

PA13-40

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**JOINT
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February 14, 2013
11:00 A.M.

SENATOR LINARES: Thank you, Senator, for your leadership on this issue. Dr. Bernstein, a consultant and expert on children's safety and violence prevention, came to the capital yesterday and had mentioned that these video games, these violent video games, provide satisfaction to individuals who are mentally ill, satisfaction during the killing in the video games, and it also provides practice for them, and unfortunately comfort. So I just wanted to thank you for your leadership on this issue. It's very important and it's a great idea. Thanks.

SENATOR FRANTZ: Thank you, Senator. I appreciate that.

REP. URBAN: Any other questions or comments? Again, Senator, thank you very much for bringing this to the committee's attention, and we look forward to working with -- with you.

SENATOR FRANTZ: I thank all of you.

REP. URBAN: Next on our agenda is Commissioner Katz from the Department of Children and Families, and I know I gave our three-minute rule, but Commissioner, you have a slew of bills here, so -- and we do need to hear how you feel about all of them. So we are going to make sure that we listen to you.

COMMISSIONER JOETTE KATZ: Thank you so much. I used to say in writing opinions, if I had more time I'd make them shorter. So I will do my best. Good morning, Senator Bartolomeo, Representative Urban, and members of the Children's Committee. My name is Joette Katz, and I'm the Commissioner of the Department of Children and Families here to testify on several of the bills on your public hearing

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would require consultation with the parents and their attorneys, as well as expert advice from within and outside the agency.

Please note that this bill is not intended to supersede the legislation that you all passed two years ago regarding a child's right to remain in his or her school of origin when placed in foster care. And all the procedures outlined in the statute would remain in full force and effect.

I don't think comment or testimony is required on House Bill 6346. It's really just a lot of technical amendments, and thereafter there are a number of proposed bills, and I just want to comment very briefly, if I can, on a few of them.

With regard to Proposed Senate Bill Number 158, an act establishing a task force on the prevention of children of -- I'm sorry, victims of sexual abuse, the department offers the following comments regarding this proposed bill:

This bill as we see it would establish a task force on the prevention of sexual abuse of children, and would study one, how to educate schools, children on sexual abuse by revealing and adopting curriculum, and two, train educators to use such adopted curriculum.

We are, in fact, doing this in the department already. It's an enormous initiative on our - - that we have been working on for years. We actually are nationally recognized, I'm happy to say, and our workers Bill Revere and Tammy Snead are frequently in Washington and working with BFBI on this. We are in a number of school systems, Bridgeport most recently, so we would support it.

legislate, you know, get in the home. But in this instance, when you're looking at those kind of long-term costs, that impacts everybody.

And it seems to me to be appropriate, particularly in this bill that we're looking at the nutritional aspects and saying that we want kids to have nutritional food. So I think it's very appropriate, and I also thank you for the work that you do.

LUCY NOLAN: Thank you.

REP. URBAN: You're an amazing source of information, and you do some wonderful things with our school and you get us good federal money to keep going.

LUCY NOLAN: Yes.

REP. URBAN: So we thank you for that.

LUCY NOLAN: Thank you very much.

REP. URBAN: Thanks for your testimony. And now Christine? Or is she out listening to the -- oh, there she is. I'm sorry. Sorry, Christine. I didn't mean to say that you were out there participating.

CHRISTINE RAPILLO: No. I decided to stay inside.

REP. URBAN: Well, thank you.

CHRISTINE RAPILLO: Representative Urban, distinguished members of the committee, my name is Christine Rapillo, and I'm director of Delinquency Defense and Child Protection for the Office of the Chief Public Defender. We've submitted testimony on behalf of the Division of Public Defender Services on a

SB833 HB6346
SB653

number of bills. I'm only going to talk about three of them in the interest of keeping to my three minutes.

First I'd like to address -- excuse me -- Senate Bill 833, AN ACT ADDRESSING THE MEDICAL AND EDUCATIONAL NEEDS OF CHILDREN. You heard testimony earlier today from the Department of Children and Families regarding this bill, and how they're interested in being able to make decisions on children who they have temporary custody of.

The order of temporary custody is a very low standard. A court needs only to find reasonable cause that a child might be in danger in order for the department to take custody of a child. I can tell that judicial branch procedure requires that there be hearings on these cases every week, so our division administers the attorneys who represent the children in these hearings, and I did solicit from them, you know, how long this takes and what impact this would have.

The consensus is is this is an unnecessary infringement on a parent's rights at a very early stage in a child protection proceeding. We would agree that it could be amended to allow the department to make decisions on kids when it's an emergency situation, but what this does is it gives the department virtually unlimited authority to make decisions on medical, mental health, and educational decisions for a child at the temporary custody phase.

Given that these cases are going to get into court within a week, and I know the department said three weeks, that's probably about what it takes to get the issue of temporary custody resolved, but as far as the amount of time

that it would take them to get into court and get a court order giving them authority.

So to give the attorney for the child, the attorney for the parent, and the department to go in and get it in front of the judge to address a child's issues, it really should be within a week. Most courts have these hearings every Wednesday or every Friday. And people are all represented by counsel by the time they get to those hearings.

So that should not be an undue burden on anyone, and certainly the language could be tweaked to allow the department to take action when there is a true medical emergency, and a decision quickly needs to be made on behalf of a child.

The next one I'd like to address is House Bill 6346, AN ACT REVISING VARIOUS STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES. And my testimony is specifically to Section 4 of this bill. We believe that this -- what Section 4 does is it would shift the burden to discuss and litigate a child's credit issues onto the child's attorney. Currently, the Federal Credit Protection Act requires that some effort be taken to try to make sure that credit is protected for children in care.

What tends to happen for these kids, they go into DCF care, and family members who don't have custody of them but who have access to their Social Security numbers, have their information, will obtain credit in the child's name and the child won't find out about that until later when they're going into independent living and trying to get an apartment, get a student loan, or purchase a car.

Currently DCF needs to get a credit report on children in care once they turn 16 every year and be able to address that with the child. What this proposal does is shift the burden for addressing the credit issues to the attorneys that represent the children in the child protection system.

And as I said, we administer those attorneys. I can tell you there's over 100 attorneys. In order for this to be implemented, we'd need to train all 100 attorneys. And since there's really no way of knowing when such an issue is going to come up. And we're not currently funded to be able to pay those attorneys to be trained or to litigate these.

I mean, I think as everybody knows trying to get an identity theft issue resolved is a complicated, pain-staking and lengthy process. So for folks who are not trained and don't have any expertise in doing this, it would be a real burden, and I think not the best place to try to help these children to put that burden on the attorneys who represent them in child welfare.

I can tell you we pay them a flat rate of \$500 to represent these children, and that wouldn't be enough to cover what they would need to do, if in fact they had to go and litigate an identity theft issue. I think a more appropriate way to handle it, DCF is the guardian or the statutory parent of these children, they also have a legal staff.

They could train one or two people to become experts at these, and to deal with these issues as they come up. So I agree the attorneys need to be involved, but shifting the burden to litigate issues for these

children onto the attorneys who are simply trained to do their child protection work I think would be costly to our agency and wouldn't be the best way to do it for children.

The only other quickly bill that I wanted to indicate is proposed Senate Bill 653, regarding children who are placed out of state, and we're opposed to that bill. It restricts the commissioner's ability to place any child out of state who's not a committed delinquent.

The commissioner has already done excellent work reducing the number of children who are placed out of state. It's under 100 kids who are in an out-of-state placement, and it used to be triple that. And I think that a statutory mandate that only delinquent children can go out of state would be inappropriate and would not be in the best interest of children.

REP. URBAN: Thank you. You wrapped that up very quickly. And I absolutely have to say that what the DCF has done bringing kids back, and making that -- turning the curve on that number has been nothing short of amazing. So Commissioner Katz has done a stupendous job on that. Are there questions or comments?
Representative Betts.

REP. BETTS: Yes. Thank you, Madame Chair. Getting back to 6346, on the Credit Reporting Act, yes, DCF does have a legal staff. I don't know how many they have. But given the mission of their agency and the legal responsibilities that are associated with guardianship, et cetera, you seem to suggest that they may have the staff or the time to be able to take on that responsibility.

Could you explain to me why you think they would be -- I understand your argument in terms of the -- you know, you not having enough and the cost. Why would DCF be in a better position if their work load is pretty substantial right now?

CHRISTINE RAPILLO: DCF has two sets of lawyers. There's the Assistant Attorney Generals that actually appear in juvenile court on behalf of the department, and prosecute the petitions regarding neglect and abuse in every region, so all -- I think it's six DCF regions have legal staff inside their regions that assist the region with other legal issues that come up.

My argument is that somebody in the region could be trained to do this, and that that would be more efficient than us training 100 lawyers, or I think it was 129 lawyers that we currently have under contract, to represent these children all across the state.

And again, if we had a more centralized way of referring it to the -- they're parent -- I mean, DCF are the guardian for these kids. I think that's a service that would more appropriately come from the guardian. If it were, in fact, to be pushed onto the attorneys, our agency would certainly need funding to be able to pay these lawyers for the extra work that they be doing in these cases.

We have a mechanism for the attorneys to request hourly billing. For anything involving a child they represent it gets complicated or lengthy. I mean, this would be something extremely complicated and lengthy that, you know, I know from talking to them

they don't have the expertise at this point to be able to effectively do for the children.

REP. BETTS: And how much training is required?

CHRISTINE RAPILLO: I would have to look into it, but certainly what we give them now for training is training in child development, training in DCF policy, trial training, evidence training, training on how to litigate in juvenile court. There's nothing on what the standard for, you know, identity theft would be or on how to advocate with credit reporting agencies, how to advocate with creditors.

I mean, this would be an issue where -- I mean, the examples that are given were family members that obtained credit cards and run up giant credit card bills in the name of the youngster. So there's credit card companies to be negotiated with. There's reporting agencies and there's sometimes litigation that has to take place.

REP. BETTS: Sure.

CHRISTINE RAPILLO: So it would be quite a bit of training really outside what those lawyers are trained on now.

REP. BETTS: And how many lawyers are in the division of public defenders?

CHRISTINE RAPILLO: There's 129 lawyers who were contracted to do child welfare work. The public defender's office has around 400 lawyers. For the most part they are doing criminal defense work. The Child Protection Operations were consolidated into our agency about a year and a half ago.

This is a little bit new for us. At the moment we don't have staff, full-time staff, that are working exclusively in child protection. We've begun to try to roll out having staff that's been hired in juvenile court doing double duty and representing some delinquent children and some child protection children.

But at the moment we don't have anybody that would really even be sufficiently trained to take on all of the child welfare representation. They certainly don't know much about the credit reporting.

REP. BETTS: Okay. Thank you very much.

CHRISTINE RAPILLO: Thank you.

REP. URBAN: Are there any other questions or comments? Thank you very much for your testimony. Next on our list is Dr. Loftus from the Connecticut Council on Child and Adolescent Psychology. Welcome.

DR. MIRELA LOFTUS: Representative Urban and distinguished members of the committee, thank you so much for allowing me to speak to you today. I am Dr. Mirela Loftus. I'm a child and adolescent psychiatrist. I'm a physician working at Institute of Living Hartford Hospital down the road.

And I'm here to discuss -- or to add to the discussion of Senate Bill 169, AN ACT CONCERNING THE ASSESSMENT AND DELIVERY OF MENTAL HEALTH SERVICES. I am a representative of the Connecticut Council of Child and Adolescent Psychiatry, and the Connecticut chapter of the American Academy of Pediatrics.

And together we created a blueprint for mental

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So I'd like to call up Susan McGuinness, and I think she also has somebody with her, which we'll call afterwards, which is Patricia. So we're going to do Susan and then Patricia and then we'll return to the list. He is welcome to come up, Susan. Welcome, Susan, and --

SUSAN MCGUINNESS: Thank you.

REP. URBAN: -- what's your son's name?

SUSAN MCGUINNESS: Seamus.

REP. URBAN: Seamus, you've done a tremendous job. we really appreciate it.

SUSAN MCGUINNESS: Thank you.

REP. URBAN: And clearly you've done a wonderful job with him cause I didn't even realize he was here.

SUSAN MCGUINNESS: Thanks. I thought he was being too obvious, but hi. I'm Susan McGuinness Getzinger. I'm here testify -- I wish I'd brought my glasses -- I'm here to testify why I oppose nearly all bills being raised and proposed in today's Children's Committee of the Behavioral Health Partnership Oversight Council.

HB5567
SB651
HB6346 SB158
SB169 SB273

I consider these raised and proposed bills to be errors and superficial proposals due to the withholding of the evidence by the State of Connecticut in the Adam Lanza case in Newtown. We're from Newtown, we have not received services from the school board in Newtown. We've had issues for years.

My focus is also the inherent conflicts of interest with the many vendors involved and members of the Behavioral Health Partnership

Oversight Council. And since the majority of Governor Malloy's appointed committee members, employers stand to profit from the proposed legislation presented, I oppose the majority of the bills.

My reasons are printed below, and I'll just get to the bullet points. Proposed Bill 5567, AN ACT CONCERNING CHILDREN'S MENTAL HEALTH. Again, Adam Lanza's records are sealed. We're never able to learn from sealed records. I think this is irresponsible. The retention schedule, which is in the back in my testimony, of school records, including medical and mental health and school records, they're -- the records and instructions for destruction of school records may be a factor in this case. The Board of Education law firms are agents of the school district, and so by law they're able to hold those records in at their law firms.

The retention schedule for mental health records has no requirements to maintain for any amount of time those mental health records. However, vaccine records are kept for 50 years. Connecticut school law is riddled with conflict of interest. Some law firms and elected officials have conflicts of interest directly associated with the Adam Lanza case.

Senator Chris Murphy's father is a partner at Shipman & Goodman, the law firm that represents the most school districts in Connecticut, 80 out of 169, and Tom Moony wrote the book that school board of eds use, and he is from Shipman & Goodman, as is the Attorney General George Jepsen.

Berchem, Moses & Deblin, another school law firm, represents 14 to 30 districts, depending

dollars. That's a huge incentive for moral and unethical conflicts of interest and recycling and building programs and kids are falling through the cracks.

One more bill if I may. I just wanted to say the FDA and the CDC recalls products continually. I have the list in the testimony. But they don't recall vaccines. Very problematic. Only taxpayers are liable to pay out for vaccine damages and death. So again, the taxpayers are getting stuck with the bill.

HB Number 6346, AN ACT REVISING VARIOUS STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES. And I oppose this because Governor Malloy is protecting people who may be -- may abuse individuals by taking away the right to face your accuser in paragraph F.

I won't go into it, I'll just zoom through these. Number 158, AN ACT ESTABLISHING A TASK FORCE ON THE PREVENTION OF SEXUAL ABUSE. I abuse this because who is it that writes the curriculum? And the board of ed and parents at the local level are supposed to do this in Connecticut, and they're being manipulated by the attorneys with conflicts of interest.

169, AN ACT CONCERNING THE ASSESSMENT AND DELIVERY OF MENTAL HEALTH SERVICES AND INTERVENTIONS. Again, we haven't seen the records. They might have been destroyed a long time ago. The whole retention schedule is rigged.

Number 273, AN ACT CONCERNING FOSTER CHILDREN AND INTERNSHIP OPPORTUNITIES. I oppose this because the state vendors recycle foster children from the system back into the same state-funded system programs, and perpetuate a

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2013



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES

Public Hearing Testimony

Children Committee

February 14, 2013



SB 832

SB 833

HB 5346

SB 158

SB 169

SB 650

SB 652

SB 653

HB 5567

HB 6069

S.B. No. 821 AN ACT CONCERNING RESPONSIBILITIES OF MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT

The Department of Children and Families supports S.B. No. 821, An Act Concerning Responsibilities of Reporters of Child Abuse and Neglect. This proposal is part of DCF's legislative package.

This bill provides legal protection for mandated reporters of child abuse from retaliatory actions by their employers. There is a concern that some employers may screen or interfere with employees who are mandated reporters of child abuse and neglect when discharging their legal responsibilities to report. This bill strengthens existing statutes in a manner that would allow greater enforcement of violations.

Last year the DCF Careline received 45,748 reports of child abuse or neglect, and 27,354 of these reports were accepted for investigation. Approximately 70% of these reports come from mandated reporters, including: medical professionals; school officials; law enforcement; social workers; psychologists; clergy; day care staff; and others identified in § 17a-101.

S.B. No. 822 AN ACT CONCERNING INTERVIEWS OF CHILDREN BY THE DEPARTMENT OF CHILDREN AND FAMILIES DURING INVESTIGATIONS OF CHILD ABUSE AND NEGLECT

The Department of Children and Families supports S.B. No. 822, An Act Concerning Interviews of Children by the Department of Children and Families During Investigations of Child Abuse and Neglect. This proposal is part of DCF's legislative package.

This bill would permit DCF to interview a child in a child protective investigation without parental consent in those limited circumstances when obtaining such consent would place the child at risk of physical harm. Currently, DCF has the legal authority to interview children without parental consent in cases in which the parent or guardian is the alleged perpetrator of physical abuse. The Department believes that this change would strike a reasonable balance between child safety and the rights of the alleged perpetrator, and is consistent with changes the Department is initiating through our new Strengthening Families Practice Model.

Last session, HB 5363 passed the House unanimously, but was not taken up in the Senate.

seek a court order preventing it. We are fully prepared to apply these same procedures to medical decisions.

Although medical decisions are the most urgent, this bill also addresses educational decision making. This is consistent with the intent of Congress in passing the new Family Educational Rights and Privacy Act (FERPA) amendment that allows child welfare agencies access to the school records of foster children without parental consent as well as the federal Fostering Connections Act requirements to educationally plan for kids in our care. This can be difficult to accomplish when children are subject to an Order of Temporary Custody, which can be for weeks or months. Again, if this bill is enacted our policy would require consultation with the parents and their attorneys as well as expert advice from within and without the agency. Please note as well that this bill is not intended to supersede the legislation the General Assembly passed two years ago regarding a child's right to remain in his or her school of origin when placed in foster care. All of the procedures outlined in that statute would remain in full force and effect.

H.B. No. 6346 AN ACT CONCERNING VARIOUS STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES

The Department of Children and Families supports H. B. No. 6346, An Act Concerning Various Statutes Concerning the Department of Children and Families. This proposal is part of DCF's legislative package.

This bill makes a number of technical and/or minor changes to various DCF statutes. The bill accomplishes the following:

- Section 1 amends section 17a-4 of the General Statutes to make technical clarifications to the membership of the State Advisory Council on Children and Families.
- Section 2 amends section 17a-28 of the General Statutes to permit sharing of DCF records with DSS for purposes of investigating fraud and require in camera review for disclosure of DCF records to civil courts.
- Section 3 amends section 17a-93 of the General Statutes to correct statutory references for the licensing of child caring facilities.
- Section 4 amends section 17a-114b of the General Statutes to make the credit report review for foster youth consistent with the provisions of federal law.
- Section 5 amends section 17a-115a of the General Statutes to change from 15 to 5 days the time requirements for doing a full fingerprint check after emergency placements. This change is necessary to conform to the requirements of federal law.
- Section 6 amends section 19a-112f of the General Statutes to include DCF on the Sexual Assault Forensic Examiners Advisory Committee.
- Sections 7 through 14 simply delete references to sections 17a-154 and 17a-155, which are being repealed by this legislation.
- Section 15 repeals sections 17a-154 and 17a-155 of the General Statutes concerning Permanent Family Residences, an obsolete category of homes licensed by DCF.

Children's Committee Testimony Hartford, CT**February 14, 2013 at 11 am room 2b**

I, Susan McGuinness Getzinger, am here to testify why I oppose nearly all bills being raised and proposed in today's Children's Committee of the **Behavioral Health Partnership Oversight Council**.

I consider these raised and proposed bills to be errors and superficial proposals due to the withholding of evidence by the state of Connecticut in the Adam Lanza case in Newtown, CT.

My focus is the inherent conflicts of interest with the many vendors involved as members of the **Behavioral Health Partnership Oversight Council**.

Since the majority of Governor Malloy's appointed committee member's employers stand to profit from the proposed legislation presented, I oppose the majority of the bills presented. My reasons are printed below each bill, but I will only go over a few due to time restraints.

*Proposed H.B. No. 5567 AN ACT CONCERNING CHILDREN'S MENTAL HEALTH.

I Oppose because - Adam Lanza's records are sealed. We are never able to learn from sealed records. It is highly irresponsible to continue to seal Adam Lanza's records.

The retention schedule of school records and instructions for destruction of school records may be a factor in this case.

Board of Education (BOE) law firms are agents of the school district and so they are able under present law to keep school records on their premises.

The retention schedule for mental health school records in Connecticut has no requirement to maintain for any amount of time those mental health records or any staff notes or paperwork involved., though vaccine records are to be maintained for 50 years. (M8-380 & M8390) <http://www.cslib.org/publicrecords/reteduction.pdf>

Connecticut school law is riddled with conflicts of interest.

Some Law firms and elected officials have conflicts of interest in the Adam Lanza case, for instance:

Senator Chris Murphy's father is a partner at Shipman & Goodwin, the law firm that represents the most CT school districts in educational hearings where the districts, using tax dollars, fight against children and families. They represent 180 of the 169 Connecticut towns, including Newtown, CT.

Attorney General George Jepsen came from the law firm of Shipman & Goodwin.

A Shipman and Goodwin attorney, Tom Mooney, "wrote the book" that BOEs use for school law. This is a conflict of interest that steers tax dollars to the BOE attorneys instead of towards services for children in need.

Berchem, Moses and Devlin school law attorneys represent anywhere between 14 and 30 of the 169 districts in Connecticut. They have represented Newtown, CT and so, they may retain school records as agents of the school district, including Adam Lanza's.

This information may be why Adam Lanza's records are being sealed. To hide the inadequacy of the records retention policies and procedures in Connecticut schools and any law firm

send signals to all parts of the body. (See notes re: fats and myelin at bottom of testimony).

Some infectious diseases affecting the brain are caused by viruses and bacteria. Viral or bacterial causes have been reported in multiple sclerosis and Parkinson's disease, and are established causes of encephalopathy, and encephalomyelitis.

Symptoms of nerve dysfunction include, but are not limited to: ADHD, Autism, Learning disabilities and countless other impairments.

Then, instead of accommodating the children in their care, school Administrators and their BOE attorneys, with the help of CT DOE employees, fight families with local tax dollars that might better be used FOR the children's needs, instead of the attorneys' billable hours. Controlling 68% of local tax funds proves to be an immoral incentive to strip children of their rights in Connecticut public schools.

Further conflicts of interest are in the very members of this Behavioral Health Partnership Oversight Council"

Council members from pharmaceutical companies, including Boehringer Ingerheim (BI), have conflicts of interest, as do many vendors of this Council. BI state on their website that they are looking for new product opportunities and they have partnered with a vaccine manufacturer, a clear conflict of interest.

Children and families are vulnerable to the undisclosed conflicts of interest that this and the other bills create.

The FDA and CDC recall products, when death and injury occurred due to unsafe products, except in the case of vaccines.

Only taxpayers are liable to pay out for vaccine damages and deaths.

H.B. No. 6346 (RAISED) AN ACT REVISING VARIOUS STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES.

I Oppose because - Governor Malloy is protecting people who may abuse individuals by taking away the right to face your accuser in paragraph f: "(f) The name of any individual who reports suspected abuse or neglect of a child or youth or cooperates with an investigation of child abuse or neglect shall be kept confidential"

*Proposed S.B. No. 158 AN ACT ESTABLISHING A TASK FORCE ON THE PREVENTION OF SEXUAL ABUSE OF CHILDREN. -

I oppose because - WHO IS IT THAT WRITES THE CURRICULUM? THE BOE AND PARENTS - THIS IS A LOCAL DECISION, NOT A STATE DECISION.

*Proposed S.B. No. 169 AN ACT CONCERNING THE ASSESSMENT AND DELIVERY OF MENTAL HEALTH SERVICES AND INTERVENTIONS FOR CHILDREN.

I Oppose because - those with conflicts of interest make The Assessment and they stand to financially gain when people are diagnosed with mental illness.

*Proposed S.B. No. 273 AN ACT CONCERNING FOSTER CHILDREN AND INTERNSHIP OPPORTUNITIES.

I Oppose because - State Vendors recycle foster children from the system back into same state funded system's programs and perpetuate a broken and allegedly corrupt system.



*Division of Public Defender Services
State of Connecticut*

ATTORNEY CHRISTINE PERRA RAPILLO
DIRECTOR OF DELINQUENCY DEFENSE & CHILD PROTECTION

COMMITTEE ON CHILDREN
FEBRUARY 14, 2013

TESTIMONY OF CHRISTINE RAPILLO
DIRECTOR OF DELINQUENCY DEFENSE AND CHILD PROTECTION
DIVISION OF PUBLIC DEFENDER SERVICES

RAISED BILL 6346, AN ACT REVISING VARIOUS STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES

The Office of Chief Public Defender is concerned about Section 4 of **Raised Bill 6346, An Act Revising Various Statutes Concerning the Department of Children and Families**. This section deals with how the Federal Fair Credit Reporting Act impacts the Department of Children and Families and the children committed to its care. Unfortunately, children in DCF care find themselves the victims of identity theft. Family members or other caregivers with access to a child's social security number use the child's name and information to obtain credit, car loans or make other financial transactions. This happens even to very young children. The child usually does not find out about this until years later when they are an adult trying to get a loan, a credit card or a lease for an apartment.

Conn. Gen. Stat. Sec. 17a-114b already requires DCF to obtain an annual credit report on all children in care over the age of sixteen. This proposal shifts the responsibility and the cost of resolving fraud to the child's attorney. **Section 4 of Raised Bill 6346** would mandate that DCF provide the child's attorney with the credit report and makes the lawyer responsible for identifying fraud and helping the child resolve it. Current law puts the responsibility for resolving these issues on the Department of Children and Families. They are the guardian for these children and should be responsible for assisting them with credit issues. DCF is a large agency with attorneys on staff in each region and in the central office. It makes more financial sense to train a few DCF staff lawyers to assist committed children with credit issues.

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*Division of Public Defender Services
State of Connecticut*

ATTORNEY CHRISTINE PERRA RAPILLO
DIRECTOR OF DELINQUENCY DEFENSE & CHILD PROTECTION

The lawyers who represent children in child protection actions have no training in accounting or credit issues. OCPD would need to train over 100 lawyers on how to review a credit report and advocate with creditors and reporting agencies. We would need significant additional funds to pay the attorneys to take on this added responsibility.

The lawyers who represent children in child protection actions are under contract to the Office of the Chief Public Defender. Our contracts with the attorneys provide for a flat rate fee of \$500 to represent children in child protection matters. It is unreasonable to expect that the attorneys would take on a lengthy endeavor like resolving a credit issue for no additional fee. The procedure for resolving credit fraud is long, technical and arduous. This change could potentially cost our agency thousands of dollars, as the advocacy for credit fraud would need to be compensated at an hourly rate of \$50 outside the flat fee. When we were given administration of the child protection operations, the budget was \$2.5 million in deficit. That budget was then cut by nearly \$2 million in the first year. Although we have managed to operate without a deficiency in our child protection account, there is no room to add additional expenses. The Office of Chief Public Defender simply does not have the funding to pay for advocacy in this area.

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

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HOUSE OF REPRESENTATIVES

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May 8, 2013

Will the Clerk please call Calendar 105.

THE CLERK:

Yes, Mr. Speaker. On Page 40, House Calendar 105, Favorable Report of the Joint Standing Committee on Public Safety and Security, AN ACT REVISING VARIOUS STATUTES CONCERNING THE DEPARTMENTS OF CHILDREN AND FAMILIES.

HB 6346

SPEAKER SHARKEY:

Representative Fawcett of the 133rd, you have the floor, madam.

REP. FAWCETT (133rd):

Thank you, Mr. Speaker, and good evening to you.

SPEAKER SHARKEY:

Good evening.

REP. FAWCETT (133rd):

Mr. Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER SHARKEY:

Motion is on acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, madam?

REP. FAWCETT (133rd):

Yes, Mr. Speaker, this bill makes several technical changes to the existing DCF, Department of

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Children and Families statutes. In particular, these changes help assure that our existing state law is conforming with current federal law.

Mr. Speaker, the Clerk also has an amendment. It's LCO 6591 and I would ask that the Clerk call the amendment and I be granted leave of the Chamber to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 6591, which will be designated House Amendment "A".

THE CLERK:

House Amendment "A", LCO 6591 introduced by Urban, et al.

SPEAKER SHARKEY:

The gentlewoman seeks leave of the Chamber to summarize. Is there objection? Is there objection? Seeing none, you may proceed with summarization, madam.

REP. FAWCETT (133rd):

Thank you, Mr. Speaker. This Amendment just adds clarifying languages to instances where the Department of Social Services may share cases, case records without consent of families.

I move adoption.

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SPEAKER SHARKEY:

Thank you, madam. Will you remark further on House Amendment "A"? Representative Betts of the 78th.

REP. BETTS (78th):

Thank you very much, Mr. Speaker. I rise to support the Amendment. This is after consultation with DCF, DCYS yesterday and it's designed to allow them to be able to do their job better and I will be supporting this Amendment as proposed. Thank you.

SPEAKER SHARKEY:

Thank you very much, sir. Would you care to remark further on House Amendment "A"?

If not, let me try your minds. All those in favor of House Amendment "A" please signify by saying "Aye".

REPRESNATATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, Nay? The Ayes have it. The
Amendment is adopted. Do you care to remark further on the bill as amended? Do you care to remark further on the bill as amended?

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If not, staff and guests to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll.

The House of Representatives is voting by Roll.

Will Members please return to the Chamber immediately.

SPEAKER SHARKEY:

Have all the Members voted? Have all the Members voted? The Members please check the board to make sure your votes are properly cast.

Again, I'm asking Members to stay close to the Chamber. We'll be doing a number of bills in rapid fire.

If all the Members have voted, the machine will be locked and the Clerk will take a tally, but not quite yet. The machine will be locked and the Clerk will take a tally. The bill as amended passed. Oh, I'm sorry. Will the Clerk please announce the tally.

THE CLERK:

Bill Number 6346 as amended by House "A".

Total Number Voting 140

Necessary for Passage 71

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Those voting Yea	140
Those voting Nay	0
Those absent and not voting	10

SPEAKER SHARKEY:

The bill as amended passes.

Will the Clerk please call Calendar Number 274.

THE CLERK:

On Page 46, Calendar Number 274, Favorable Report of the Joint Standing Committee on Labor and Public Employees, House Bill 6485 AN ACT CONCERNING A BARBERSHOP APPRENTICESHIP PROGRAM.

SPEAKER SHARKEY:

The distinguished Chairman of the Public Health Committee, Representative Johnson, you have the floor.

REP. JOHNSON (49th):

Good evening, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER SHARKEY:

Pause for one minute, madam, while we get the bill. There we are. The question before the Chamber is acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, madam?

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**CONNECTICUT
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SENATE**

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the needs of our veterans. The fact that veterans will now be able to have a local contact who will be able to direct them to the services that are available to them is absolutely critical especially as we continue to rely more and more on our reserves and guardsmen and we have a number of men and women still in the community deploying, coming back to the community, deploying again.

So there are a lot of needs out there and this is just a -- I think a prudent and cost effective way to make sure that those needs are being met through services that already exist. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Will you remark further on the bill? Will you remark further on the bill? Senator Leone.

SENATOR LEONE:

Thank you, Mr. President. Again I want to thank Senator Welch for all of his support and efforts. We couldn't do it without his assistance. Also if there is no objection I would move to place this item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered. Mr. Clerk.

THE CLERK:

On page 27, Calendar 565, substitute for House Bill number 6346, AN ACT REVISING VARIOUS STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES, favorable report of the Select Committee on Children.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Thank you, Mr. President. I move acceptance of the joint committee's joint favorable report and I urge

passage of this bill as amended by the House of Representatives under Schedule A.

THE CHAIR:

On acceptance and passage in concurrence will you remark?

SENATOR BARTOLOMEO:

Yes, thank you, Sir. This bill is -- as we -- as it states in the title it's strictly a variety of technical and statute changes. I will quickly kind of go through a summary of them. They are relatively minor changes. Section one amends the General Statutes to make technical clarification of the membership of a State advisory council on children and families. Section two permits the sharing of DCF records with DD -- DSS for the purpose of investigating fraud and requires in camera review of disclosure of DCF records to civil courts.

Section three amends -- excuse me, corrects statutory references for the licensing of child care facilities. Section four makes credit report review for foster youth consistent with the provisions of our federal law. Section five changes from 15 to five days the time requirements for doing full fingerprint checks after emergency placements. And this is also necessary to conform with the requirements of our federal law. Section six includes DCF on a sexual assault forensic examiners advisory committee. Section seven is basically repealing sections which are repealed by previous acts.

And the last -- that sections -- sections seven through 14 and then section 15 also repeals something which is an obsolete category for license -- home licenses for DCF. So with that I would also mention there is no fiscal note associated with this. And I would ask for support by our colleagues. I would urge passage of this bill.

THE CHAIR:

Thank you, Senator. Will you remark further on the bill? Remark further on the bill? No, Senator.

SENATOR BARTOLOMEO:

Thank you, Mr. President. And if there is no objection I would ask that we put this on our Consent Calendar please.

THE CHAIR:

Without objection, so ordered. Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, if the Clerk would call as the next item, item previously marked go back on Calendar page five, Calendar 232, Senate Bill 984. And if he would also mark as the -- the next go item after -- after that, Calendar page 27, Calendar 561, House Bill 6641. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Mr. Clerk.

THE CLERK:

On page five, Calendar 232, substitute for Senate Bill 984, AN ACT CONCERNING PROBATE COURT OPERATIONS, favorable report of the Committee on Judiciary.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

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

THE CHAIR:

On acceptance and passage will you remark, Sir?

SENATOR COLEMAN:

THE CHAIR:

The bill passes in concurrence with the House.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, if would mark all items previously marked go should be marked passed retaining their place on the Calendar. And if the Clerk would call the items on the Consent Calendar so that we might proceed to a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk. Mr. Clerk.

THE CLERK:

On page five, Calendar 229, Senate Bill 1027, Calendar 232, Senate Bill number 984. On Calendar page nine, Calendar 336, House Bill 6529, Calendar 337, House Bill 5310. Also on page nine Calendar 338, House Bill 6313 and Calendar 339, House Bill 6315. On page ten, Calendar 345, House Bill 5970. And on page 13, Calendar 393, Senate Bill number 872. Page 18, Calendar 468, House Bill 5388. Page 27, Calendar 561, House Bill 6641 and Calendar 565, House Bill 6346. And on page 40, Calendar 302, Senate Bill 1016.

THE CHAIR:

Thank you, Mr. Clerk. The machine will be opened, vote on a Consent Calendar.

THE CLERK:

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

THE CHAIR:

Have all members voted? Have all members voted?
Please check the board and make sure your vote has
accurately recorded. If all members have voted the
machine will be closed and the Clerk will announce the
tally.

THE CLERK:

On today's Consent Calendar.

Total Number Voting	36
Necessary for Adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar 1 passes. Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, before
moving for moving for adjournment for today would like
to announce that we will likely be in -- in session
next week Tuesday, Wednesday and Thursday and also
possibly Friday so members should reserve those four
days next week as -- as possible or probable session
days. At this point, Mr. President, would yield the
floor to members for announcements of committee
meetings or for other points of personal privilege.

THE CHAIR:

Thank you, Senator. Before we do that I would like to
just to take the privilege of -- May is a big birthday
month and we have one of our members who is
celebrating her birthday tomorrow. I would like to
wish Senator Bye a happy birthday tomorrow and I'm
trying to figure out if her birthday wish was granted
as she's not here as she would have liked to have been
here. But happy birthday.

And there is a bipartisan fruit in the caucus room for
Senator Bye because she didn't want a cake so we got
her some fruit that's -- that she requested. So