I don't know if you seen me testify at other hearings before.

REP. HETHERINGTON: Okay.

CHERYL MARTONE: They -- they took my child illegally, illegal adjudication.

REP. HETHERINGTON: Thank you.

CHERYL MARTONE: Thank you.

SENATOR DOYLE: Thank you.

Any further questions or comments from committee members?

Seeing none, thank you very much.

CHERYL MARTONE: I appreciate it. Thank you.

SENATOR DOYLE: The next speaker, I believe, is Kaitlyn Blicharz. Is Kaitlyn here? I may have mispronounced her name, Kaitlyn, I apologize.

CHERYL MARTONE: I just wanted to say that I'm going to send you the link, too, about the event -- developmental block grants that DCF takes advantage of.

SENATOR DOYLE: Thank you very much.

Kaitlyn, come on up. For the record, state your name -- I'm sorry if I --

KAITLYN BLICHARZ: Sure.

SENATOR DOYLE: -- mis -- mispronounced it.

KAITLYN BLICHARZ: You pronounced it correctly. My name is Kaitlyn Blicharz. Good afternoon. I am currently a student at the UConn School of Social Work, and I appreciate the opportunity to be here to testify in front of the Judiciary Committee. And I am in support of the passage of Raised Senate Bill Number 1095, AN ACT LIMITING THE USE OF RESTRAINTS ON A CHILD WHO IS SUBJECT TO A DELINQUENCY PROCEEDING.

As a social work practitioner in training, it a -- it alarms me that the practice of using mechanical restraints on minors in a judicial proceeding is still happening in the state of Connecticut. Using mechanical restraints, such as shackles on youth, can not only produce psychological harm on the child, but it is also a practice that threatens the dignity of juveniles in the system. Passage of this bill would protect children in the court system who are at -- who at a ver -- very vulnerable point in their lives.

As I think about the benefits of this legislation, I can reflect on many stories that were told to me by parents whose children had

JUDICIARY COMMITTEE
PUBLIC HEARING
April 1, 2011

HB 6312
OPPOSE as drafted

Testimony of Carolyn Signorelli
Chief Child Protection Attorney



Commission on Child Protection
State of Connecticut

Office of the Chief Child Protection Attorney
330 Main Street, 2nd Floor
Hartford, CT 06106
860/566-1341

Senator Coleman, Representative Fox and esteemed Committee Members, for the record, my name is Carolyn Signorelli, Chief Child Protection Attorney for the State of Connecticut.

I respectfully submit the following testimony concerning **HB 6312, AN ACT CONCERNING THE RIGHTS OF A PARENT OR GUARDIAN IN AN INVESTIGATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES.**

As many of you are aware the Commission on Child Protection and my office are responsible for the system of legal representation for children and parents in cases of abuse, neglect and termination of parental rights brought by the Department of Children and Families in Juvenile Court. It is my responsibility to ensure that children and parents receive quality legal representation consistent with the Standards of Practice that the Commission on Child Protection has established pursuant to its enabling legislation.

While I certainly agree that it is vitally important that parents be aware of their rights when the Department of Children and Families (DCF) comes to their home and seeks to enter the premises, I cannot support this bill as currently drafted.

The Legislature has granted DCF, as the lead child protection agency in the state, with the power to investigate allegations of child neglect and abuse. If upon investigation, the Department has probable cause to believe that the child or any other child in the household is in imminent risk of physical harm from the child's surroundings and that immediate removal from such surroundings is necessary to ensure the child's safety, the Department has the authority and the responsibility to execute a 96 hour hold and remove the child or children from the dangerous situation. While this proposal does not delineate the standard or the allegations necessary for the granting of a

warrant to DCF to enter a home, it would be virtually impossible for DCF to allege sufficient facts to justify a court granting a warrant without having had the opportunity to even commence an investigation within the family home where the alleged neglect or abuse is occurring. Many, perhaps most, parents would choose to require a warrant be produced prior to allowing DCF in their home once informed of this right. The effect, perhaps unintended, of Section 1(a) of this bill seems to be the elimination of DCF's authority to commence an investigation and take emergency action on behalf of children in danger of imminent physical harm without a prior court order.

The bill is an attempt to analogize DCF investigations to police searches and seizures. However, the police do not need a warrant to commence an investigation and if during the course of their response to a complaint or during the investigation of a crime, exigent circumstances arise, they can conduct a search and make an arrest without a warrant. In the child protection context, most investigations need to begin in the home, since the location of the alleged abuse or neglect is typically within the home and the victims are children under the control of the parent. Requiring a warrant simply to commence a critical aspect of the investigation, observing the home environment, would prevent sufficient investigations and result in certain children remaining in danger.

The check and balance the legislature has established in the event DCF exercises its authority to take an emergency 96 hour hold is the requirement that an Order of Temporary Custody (OTC) be obtained from a court. In addition, if DCF wishes to mandate that a family to comply with its recommendations upon a substantiation of neglect or abuse, it must file a Petition with the court in order to enforce such recommendations.

It is also important to note that advising parents of a right to have an attorney present in the midst of a DCF investigation is a hollow and meaningless right for the vast majority of families who are investigated by DCF. Currently under our system of representation, indigent parents are not entitled to representation prior to a petition of neglect or abuse being filed. By stating that a parent is "entitled" to seek representation during the investigation, this proposal potentially creates an obligation to fulfill this entitlement through state paid counsel for those parents who do not have the resources to obtain counsel on short notice at all hours of the day and night and on week-ends. There is currently no funding available to provide legal counsel in these situations.

Thank you for this opportunity to be heard. If you have any questions, I would be happy to answer them.

Respectfully Submitted,

Carolyn Signorelli

Judiciary Committee
Legislative Office Building
Hartford, CT 06106-1591

April 1, 2011

IN SUPPORTING THE RAISED H. B. 6312 AN ACT CONCERNING THE RIGHTS OF A PARENT OR GUARDIAN IN AN INVESTIGATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES

Dear Judiciary Committee,

My name is Cynthia Day. I live in New Milford, CT and I supporting the Raised H. B. 6312 AN ACT CONCERNING THE RIGHTS OF A PARENT OR GUARDIAN IN AN INVESTIGATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES. thank you for the opportunity to have the story of my new family heard.

The Department of Children and Families is to be a place where PROBLEMS are solved not created.

Coming from a dysfunctional family of 6 children, it is hard to "find the way" to a better life - to live and grow from all we endure as children. Unfortunately for my 4 nephews, born to the same unwed parents, they too had to live a life unsure of their tomorrows.

I fought for custody as the Department of Children and Families stated they would separate the children as Fostering only allowed 3 children... An untruth told to me as a new law in 1999 changed the "number of sibling". another flaw in information untrue

Regardless, separating and Fostering was not acceptable to me. A Divorced woman with no children of her own. A past that was just that A PAST.. My nephews ARE and WILL BE my family.

DCF demanded meetings, court appointments, classes etc for years. Probate Court was no better. With all the demands of house meeting and court hearings, i lost my job, had to go under scrutiny for a past well over 10 years old.

Statements were made IN FRONT of the children by DCF that foster care people were to be at the next hearing to take the children, while at a drop in visit from DCF. Imagine the horror when a 5 year old, with tears in his eyes, says to me..."Aunt Cindy, you said we could be with you forever. No one would take us away."

Needless to say, I did get a lawyer and things FINALLY worked out. The DCF case worker no longer works for DCF and our family is growing together in wonderful ways. For those 2 years of unnecessary DROP INs and Visits to their office, emotional scars ARE noticeable.

May this never happen to another family. Please support RAISED H. B. 6312 THE RIGHTS OF A PARENT OR GUARDIAN IN AN INVESTIGATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES.

Sincerely,

Cynthia Day
New Milford, CT

Judiciary Committee
Legislative Office Building
Hartford, CT 06106-1591

March 30, 2011

IN SUPPORTING THE RAISED H. B. 6312 AN ACT CONCERNING THE RIGHTS OF A PARENT OR GUARDIAN IN AN INVESTIGATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES

Dear Judiciary Committee,

My name is Pastor Brigitte Brown, and I reside at 214 Hart Street New Britain, CT 06052. I am a Pastor; Social Worker; Community Organizer; member of the Student Governance Council of Smalley Academy and the chairperson of the North-Oak Neighborhood Revitalization Zone. I represent Right Now Ministries, Inc in New Britain. The purpose of this letter is to ask if you can help with my efforts in supporting the Raised H. B. 6312 AN ACT CONCERNING THE RIGHTS OF A PARENT OR GUARDIAN IN AN INVESTIGATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES. The Judiciary Committee introduced this bill.

I must state that personally I would have been affected by a false 136 claim, which had been filed against me in 2005. But my advocating skills were applied, in order to stop this claim from being substantiated. I also had the proper documentation, and backing from my child's school administration, pediatrician and community residents who could concur that these allegations were false. Had I not had these supports and skills, I too would have been a victim of DCF. I would have been unable to become a Social Worker. It would be extremely useful for individuals who are being investigated by DCF, to have access to a lawyer, before they sign or speak to DCF. I have found, within my 12 years of working in the social work field, that cases were substantiated "just in case" there was any abuse, that had not been verified; or client's who were of Latino decent and did not understand English, would sign DCF "service plans" or forms without fully understanding what they were signing. I am in support of this bill, and I believe that this bill will begin to eliminate the disparities of the Latino and African American populations that are represented within the DCF system.

I appreciate all your help, and I hope that you can assist me in helping to pass the bill, which will allow this population of individuals to join the workforce and assist in making this state better!

Thank you for your time and considering my request. I can be directly reached at 860-770-2495 or rhabri@yahoo.com

Sincerely,

Pastor Brigitte P. Brown, MSW

Pastor Brigitte P. Brown, MSW
214 Hart Street
New Britain, CT 06052

CONNECTICUT GENERAL ASSEMBLY

January Session, 2011

Raised Bill No. 6312:**An Act Concerning the Rights of a Parent or Guardian in an Investigation by The
Department Of Children And Families**

REMARKS OF ATTY. MICHAEL H. AGRANOFF

Law Offices of M.H. Agranoff

99 Stafford Road

Ellington, CT 06029

Tel: 860-872-1024

Fax: 860-871-1015

EM: AttyMikeA@agranofflaw.comWeb Site: www.agranofflaw.com

Thank you for the opportunity to testify. I have been a DCF defense lawyer since 1991. At present, ours is the only law firm in the State of Connecticut providing full-service DCF defense to private-paying adults on a full-time basis.

Our office drafted this bill as its most important legislative priority of the past ten years: to preserve family integrity by ensuring that persons involved with DCF are advised of their rights before it is too late. This bill, in my opinion, is the Magna Charta of parents' rights in Connecticut.

The substance of the bill, as Raised Bill No. 5143, passed the State House of Representatives in the February, 2010 session by a vote of 145-0, which is evidence of the broad support of the bill. It failed to become law, but we are hoping to enact it this session, for the good of the families of Connecticut.

The bill requires DCF to plainly, clearly, and openly advise family members and guardians of a child that they have the right to counsel before speaking to DCF in an investigation concerning a child.

In my nearly 20 years as a DCF defense lawyer, which included state-paid representation of children in the past, I have seen hundreds of parents, other relatives, and guardians pressured into making damaging statements that came back to haunt them for years, and which in no way protected the children.

DCF has a habit of knocking on doors, unannounced, and implying that if people do not let them in or talk to them, they will seize the child.

Sometimes DCF convinces a police officer that the parent is dangerous, and asks the police officer to stand beside them at the door. This further intimidates the parent into thinking that he or she must talk to DCF and let them in the house.

Parents in these situations are naturally anxious, confused, and defensive. Invariably they make damaging statements, or make statements that are used in unintended ways. It must be remembered that the social worker does not tape the conversation, but makes her notes and may rewrite them at the office. In a dispute over what was actually said, the Court invariably believes the worker. That is why a lawyer must be present: to protect the parent's rights.

An unrepresented client is bad enough; but one who is nervous and frightened is a disaster. It is strange how many people know that the police, even the FBI, need a warrant, absent exigent circumstances; but believe that they must talk to DCF and let them in the house upon demand.

DCF also frequently coerces parents into signing service agreements, safety plans, and releases. While there is nothing wrong with these documents in general, the parent seldom fully understands what he or she is signing, and virtually never understands the legal implications. A lawyer, of course, not only reads and explains the document, but may offer corrections if there is a problem. The end result is better cooperation; not less.

DCF, at present, does not have to advise parents of their rights, since DCF is not a police force. Lost in this is the reality that DCF investigations are generally more serious than police investigations. Nearly all of my clients would rather face a year in jail than face permanent loss of their children, or DCF involvement in their lives for 3-5 years or more.

DCF invariably maintains that it gives parents a booklet explaining their rights, called the "Parents Right to Know" brochure, at the start of every investigation.

That may be what the DCF policy manual says, but it does not generally happen. Usually parents get the booklet after the interview. Sometimes they may get it not at all; the worker may have forgotten, or the office may have run out of its supply.

I have never, even once, heard of a case in which the social worker gave the parent the booklet at the start of an interview, and invited the parent to read it thoroughly and call a lawyer if he or she had any questions, before speaking to DCF or letting them in the door. Regardless of what the DCF policy manual may say, that simply does not happen in practice.

Furthermore, the booklet is actually a DCF pamphlet, hardly independent legal advice. It is lengthy and complicated. DCF knows that most parents will not read it; and that if they do read it, they will not understand it. DCF usually offers to explain it to the parent, but that is unsatisfactory. However well-meaning a particular social worker may be, social workers are not lawyers, are certainly not the parent's lawyer, and are under pressures that create a rather obvious conflict of interest if giving legal advice to the very person that they are investigating.

This Bill sets a very reasonable standard. It requires that a plain and simple statement be given to the person **before** the interview. Furthermore, the person may sign it and get a copy back before speaking.

I had hoped that the Bill would contain a provision prohibiting DCF from introducing any statement into evidence that was obtained in violation of the Bill. As you note, that is not the case; hopefully, it will be added in a later amendment.

The Bill, in other words, would give parents the same rights that criminals have. Just as *Miranda* did not decimate the police, this Bill would not decimate DCF.

In addition, I volunteer to work with DCF, free of charge, in the design of any plain-language form to satisfy this Bill. I will gladly give of my time to help the parents of Connecticut. In anticipation of a possible problem, I have taken the liberty of including a draft of an English-language DCF Advisement of Rights for Adults Form. The form should be printed as a carbon-set, to ensure that both the recipients and DCF retain copies.

The State has translators available for approximately two dozen languages. These translators, who already regularly appear in courts, may be engaged to prepare Advisement of Rights forms in those languages.

DCF has traditionally maintained two standard objections to this Bill.

First, DCF claims that no other state requires it. That may or may not be true, but it is beside the point. Every single right started somewhere, and was once considered radical and outrageous. Rights taken for granted today – women may attend school, blacks may be taught how to read, Catholics may work in banks, Jews may work in insurance companies, criminal defendants are entitled to exculpatory evidence in the possession of the police, and countless others – all were “not done” at one time. Connecticut proudly claims a long tradition of protecting individual rights, even more than the Federal constitution requires; this is a good opportunity to show that.

Second, and more importantly, DCF claims that it needs extraordinary powers in order to protect innocent and defenseless children. It implies that children will be abused or killed if it has to comply with this procedure.

The problem with this claim is that it is not true.

If DCF sees an immediate problem, it can easily get a 96-hour-hold to seize the child. This requires nothing more than the verbal authorization of a DCF program supervisor, and no supporting affidavit.

Before returning the child, DCF can, and usually does, obtain an OTC (order of temporary custody) signed by a Judge. The OTC requires a sworn affidavit, but that is

not difficult if the proper conditions are present. In other words, a child can and will be taken immediately if the child is truly in imminent danger.

There was a case, years ago, in which a social worker saw a distraught woman holding her baby over the Suffield Bridge, which links Enfield and Suffield over the Connecticut River on Rt. 190. The social worker seized the child herself, and no one objected.

In short, children in imminent danger can always be taken, and no advisement of rights will prevent this.

Actual experience shows that if the parent calls a DCF defense lawyer, better cooperation is likely to result. Better and more accurate information flows, and there is normally better compliance with meaningful services provided. Stating that compliance with this Bill will harm children is, plainly and simply, a scare tactic reminiscent of McCarthyism.

I began by saying that this bill is the Magna Charta of parents' rights in Connecticut. Let me amplify by saying that DCF is a fine organization that does a difficult and thankless job, and one which is often dangerous. Most social workers are good to very good, and several are positively outstanding. I have been privileged to write commendation letters to the Commissioner on many workers. However, as in all large organizations, sometimes individual quirks and the desire to please a manager get in the way of the larger mission. This Bill is not radical. It is not anti-DCF. It does absolutely nothing more than to give parents the same rights that, as citizens, they should already have.

And it will harm no child. If it did, I would be totally opposed to it.

This Bill does not stop DCF from removing a child on a 96-hour-hold, if the child is in immediate danger. But it will protect the rights of Connecticut parents against unreasonable actions.

Respectfully Submitted,

MICHAEL H. AGRANOFF

Attorney At Law

(DRAFT)

DCF ADVISEMENT OF RIGHTS FOR ADULTS

- 1 DCF is conducting an investigation of suspected child abuse or neglect according to law. This is an investigation only, and no one is presumed to be guilty or responsible at the start of the investigation.
2. You are not required to allow DCF into your home, unless a valid warrant is presented.
3. You are not required to speak to DCF.
4. You are not required to sign any document submitted to you by DCF.
- 5 You are entitled to contact an attorney for legal advice, and the attorney may be present at all times when you are communicating with DCF or considering signing a document submitted by DCF.
6. Any statement made by you may be used in a DCF report, or in an administrative or court proceeding.
7. DCF is not your attorney, and cannot give you legal advice.
8. Failure to cooperate with DCF may have serious consequences, including the filing of a Juvenile Court petition, and possibly the removal of a child by DCF. **It is in your best interest to speak with DCF or to immediately secure the advice of a qualified attorney.**
9. A copy of this carbon-set document must be signed by DCF and given to you prior to DCF's speaking to you. You are encouraged to sign and date the DCF copy of this document. Signing the document is not an admission, but simply indicates that you have received a copy of the document.

PRINTED NAME	SIGNATURE	STATUS (DCF, Parent, Guardian, etc.)	DATE

JOETTE KATZ

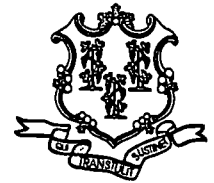


STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES

Public Hearing Testimony

Judiciary Committee

April 1, 2011



H.B. No. 6638 (RAISED) AN ACT CONCERNING JUVENILE JUSTICE

The Department of Children and Families **supports** H.B. No. 6638, An Act Concerning Juvenile Justice. This bill makes a number of necessary changes to various DCF and juvenile matters statutes. This bill emanated from a working group that consisted of DCF, the Judicial Branch, the Chief Public Defender's Office, and juvenile justice advocates.

Among the numerous provisions of this that are necessary to fully implement the "Raise the Age" law, is language in sections 3, 4, 5, 6, 7, 8, 13, 16 and 17 of the bill which clarify that the Department of Children and Families' responsibility for committed delinquent children ends when the child attains the age of twenty. The Department believes that it is necessary to cap the maximum age of juvenile offenders as there will be challenges associated with mixing young adults with the adolescent population in facilities such as the Connecticut Juvenile Training School. CJTS is being renovated to segregate the younger and older populations to the greatest extent possible.

Providing services and supervision until the 20th birthday allows for individuals who are committed up until their 18th birthday (for delinquent acts committed through age 17) to remain committed for up to two years. The average length of commitment remains just under two years.

Information provided by the Campaign 4 Youth Justice indicates thirty-two other states use age 20 as the cut-off for services/supervision. Nine states end at 18 or 19 and only six states go to either 21, 22 or 24. Only three states go until the end of the full term of the dispositional order.

Two statutes currently exist to prosecute 14 - 17 year-olds for serious sexual offenses or for serious repeat juvenile offenses. These laws allow for blended (juvenile and adult) sentencing, and can be used for 16 or 17 year-olds for whom out-of-home services (incarceration) are needed past the 20th birthday.

SB1223
SB1225
SB1229
HB6312
HB634
HB636
HB637

S.B. No. 1164 (RAISED) AN ACT DELAYING IMPLEMENTATION OF PROVISION TO RAISE THE AGE OF JUVENILE COURT JURISDICTION FOR YOUTH SEVENTEEN YEARS OF AGE

The Department of Children and Families **opposes** S.B. No. 1164, An Act Concerning the Delaying Implementation of Provisions to Raise the Age of Juvenile Court Jurisdiction for Youth Seventeen Years of Age. This bill would delay the implementation of "Raise the Age" legislation for youth seventeen years of age until July 1, 2014.

Currently, twenty-eight states, including Connecticut have criminal penalties on the books to address false reporting. Subsection (c) of section 17a-101e of the General Statutes imposes a penalty of up to \$2,000 or imprisonment of up to one year for false reporting of child abuse or neglect.

S.B. No. 1229 (RAISED) AN ACT CONCERNING EVIDENCE AND DETENTION IN JUVENILE MATTERS

The Department of Children and Families offers the following comments regarding S.B. No. 1229, An Act Concerning Evidence and Detention in Juvenile Matters. This bill provides that: (1) a child convicted as a delinquent and committed to the custody of the Commissioner of Children and Families shall receive credit for time spent in detention prior to the disposition of the offense; (2) any admission, confession or statement made by a child to a police officer or Juvenile Court official is inadmissible in any criminal prosecution of the child; and (3) the Commissioner of Children and Families may waive the requirement for a sixty-day evaluation of fitness and security and award passes for leave to children convicted as delinquent who have had such evaluation and subsequently transfer to a different facility.

We oppose Section 1 which purports to "reduce" a child's commitment by the number of days spent in pretrial detention. A delinquency commitment, unlike an adult criminal sentence, is not imposed for a set period of time. Section 46b-141 of the General Statutes states that that commitments are "indeterminate" (except that they shall not exceed 18 months or four years, depending on the offense and can be ordered for a minimum of 12 months for serious juvenile offenses). The time spent under commitment may be at CJTS, at a residential facility or group home, in foster care or with family members, or a combination of these options. The focus is treatment and rehabilitation when the professionals, in consultation with the youth's family, determine that the youth is ready for discharge, he or she is discharged regardless of how much time is technically left on the commitment. We believe the proposal is unnecessary and may have a negative impact a youth's treatment.

We support the intent of Section 3 of this bill which gives DCF the discretion to waive an evaluation at a subsequent placement if the youth has demonstrated sufficient responsibility and progress in treatment. However, we believe that the current language of the statute does not explicitly require a subsequent evaluation and we can simply amend our regulations accordingly.

H.B. No. 6312 (RAISED) AN ACT CONCERNING THE RIGHTS OF A PARENT OR GUARDIAN IN AN INVESTIGATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES.

The Department of Children and Families offers the following comments regarding H.B. No. 6312, An Act Concerning the Rights of a Parent or Guardian in an Investigation by the Department of Children and Families. We appreciate and respect the need for the Department to ensure that parents, when involved in a child protective investigation, understand the process and their legal rights.

DCF does believe it's important that parents know their rights, and the Department has for many years, voluntarily provided a written "*A Parents Right to Know*" brochure at the start of every investigation. This brochure, which is currently available in twelve different languages, provides the information similar to that required by this bill and the following is the Questions and Answer section from the brochure.

We would request that the Committee amend the effective date of this legislation to October 1, 2011, to permit the Department with the necessary time to make the necessary modifications to this brochure. We would also request that you add the term "face-to-face" before the word "contact" on line 44, to clarify the Department's responsibility to provide this notice.

**H.B. No. 6634 (RAISED) AN ACT CONCERNING CHILD WELFARE AND
DETENTION IN THE JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE
RECORDS**

The Department of Children and Families **supports the portions of H.B. No. 6634, An Act Concerning Child Welfare and Detention in the Juvenile Justice System and Erasure of Juvenile Records** that relate to disproportionate minority contact in the juvenile justice system. Section 6 of this bill brings together the various state agency stakeholders and requires them to develop and implement a plan to address disproportionate minority contact in the juvenile justice system.

We would like to bring to the Committee's attention, that there is another bill, H.B. No. 6340, An Act Concerning the Placement of Children in Out-of-State Treatment Facilities, which also addresses the out-of-state placement of children issue that is raised in section 5 of this bill. The Department agrees with the intent of this provision is committed to working with interested parties in developing appropriate statutory language.

DCF **opposes the erasure portions of H.B. No. 6634** as they apply to the Department, residential treatment centers and other non-Judicial entities. The bill as written, particularly lines 175 to 189 and 255 to 269, requires not only that the Judicial Department automatically erase delinquency and family with service needs requests four years after discharge from commitment or probation if the youth has turned 18 years old and has had no subsequent juvenile or adult offenses. While we certainly agree and support the concept of a fresh start for rehabilitated youth, the erasure requirement as it applies to DCF, to treatment institutions and to other non-Judicial entities will be, quite frankly, extremely difficult and expensive to accomplish.

As you know, delinquency and family with service needs case do not proceed in a vacuum. Besides DCF, numerous agencies and private provider may be involved in providing treatment and services to a youth and his or her family. Additionally, the delinquency or FWSN petition is frequently just one part of a family dynamic that may include child abuse and neglect, substance abuse and domestic violence. The bill appears to require all references whatsoever to a youth's delinquency or FWSN adjudication to be expunged from records. Not only will it be physically very difficult to locate and redact such records, but more importantly, it will result in "holes" in a family's history that help explain the dynamics and inform treatment. Juvenile records are confidential; the fact that a youth's adjudication is mentioned in a DCF record or that of a

S - 632

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2011**

**VOL. 54
PART 21
6546-6914**

mhr/cd/gbr
SENATE

500
June 7, 2011

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 16, where there are
several items. The first: Calendar 528, House Bill
Number 6561.

Madam President, move to place the item on the
Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 16, Calendar 529, House Bill,
Number
6312.

Move to place this item on the Consent
Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Calendar, continuing calendar page 16, Calendar
530, House Bill Number 5032.

mhr/cd/gbr
SENATE

520
June 7, 2011

Mr. Clerk.

THE CLERK:

Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CLERK:

Madam President, the items placed...

THE CHAIR:

I would ask the Chamber to be quiet please so we can hear the call of the Calendar for the Consent Calendar.

Thank you.

Please proceed, Mr. Clerk

THE CLERK:

Madam President, the items placed on the first Consent Calendar begin on calendar page 5, Calendar 336, House Bill 5697.

Calendar page 7, Calendar 421, Substitute for House Bill 6126.

Calendar page 8, Calendar 449, Senate Bill 1149.

mhr/cd/gbr
SENATE

521
June 7, 2011

Calendar page 10, Calendar 470, Substitute for House Bill 5340. Calendar 474, Substitute for House Bill 6274. Calendar 476, House Bill 6635.

Calendar page 12, Calendar 499, Substitute for House Bill 6638. Calendar 500, House Bill 6614. Calendar 508, House Bill 6222.

Calendar page 13, Calendar 511, House Bill 6356. Calendar 512, Substitute for House Bill 6422. Calendar 514, House Bill 6590. Calendar 515, House Bill 6221. Calendar 516, House Bill 6455.

Calendar page 14, Calendar 517, House Bill 6350. Calendar 519, House Bill 5437. Calendar 522, House Bill 6303.

Calendar page 15, Calendar 523, Substitute for House Bill 6499. Calendar 524, House Bill 6490. Calendar 525, House Bill 5780. Calendar 526, House Bill 6513. Calendar 527, Substitute for House Bill 6532.

Calendar page 16, Calendar 528, House Bill 6561. Calendar 529, Substitute for House Bill 6312. Calendar 530, Substitute for House Bill 5032. Calendar 532, House Bill 6338.

Calendar page 17, Calendar 533, Substitute for House Bill 6325. Calendar 534, House Bill 6352.

mhr/cd/gbr
SENATE

522
June 7, 2011

Calendar 536, House Bill 5300. Calendar 537, House
Bill 5482.

calendar page 18, Calendar 543, House Bill 6508.

Calendar 544, House Bill 6412. Calendar 546,
Substitute for House Bill 6538. Calendar 547,
Substitute for House Bill 6440. Calendar 548,
Substitute for House Bill 6471.

Calendar page 19, Calendar 550, Substitute for
House Bill 5802. Calendar 551, House Bill 6433.
Calendar 552, House Bill 6413. Calendar 553,
Substitute for House Bill 6227.

Calendar page 20, Calendar 554, Substitute for
House Bill 5415. Calendar 557, Substitute for House
Bill 6318. Calendar 558, Substitute for House Bill
6565.

Calendar page 21, Calendar 559, Substitute for
House Bill 6636.

Calendar page 22, Calendar 563, Substitute for
House Bill 6600. Calendar 564, Substitute for House
Bill 6598. Calendar 566, House Bill 5585.

Calendar page 23, Calendar 568, Substitute for
House Bill 6103. Calendar 570, Substitute for House
Bill 6336. Calendar 573, Substitute for House Bill
6434.

mhr/cd/gbr
SENATE

523
June 7, 2011

Calendar page 24, Calendar 577, Substitute for
House Bill 5795.

Calendar page 25, Calendar 581, House Bill
6354.

Calendar page 26, Calendar 596, Substitute for
House Bill 6282. Calendar 598, Substitute for House
Bill 6629.

Calendar page 27, Calendar 600, House Bill
6314. Calendar 601, Substitute for House Bill 6529.
Calendar 602, Substitute for House Bill 6438.
Calendar 604, Substitute for House Bill 6639.

Calendar page 28, Calendar 605, Substitute for
House Bill 6526. Calendar 608, House Bill 6284.

Calendar page 30, Calendar number 615,
Substitute for House Bill 6485. Calendar 616,
Substitute for House Bill 6498.

Calendar page 31, Calendar 619, Substitute for
House Bill 6634. Calendar 627, Substitute for House
Bill 6596.

Calendar page 32, Calendar 629, House Bill
5634. Calendar 630, Substitute for House Bill 6631.
Calendar 631, Substitute for House Bill 6357.
Calendar 632, House Bill 6642.

mhr/cd/gbr
SENATE

524
June 7, 2011

Calendar page 33, Calendar 634, Substitute for
House Bill 5431. Calendar 636, Substitute for
House, correction, House Bill 6100.

Page 34, Calendar 638, Substitute for House
Bill 6525.

Calendar page 48, Calendar 399, Substitute for
Senate Bill 1043.

Calendar page 49, Calendar 409, Substitute for
House Bill 6233. Calendar 412, House Bill 5178.
Calendar 422, Substitute for House Bill 6448.

Calendar page 52, Calendar 521, Substitute for
House Bill 6113.

Madam President, that completes the item placed
on the first Consent Calendar.

THE CHAIR:

Thank you, sir.

We call for another roll call vote. And the
machine will be open for Consent Calendar number 1.

THE CLERK:

The Senate is now voting by roll on the Consent
Calendar. Will all Senators please return to the
Chamber. The Senate is now voting by roll on the
Consent Calendar, will all Senators please return to
the Chamber.

mhr/cd/gbr
SENATE

525
June 7, 2011

Senator Cassano, would you vote, please, sir.

Thank you.

Well, all members have voted. All members have voted. The machine will be closed, and Mr. Clerk, will you call the tally?

THE CLERK:

Motion is on option Consent Calendar Number 1.

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

THE CHAIR:

Consent Calendar Number 1 has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

We might stand at ease for just a moment as we prepare the next item..

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)