

PA13-52

SB0822

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**CHILDREN
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**2013
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tk/gbr CHILDREN COMMITTEE

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

SB 821 SB 822
SB 832 SB 833
HB 6346 SB 158
SB 169 HB 5567
SB 650

agenda, including 5 DCF-sponsored proposals. With me is our general counsel, Barbara Claire.

First, the Department of Children and Families supports Senate Bill 821, an Act concerning responsibilities of reporters of child abuse and neglect. This proposal is indeed part of DCF's legislative package. The bill provides legal protection from 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 from discharging their legal responsibilities to report. This bill strengthens existing statutes in a manner that would allow greater enforcement of violations.

Last year DCF CareLine received 45,748 reports of child abuse and neglect, and 27,354 of these reports were accepted for investigation. Approximately 70 percent 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, but we know that there are many who are mandated reporters who do not report.

Second, Senate Bill 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 this bill, it's an act concerning interviews of children, as we've said, by the department during investigations of abuse and neglect.

The proposal -- this proposal is part of our

legislative package as well. The bill would permit DCF to interview a child in a child protective investigation without parental consent, but in as limited circumstances when obtaining such consent would place the child at risk of physical harm.

Current DCF has the legal authority to interview children without parental consent in cases in which the parents or guardian is the alleged perpetrator of physical abuse. We believe that this change would strike a reasonable balance between child safety and the rights of the alleged perpetrator, and is consistent with changes that the department is initiating through our new strengthening families practice model.

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

Third, Senate Bill 832, AN ACT CONCERNING ASSESSMENT RESPONSE, we support this bill, and again, it is part of our legislative package. It makes two modifications to existing statutes. One is a technical change to 17A-101 G, to change differential response to family assessment response. And two, to provide expungement of family assessment response cases if no new reports of child abuse or neglect are received on the family for a period of five years.

The change of differential response to family assessment response reflects current practice, and the proposal also extends the same expungement process for family assessment response cases as it currently exists for unsubstantiated cases.

Next, Senate Bill 833, AN ACT ADDRESSING

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I don't think so.

REP. URBAN: Thank you. Now wait just one second.

SUSAN MCGUINESS: Sorry, questions.

REP. URBAN: I want to see whether there are any questions or comments.

SUSAN MCGUINESS: How to do an epi pen? I can show you.

REP. URBAN: No, no, that's okay. But we do have your written testimony?

SUSAN MCGUINESS: Yes.

REP. URBAN: Okay. Thank you. Because you said some very interesting things, and I really, really appreciate you coming here. You are very passionate about this and I know you've been through a lot so we are going to pay very special attention to what you've brought to us today.

SUSAN MCGUINESS: I appreciate that.

REP. URBAN: I appreciate your testimony.

SUSAN MCGUINESS: Thank you very much.

REP. URBAN: And I believe because I think you guys are -- must be sort of together, but Patricia, if you'd like to come up and testify?

PATRICIA SABATO: Good afternoon.

REP. URBAN: Fine. And if you can state your name for the record so we're sure we've got it.

PATRICIA SABATO: I'm Patricia Sabato. I'm a Sandy Hook mother. I'm also an advocate certified

SB 169 SB 822
HB 5567 SB 650
SB 653 SB 260

under the Connecticut General Assembly. I believe that would be some of you. I'm in opposition today of many of them. I didn't get to review all of them but 169, 822, 5567, 650, 653, 260.

I want to say a few things. I'm probably going to go over three minutes, so I'm only going to comment on one of the bills. As a result of December 14th, President Obama has allocated \$150 million for mental health, gun control and school safety. The State of Connecticut cannot take away our fundamental rights to privacy while trying to supersede federal laws.

We already have federal laws regarding these things. First of all, I would like to join the others in the cause for the State of Connecticut to release Adam Lanza's school records and mental health records as we wait for the toxicology report.

Not in June, when the session is over, before the session starts drafting and signing in new bills. We cannot legislate without this information. Our parental rights should not be voided by the state's rush to pass laws that will put our children at more risk for psychiatric drugging without full, informed consent.

If these bills are generated as a result of the Newtown mass murder/suicide, you are misleading the public. We do not have the whole story yet. Most of these bills are amendments to laws that already exist, they involve the Department of Children and Families Services.

Remember, this department was under a federal monitor and has been known to entrap families

and force them into mental health products and services without informed consent. This includes expensive, subjective psychiatric evaluations that follow with dangerous treatments, comprised of psychotropic drugs.

It has been reported that Adam Lanza was receiving such products and services from this state. On Bill 650, that includes the hotline that should be connected, I believe that there should be a hotline for parents to report any negative effects that children are creating.

I think that it should be connected with the Med Watch program, so that parents can report the side effects from psychiatric drugs that have been linked to mass murders and suicide.

Too much focus is being given to the gun control, as illustrated by the march outside. We need to focus on getting those records released and we can legislate to protect our children in the future from mass murders and suicides.

I ask the state to release those records, the educational records, and the mental health records so that we can first get to the root of the problem before we draft an legislation and sign anything into law. We need the whole story. Thank you.

REP. URBAN: Are there any questions or comments? And the person that's with you, do you have some comments?

JUDITH MEYERS: Yeah. I'm signed up, and I'd like to testify now so I can leave with my two parents from Sandy Hook.

REP. URBAN: And you're --

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JUDITH MEYERS: Sure.

REP. URBAN: If you make it as brief as you can because I was trying to do this for --

JUDITH MEYERS: I have three minutes, so I'm going to take my full three minutes.

REP. URBAN: No, you have three minutes if you go and you wait your turn. I have done this so that people can --

JUDITH MEYERS: Oh, okay. I'll wait my turn then.

REP. URBAN: Okay. Any questions? I would say to you that there is evidence that's been brought to our attention about school shooters who have pretty much all been under psychotropic drugs, and there is that information out there. I appreciate your passion, and I appreciate the perspective that you're -- you are taking.

And don't think that there aren't those of us who know that there are some things that need to be considered here. So I thank you for your testimony.

PATRICIA SABATO: Nine out of the ten of the past school shooters were under psychotropic medication. I don't know if they were watching violent video games. There is a bill, Representative Arthur O'Neill has drafted it up. It's the study between the relationship between the psychotropic drugs, mass violence and mass media.

(HB 5377)

But I'm not sure where that bill is right now. I'm in support of that. I will be here to testify in support of that bill. I don't even think we really need the study because we already have the evidence.

We have a lot of data of all the past school shooters, nine out of ten, so I don't even think we need an expensive study. We need to look at what we already have, and we need to get a control of that.

REP. URBAN: Now, we have your written testimony beside?

PATRICIA SABATO: Yes.

REP. URBAN: Okay. If there's any -- if there are any other studies that you would like to make known to the committee, we have our clerk over there.

PATRICIA SABATO: Will do.

REP. URBAN: Feel free to give us any information that you have.

PATRICIA SABATO: Okay. Thank you.

REP. URBAN: So thank you very much. Appreciate it. And now I'm going to go back to the actually list, and it's Judith Meyers from Child's Health Development of Connecticut. Welcome, Judith.

JUDITH MEYERS: Thank you. Representative Urban, there's not an easy slot to fill.

REP. URBAN: That's okay. You just feel very comfortable. Thank you.

JUDITH MEYERS: Good afternoon, Representative Urban and other members of the committee. I'm submitting testimony on behalf of the board and staff of the Child's Health and Development Institute of Connecticut, and if you heard of Representative (inaudible), you

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you could just help us out to -- and I'm not sure whether it was in your testimony -- that the two models, so that we would have a little more information, if you could get that to the committee clerk?

JUDITH MEYERS: That I was just talking about?

REP. URBAN: Yes.

JUDITH MEYERS: Sure.

REP. URBAN: We really appreciate that. Any other comments? Then I think we're all set. Thank you.

JUDITH MEYERS: Thank you very much.

REP. URBAN: Next up is Sheila Matthews. Welcome back, Sheila. Now you get your three minutes.

SHEILA MATTHEWS: Great.

REP. URBAN: You're good to go.

SHEILA MATTHEWS: Thank you so much. For the record, I am cofounder Sheila Matthews of AbleChild.org. Our mission is informed consent and the right to refuse psychiatrist products and services. We come here today to once again to ask the state to release Adam Lanza's school and mental health records, and to oppose the following bills:

<u>SB169</u>	<u>SB650</u>
<u>SB652</u>	<u>SB822</u>
<u>SB833</u>	

Senate Bill 158, to establish a task force on the prevention of sexual abuse. According to federal law, PPRAs, it is the parent's right on the local level to review and approve curriculum that the state wants to provide. That must be made available to parents for their review and approval.

the state should not be actively marketing for the behavioral health vendors trying to obtain more clients. Proposed Bill Senate 652, AN ACT CONCERNING THE REFERRAL FROM THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES ZERO TO THREE PROGRAM. This program lacks any validity in science and is considered human research.

Parents must be given informed consent, which that is not possible when a child is in state custody. Therefore it would be unethical for the state to pass a law mandating that children in their care participate in human research.

Senate Bill 822. This bill has been proposed before. It doesn't pass due process laws. The Department of Children and Family Service has a history, and it is not good here. A parent or relative of the child must be present during interviews, and a police report must be the only document that the department relies on.

The state cannot use testimony of a child to bring charges against a parent unless a police report has taken place and parents have been referred and referenced in that police report. The state has more legal assets and ability --

REP. URBAN: Sheila, if you could just try to -- thank you.

SHEILA MATTHEWS: Okay. The last bill, 833. Able Child supplied Dianne Sawyer's team in a one-year long investigation into drugging of foster care children from Connecticut statistics. It showed the nation that children are being forced onto multiple amounts of psychiatrist drugs, most of which were not FDA approved for use in children, and

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ABLECHILD
National Non Profit Organization

SB650 SB652
SB822 SB833

The Children Committee public hearing on Thursday, February 14,
2013 at 11:00 A.M. in Room 2B

Committee Members:

For the record, I am Cofounder Sheila Matthews of Ablechild.org. Our mission is informed consent and the right to refuse psychiatric products and services. We come today to once again ask for the State to release Adam Lanza's school and mental health records and to opposes the following bills:

Proposed S.B. No. 158 AN ACT ESTABLISHING A TASK FORCE ON THE PREVENTION OF SEXUAL ABUSE OF CHILDREN. and H.B. No. 5567

According to Federal Law (PPRA)¹ It is the parents right on the local level to review and approve curriculum that the State wants to provide that must be made available to parents for their review and approval. The State cannot wipe out the rights under federal law that gives the power of review and approval of curriculums to parents not the State. It is not the role of education to teach children about sex abuse, our Nation is far behind the world in reading, writing, math and science.

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

According to Federal Law (PPRA) no parent shall be forced into psychological assessments by the Federal, State, or Local government in relationship to their child's mental health or state of mind. In addition, the Federal Hearing into the use of behavioral modification drugs 1970 The Right to Privacy

¹ <http://www2.ed.gov/policy/gen/guid/fpco/ppra/parents.html>

Inquiry² Congressional Hearings also protects children against this proposed legislation, which is considered “drug research”. We also cite the multiple informed consent rights³ that this proposed bill would violate.

*Proposed S.B. No. 650 AN ACT CREATING A PARENTS' SUPPORT HOT LINE FOR PARENTS OF CHILDREN EXHIBITING BEHAVIORAL HEALTH ISSUES.

This bill would entrap parents and bypasses their legal rights considering that what they report on this hotline could be used against their child and them in legal proceedings such as forced commitments, custody hearings, and probate court in which the State would be involved. In addition the “treatment” plans the State of CT is currently emerged in are linked to suicide and mass violence according to the FDA and international warnings on psychiatric drugs. The State should not be activity marketing for the behavioral health vendors trying to obtain clients.

*Proposed S.B. No. 652 AN ACT CONCERNING REFERRALS FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE BIRTH TO THREE PROGRAM.

This program lacks any validity in science and is consider human research⁴. Parents must be given informed consent, which that is not possible with children in State Custody, therefore, it would be unethical⁵ for the State to pass a law mandating the children in their care to participate in human research.

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

This bill has been proposed before it doesn't pass the due process laws. The department of children and family services history is not good here, and a parent or a relative of the child must be present during interviews and a police report must be the only document that the department relies on. The State cannot use the testimony of a child to bring charges against a parent unless a police report has taken place and parents have been reference in that police report and charged. The State has more legal assets and abilities that the parent and the State could always petition a judge with the police report in hand to set a hearing for trail.

² Page 4, Photo of Coversheet of Hearings, Federal Congressional Records Library

³ <http://cstep.cs.utep.edu/research/ezine/Ezine-EthicalIssueswithInformedConsent.pdf>

⁴ <http://openjurist.org/596/f2d/27/new-york-state-association-for-retarded-children-inc-v-l-carey>

⁵ <http://www.rluipa.org/index.php/article/398.html>

I am Patricia Sabato, a sandy hook mom from Newtown, CT. I am an Advocate Certified under the Connecticut General Assembly.

I am in opposition of

169

822

5567

650

653

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President Obama has allocated 150 million dollars for mental health, gun control, and school safety. The State of Connecticut cannot take away our fundamental right to privacy away while trying to supersede federal laws (PPRA).

First I would like to join the others in the calls for the State of CT to release Adam Lanza's "school" and "mental health" records as we wait for the toxicology report.

We cannot legislate without this information. Our parent rights should not be voided by the State's rush to pass laws that will put our children at more risk for psychiatric drugging without full informed consent.

If these bills are generated as result of Newtown's Mass Murder/Suicide, you are misleading the public. We do not have whole story yet. Most of these bills are amendments to laws that already exist that involve the department of children and family services. Remember this department was under a Federal Monitor and has been known to entrap families and force them into mental health products and services without informed consent. This includes expensive subjective psychiatric evaluations that follow with dangerous treatments comprised of psychotropic drugs. It has been reported that Adam Lanza was receiving such products and services.

On Bill 650 that hotline should be connected to the MEDWATCH program so that parents can report negative side effects from psychiatric drugs that have been linked to mass murders and suicide.

Too much focus is being given to gun control as illustrated by the march outside. We need to focus on getting Adam Lanza's records released so that we can legislate to protect our children in the future from mass murders and suicides.

I ask the State to release Adam Lanza's educational and mental health records.

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STANDING
COMMITTEE
HEARINGS**

**CHILDREN
PART 2
308 - 641**

2013

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

expanding, not breaking a negative cycle. Private internships are available across the nation. Tax credits might be considered for businesses (without government contracts) sponsoring foster children.

*Proposed S.B. No. 650 AN ACT CREATING A PARENTS' SUPPORT HOT LINE FOR PARENTS OF CHILDREN EXHIBITING BEHAVIORAL HEALTH ISSUES.

I Oppose because - unless it is tied to MEDWATCH - the adverse drug reactions will go unchecked.

*Proposed S.B. No. 652 AN ACT CONCERNING REFERRALS FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE BIRTH TO THREE PROGRAM.

I Oppose because - Direct referrals are being ignored. The Child Find Law is being ignored in districts in Connecticut

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

I Oppose because - any act regarding mandating reports are easily manipulated to keep parents in line in districts that are hostile to families and have school attorneys to do the bidding of the administrators that might be seeking vengeance upon families.

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

I Oppose because - this is a clear and obvious attempt to usurp from the parents their the God given parental authority. Interviews with children without their parents give the opportunity for strangers to intimidate children who will say anything to please their interviewers to stop the line of questioning.

This creates a scary and hostile environment for children and their families.

*S.B. No. 832 (RAISED) AN ACT CONCERNING FAMILY ASSESSMENT CASES.

I Oppose because - who are the hired people doing the assessing? Trust has been broken in the Connecticut state agencies where families and children are concerned.

*S.B. No. 833 (RAISED) AN ACT ADDRESSING THE MEDICAL AND EDUCATIONAL NEEDS OF CHILDREN.

I Oppose because - This is nothing more than a witch hunt for parents. Parents, private doctors and local Boards of education (sans their attorneys' puppeteering) are supposed to be doing this, but those in positions to profit from the allegedly corrupt educational and medical system have already abused it. People on the inside designed, created and now manage this allegedly corrupt system of drugging and not educating our children in Connecticut public schools.

All Council members need to give in writing (on all pages of all documents) to the public and families involved full financial disclosure and any professional conflicts of interest in the past, presently or near future, including attorneys' projected billable hours, before every comment or input they give and any and all decisions they make. The public needs to fully understand the relationships of the committee members and of their personal and commercial financial gains that are in store for them if the CGA passes this legislation.

Since pharmaceutical companies bear no liability for vaccine damage and, as of January of this year, the CGA hastily put forth a bill to protect psychiatrists writing prescriptions in the same manner, how can the taxpayers, let alone families and individuals, trust such a system

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Thank you, sir.

The Bill, as amended, passes.

Will the Clerk please call Calendar Number 488?

THE CLERK:

Calendar 488, on page 26 of today's calendar, favorable report of the Joint Standing Committee on Human Services, Senate Bill 822, AN ACT CONCERNING INTERVIEWS OF CHILDREN BY THE DEPARTMENT OF CHILDREN AND FAMILIES DURING INVESTIGATION OF CHILD ABUSE AND NEGLECT.

SPEAKER SHARKEY:

Representative Urban.

REP. URBAN (43rd):

Thank you, Mr. Speaker.

I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER SHARKEY:

The question before the Chamber is acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

Will you remark, madam?

REP. URBAN (43rd):

Yes, Mr. Speaker.

The Clerk has in his possession an Amendment LCO 6109. I ask that he call it and I be allowed to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 6109, which will be designated Senate Amendment "A"?

THE CLERK:

Yes, Mr. Speaker.

Senate Amendment "A" LCO -- LCO 6109 Senate Amendment "A", as introduced by (inaudible).

SPEAKER SHARKEY:

Gentlewoman seeks leave of the Chamber to summarize.

Is there objection?

Seeing none, you may proceed with summarization, madam.

REP. URBAN (43rd):

Thank you, Mr. Speaker.

Mr. Speaker, this is a (inaudible) Amendment. It will enhance the current statute that addresses protection of children who are suspected of being abused and neglected and adds another scenario under which DCF can interview without the parent or guardian, and I move adoption.

SPEAKER SHARKEY:

Thank you, sir -- or thank you, madam.

Do you care to remark further? Do you care to remark further?

REP. URBAN (43rd):

Thank you, Mr. Speaker.

This really does enhance the -- the current statute by allowing for DCF to seek -- to seek the interview with the child without the consent of the parent if they feel that it would place the parent at imminent risk of physical harm.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark further? Would you care to remark further on the Amendment before us?

Representative Betts of the 78th.

REP. BETTS (78th):

Thank you, Mr. Speaker.

I rise in support of this amendment because I think it makes it better from the original version, which basically made it very difficult on -- for the parents, because they would be charged with anything and they would not be allowed to be able to be in the room. This makes it just simply on one condition and

that is simply if there is any possible physical harm that could come to the child and I think it makes it a much better bill and I support this.

Thank you very much.

SPEAKER SHARKEY:

Thank you, sir.

Do you care to remark further? Do you care to remark further on the Amendment before us?

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

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay.

REPRESENTATIVES:

Nay.

SPEAKER SHARKEY:

The ayes have it.

The amendment is adopted.

Would you care to remark? Would you care to remark further on the Bill as amended? Would you care to remark further on the Bill as amended?

If not, staff and guests 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.

The House of Representative is voting by roll. Will members please report to the Chamber immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted?

Members please check the board to make sure your vote is properly cast?

If all the members have voted, the machine will be locked and the Clerk will take a tally.

Clerk please announce the tally.

THE CLERK:

Bill Number 822 in concurrence with the Senate, as amended by Senate "A".

Total Number Voting	137
Necessary for Passage	69
Those voting Yea	137
Those voting Nay	0
Absent and not voting	13

SPEAKER SHARKEY:

The bill as amended passes in concurrence with
the Senate.

Will the Clerk please call Calendar Number 202?

THE CLERK:

On page 41, House Bill Number 6384, Calendar
Number 202, AN ACT CONCERNING ENGLISH LANGUAGE
LEARNERS, favorable report of the Joint Standing
Committee on Appropriations.

SPEAKER SHARKEY:

Distinguished Chairman of the Education
Committee.

Representative Fleischmann, you have the floor.

REP. FLEISCHMANN (18th):

Good evening, Mr. Speaker.

SPEAKER SHARKEY:

Good evening, sir.

REP. FLEISCHMANN (18th):

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

SPEAKER SHARKEY:

The question is acceptance of the Joint
Committee's favorable report and passage of the bill.

Will you remark, sir?

REP. FLEISCHMANN (18th):

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THE CHAIR:

Mr. Clerk.

THE CLERK:

On Calendar page 33, Calendar number 102, Senate Bill number 822, AN ACT CONCERNING INTERVIEWS OF CHILDREN BY THE DEPARTMENT OF CHILDREN AND FAMILIES DURING INVESTIGATIONS OF CHILD ABUSE AND NEGLECT.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

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

THE CHAIR:

The motion is on passage. Will you remark?

SENATOR BARTOLOMEO:

Yes, Madam President. Thank you. Madam President, the Clerk is in possession of an amendment, LCO number 6109. May the Clerk -- may the Clerk please call that amendment and I be given leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 6109, Senate Amendment A offered by Senator Williams and Senator Bartolomeo.

THE CHAIR:

Senator.

SENATOR BARTOLOMEO:

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Thank you, Madam President. I move the amendment.
And Madam President this -- this --

THE CHAIR:

The motion is on adoption. Please proceed.

SENATOR BARTOLOMEO:

Thank you, Madam President. This is a strike all amendment and it is regarding interviews of children by DCF workers that would not require a parent to be present. This bill does not have a fiscal note. It was unanimous in the Children's Committee as well as in the Human Services Committee. And the intent of this bill is to enhance the current statute that addresses the protection of children who are suspected of being abused or neglected. Let's see.

We currently right now for DCF interviews we only allow that a child is interviewed without the presence of a parent or a guardian -- guardian unless or if and when it is the parent, the guardian or another responsible for the care of a child or a member of the household who we believe is perpetrator of the alleged abuse. This bill adds another scenario under which the -- it is believed that seeking the consent of the parent or the guardian would place the child at imminent risk of physical harm and I urge passage of this bill.

THE CHAIR:

This is the amendment.

SENATOR BARTOLOMEO:

Of the amendment.

THE CHAIR:

Will you remark? Senator -- Senator Linares.

SENATOR LINARES:

Thank you, Madam President. I do have questions to the proponent of the bill.

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THE CHAIR:

Please proceed, Sir.

SENATOR LINARES:

Thank you, Madam President.

Senator, in the underlying bill it states that the Department has to have a documented compelling reason to believe -- to believe such parent or guardian or other person to be responsible for the care of the child or member of the child's household is the perpetrator of the alleged abuse. That seeking such consent would place the child in imminent risk or physical harm. What changed with this new amendment, Senator? Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Thank you. The change was as a result of a concern that that wording would require unnecessary hold up in the process and that that could in fact put the child at harm.

THE CHAIR:

Senator Linares.

SENATOR LINARES:

What is the reason to believe for unnecessary hold up? It does say that you need a compelling reason. Why would that -- if DCF felt that there was an issue how does that hold up the circumstance? Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

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And thank you. And if I might just clarify the question through you, Madam Chair. Are we asking about how the amendment changed?

THE CHAIR:

Senator Linares.

SENATOR LINARES:

Yes. Yes. Senator Bartolomeo, I'm concerned -- I'm just cautious that we're giving too much latitude to DCF with this amendment. Through you, Madam President.

THE CHAIR:

Senator Bartolomeo, would you like to --

SENATOR BARTOLOMEO:

Thank you, Madam President. We actually reverted back to the way that the current statute is written in that regard and the feeling is -- was that having documented in there would actually create a whole other level of bureaucracy if you will having to kind of -- that would be unnecessary that's not currently required that could hold up the process and that was the concern and the reason for the amendment.

THE CHAIR:

Senator Linares.

SENATOR LINARES:

Thank you very much, Madam President.

THE CHAIR:

Thank you.

SENATOR LINARES:

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I do support this bill. I just wanted to go on the record that I am -- I am cautious that we may be giving too much latitude to DCF. Thank you.

THE CHAIR:

Thank you. Will you remark further? Senator McKinney. Oops. Senator Welch.

SENATOR WELCH:

Thank you, Madam President. Through you, I do have a question to the proponent of the amendment.

THE CHAIR:

Please proceed, Sir.

SENATOR WELCH:

And that is who -- under the amendment who makes the determination that seeking consent will place the child at imminent risk? Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

The -- the best example I can give you would be a -- would be a mandated reporter situation. So if -- if for instance a child came to school with bruises or -- and the teacher asked about how this may have happened and the child reports that you know it happened through mom's boyfriend let's say or dad's girlfriend or a close family member. If it were in that regard -- that was reported to the DCF when the call was made. They may determine that by having the parent present it would in fact put the child at unnecessary risk or harm.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

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Thank you, Madam President. So I understand really what you're telling me is someone at DCF is going to make a judgment call as to whether or not they should talk to this child's parents. Is that correct? Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Thank you, Madam President. And through you. Yes that is correct. And that's already currently done for other conditions and those conditions I could certainly restate but that's if -- if the suspected abuser was the parent or the guardian, another member of the household or someone responsible for their care. So that is already the case and that's happening in current practice. We're just now adding that if they felt that even asking or seeking it from the parent would put the child at imminent risk of -- of danger -- of harm.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Sure. And I appreciate that although I guess I couldn't distinguish what the good Senator said in my mind whereas the current law we are talking about the perpetrator him or herself being that individual which is why you would not then seek consent. And it sounds like in this case we're talking about -- we -- we don't know.

I mean think of any number of scenarios. For instance the one that you just mentioned that a mandated reporter says that this child has been bruised or injured. But then there are obviously I would hope more pieces of information that DCF would need in order to make a conclusion that there is an imminent risk of physical harm just by the fact that they asked the parent's permission to talk to the child. So I

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think there are some lines that -- that can be drawn but one question that comes to mind is what if they get it wrong?

And I guess through you, Madam President, if I may just ask a follow up question. If the person in the agency gets it wrong, there really was no risk in asking for consent to talk to the child by the parent is there a -- is there any recourse to the parent or the family for that invasion of the parent child relationship? Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Thank you, Madam President.

Through you, it would -- it would truly follow current practice. So for instance, we now already have four different scenarios as I said. You know we -- this comes out of what's -- what's currently been happening. So I think you can imagine and understand that we have a variety of scenarios that are different from your traditional family let's say. And we have -- we've -- we've heard testimony and consulted with the agency and heard in situations where there was -- there was speculation that it was someone very close to that parent or guardian and therefore that was the reason for concern of seeking consent. They would -- other than that it would follow the same process as they currently do.

I mean they have to -- the DCF worker certainly has a line of questioning and a thorough understanding. Right now if it's the parent, the guardian, the member of the family it would just be extended to this scenario and that situation. And when we look at what DCF does right now as a matter of fact when we look at substantiated abuse and neglect cases versus there now new differential response case which is a -- a lesser grade of a complaint or a concern. If they do find those unsubstantiated there is a process by which the record can be stricken and so it would fall into that same process for this.

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THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I thank you for that response. I -- I don't disagree that there can be any number of situations where it -- it would be prudent not to involve somebody who might then cause the situation to get worse quickly. And -- and I think that that's a laudable intent that we need to -- to kind of protect against.

And I cautiously wonder if the language that we're using here might go too far because as I read the current statute we're already talking about -- we're already talking about not having to talk to a -- a guardian, a parent, a person responsible for the care of the child or a member of the household if that person's the perpetrator. Now we're talking about kind of leaving those definitions, no longer -- removing the -- the requirement that that person be the perpetrator and broadening it.

And yes I get it and I can understand there are situations where we -- we want to do it. I'm just cautious that could this be used to go further? Further than maybe even you yourself would -- would want it to go. And I guess that's just what I'll be mulling over in the next few minutes. Thank you for the time, Madam Chair.

THE CHAIR:

Thank you. Will you remark? Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. I have several questions, through you to the proponent of the bill.

THE CHAIR:

Please proceed, Sir.

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SENATOR KELLY:

Thank you, Madam. I want to follow up on the line of questioning that Senator Welch was -- was going. And that is when we look at the -- the first part when the Commissioner obtains consent or shall not obtain consent of the parents is when the Department reasonably believes that certain individuals, parent, guardian, other person responsible for the care of the child or member of the household is the perpetrator.

Now we're adding a new classification or that seeking such consent would replace the child -- or would place the child at imminent risk of physical harm. To me physical -- imminent risk of physical harm is a standard higher than just a reasonable belief. Am I correct in that assumption? Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Well I think they're applying to different sections. So the reasonable belief would have to be based upon the information that was provided from the child and - - and to the DCF worker. And then the imminent risk of harm would have to be the assumed consequence based upon assessing that information. Am I answering your question, Sir?

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

No. I don't think that -- that answered question because it talks about the conditions under which the Commissioner doesn't need to consent -- does not need to obtain the consent of a parent to interview their child. And it talked about that there was reason to believe that such parent, guardian, person who cares for the child or other household member is the

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perpetrator or that seeking such consent would place the child at imminent risk of physical harm.

So to me that -- that's read together. It's in the same sentence and it's -- it talks about the first four categories or that consent would trigger the -- the scenario in which I don't need to obtain the parent's consent. So is my reading correct? Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Through you, Madam -- Madam President. So maybe the best way for me to approach your question then because I'm not sure -- I'm not sure we're on the same wavelength of under -- what you're understanding is versus what mine is. So maybe I can give you scenarios as to why this section was added. So for instance as I said before we could have a situation where a child approaches a coach or a teacher or you know a priest or someone of that sort and reveals that they've been being abused.

And when asked have you told mom and dad about that which would be a very reasonable next question, the child shows great fear and concern because they have shared that but mom -- mom or dad has been extremely angry about the fact that they would have even suggested that boyfriend, grandparent, girlfriend, stepparent who they're not living with, someone of that sort would have done this. Mom, dad can't believe that, gets quite angry with the child. These are scenarios that we've heard.

In that situation depending upon the -- the -- how extreme that reaction was and whether or not that -- that child appeared fearful that the DCF worker then felt that it would be harmful -- it could be harmful to this child for us to tell mom or dad or seek permission. That would be a scenario explaining why we've added this next section.

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Senator Kelly.

SENATOR KELLY:

But if that's the -- the example that's -- you know I'm going to say the catalyst for this wouldn't that already be covered by the bill because if a coach were told by the child that they think something was -- was untoward and the coach relays that as a mandatory reporter so that the DCF employee has reasonable belief that it's the parent that's what's covered under the statute. To now take it to the next step seems to me that we're going beyond those four classifications that is just the parent, the guardian, the caretaker or some other person that lives in the household. I think as I read the example that you gave me that fits within without this added language. Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Thank you, Madam President. Through you if I may. Not because it could be you know dad's best friend who's doing something. It could be mom's you know boyfriend that's not living there. It could be the grandparent that's not living there. It could be the stepparent who doesn't have custody and who lives you know elsewhere. So those are the circumstances that this would cover and they're not the parent. They're not the guardian. They're not living in the home with the child.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Okay. So I -- I am correct that it's going to go beyond the parent, the guardian, the -- the caretaker of the child or a person in the household. It could

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be somebody down the street that's friends with dad.
Through you, Madam President.

THE CHAIR:

Senator.

SENATOR BARTOLOMEO:

Thank you, Madam President. Through you. Yes. That is -- you are correct in believing that and that is because of the fact that if informing and having present the parent could then result in what they believe to be risk to the child.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

And am I also correct that the -- the standard, the imminent risk of physical harm is a higher standard to reach than reasonably believes which is presently the standard? Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Again it -- they would reasonably believe that the child would be at risk of harm -- imminent harm.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

So then the standard that's seeking consent would place the child at risk of -- of imminent physical harm is just if DS -- DF -- DCF has a reasonable belief that that's going to be the result. Through you, Madam President.

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THE CHAIR:

Senator.

SENATOR BARTOLOMEO:

Through you, yes. Yes.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Okay. Now turning to the protections of the child and also the parent child relationship, in answering questions for Senator -- Senator Welch in regards to DCF has the discretion to make this call. There is a requirement that such interview is conducted in the presence of a disinterested adult. How is that disinterested adult defined? Through you, Madam President.

THE CHAIR:

Senator -- Senator.

SENATOR BARTOLOMEO:

Thank you, Madam President. Through you, that would be an adult who is not parent, guardian, member of the household or relative, impartial witness if you will.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. So if it's an impartial, disinterested person that would be -- by definition then not be a DCF employee. Through you, Madam President.

THE CHAIR:

Senator.

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SENATOR BARTOLOMEO:

Thank you. Through you, Madam President. There would be the DCF worker in addition to a disinterested adult.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. But if DCF is the agency and its employees that are making this discretionary call is not another employee of that same agency interested? Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Through -- Madam President, may I consult one moment.

THE CHAIR:

You know what. Just -- can stand at ease for one moment.

SENATOR BARTOLOMEO:

May I stand at ease?

THE CHAIR:

Yes. The Senate will stand at ease.

SENATOR BARTOLOMEO:

Thank you.

(Chamber at ease.)

THE CHAIR:

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Senator.

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SENATOR BARTOLOMEO:

Thank you and I appreciate the indulgence.

THE CHAIR:

Not a problem.

SENATOR BARTOLOMEO:

In answer to your -- through you, in answer to Senator Kelly's question it could actually be a second DCF employee. It's always necessarily and it doesn't have to be. It could be another mandated reporter. It could be a variety of circumstances but you're trying to get at whether or not it could be a second DCF employee and yes in fact it could.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

So it could be a DCF employee but when it is are there any protections put in place by the Department to ensure the best interests of the child in the context of the interview? Through you, Madam Chairman.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Well thank you. And through you, you know I really do believe and it is the mission of DCF to be there for the protection of the children. So it's inherent in the process that the reason they're there and DCF is there is for protection of the child. So I may look at this from a different angle but both DCF employees and -- under that scenario would be there for the good of the child and -- and I'm not interpreting anything else in that.

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THE CHAIR:

Senator Kelly.

SENATOR KELLY:

And I understand the -- the perspective that DCF's primary mission is for the protection of children and I don't think people would dispute that however you know what we're doing here is something extraordinary and it's a very difficult situation to begin with where you have a parent or a -- an association with the parent actually being a predator on children.

And so I understand the public need to want to intervene in those situations to protect children but at the same time we have to protect those children and make sure that they have if you will proper due process rights and that government just doesn't extend its authority beyond what was originally intended.

And in that regard with the disinterested individual if there were protections I think we'd have a better bill that would not allow for instance the same DCF people -- employees at the same pay grade be dealing with this so that you have somebody else that has supervisory ability or a different perspective on the file to make sure that whatever is occurring is being done in the best interest of the child just as a check to make sure that government doesn't overextend its authority in regards to the parent child relationship and its primary goal in protection of children. I would like to thank the Senator for her diligence in answering the questions. And thank you very much. Thank you, Madam.

THE CHAIR:

Will you remark further? Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President.

First I think one of the reasons there's so many questions is because I think we're all -- knowledge -- under the knowledge of how extraordinarily difficult

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the role of DCF is in these cases. It's almost impossible for them to be right. If they go into a case and assume in their best belief that there is a risk to imminent harm and there wasn't they've you know in some ways interfered with a parent's right to be there when they're child's interviewed.

If they get it wrong in the other way you know we have someone who's potentially been abused and we can't get to the bottom of it. So I guess Madam President, my one question through you. Is that -- and I appreciate that the Chairlady has clearly defined what the current law is and what this amendment does. I guess I'm curious though in reading the file copy the original intent was to include written documentation on behalf of DCF which to me is a higher burden for DCF but perhaps more of a safeguard for the parent to know that there's -- this isn't just a DCF worker's information and belief, that this -- there's a -- there's a real reason why they see the imminent risk. And I -- and I get expanding it beyond the family setting or who's in the house.

Maybe it's a partner, a boyfriend, a girlfriend or somebody who's doing the abuse who doesn't live in the household. So I understand that but I guess I'm just curious as to why the committee thought it was important to have the -- the documented reason and now we're taking that away. If -- I just understand the thought process, for you -- through you.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Thank you, Madam President. Through you. Sure. And as I get to that I just want to reiterate as you did mention in -- in response to what was -- we were just talking about that. Again this is no different having the second disinterested member there than is current practice. I just wanted to be able to say that. What was thought in the committee was that when we added this other section and originally documentation was added.

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It's not part of current practice. And it was added, that scenarios were run by which it became incredibly cumbersome and not just prudent but almost prohibitive for anyone to follow through with talking with a child in a reasonable amount of time if it meant that they needed to let's say go through court records or get documentation in that way. So we -- we listened to enough scenarios in which we felt that we were actually -- we would have actually been possibly putting the child at more risk if we needed to take the time that it possibly could take to get such documentation and it's not currently needed.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you. And -- and I'm just assuming but I guess I'll ask, through you, Madam President, that that was discussions with DCF about what -- what they would have to go to in order to see if there's written documentation that could take -- for example if the alleged abuser is say someone's boyfriend who doesn't live in the home they would have to go to look up are there any criminal records, are there any other complaints and that might take enough time where the exigency of the circumstances would prohibit them from getting to do what they need to do which is to interview the child. Is that -- is that the type of information that you got from DCF? Through you, Madam President.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Through you, Madam President. Yes, from DCF and also from talking to social workers. So for instance if the child's in school and reporting this and if we are feeling that by -- by having the parent involved that it would put the child at imminent risk of harm what would we do if we're not able to access any records or to have that check done at that point in time we would

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then be sending the child home at the end of the day or you know possibly it would take multiple days. And so given that we really felt that that could be a -- a harmful law and unintended consequence if you would.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President. And I -- if I could indulge you in one more question which is tangentially related to the bill but -- so if -- if the bill as amended passes which it will be we're taking existing law and we're only adding to it those cases where DCF believes the child will be in imminent harm. So in other words if DCF were to believe that asking -- and I'll use a hypothetical, asking a mother to -- for permission to interview her daughter would subject the daughter to potential imminent harm because they believe the abuser is the mother's boyfriend who doesn't live in the house. That's the type of scenario that we're trying to get at.

And I guess my question is if we -- if we get to a -- and I understand that the most important thing is stop -- stop the abuse, get the abuser. But if we get to a point where we actually believe that a parent would harm the child to protect someone who's abusing the child is there then follow up action, through you, Madam President, against the parent as well? That would seem to me to rise to the level where not only should we be getting the abuser but there's a -- an issue as to the parental rights of the parent themselves. Is that what we're --

THE CHAIR:

Senator --

SENATOR MCKINNEY:

-- what's happening, through you, Madam President?

THE CHAIR:

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Senator Bartolomeo.

SENATOR BARTOLOMEO:

Thank you, Madam President. Through you. And I am going to take a leap and tell you what I would expect to happen in that situation but with the -- the caveat that I have not asked that particular scenario. DCF would do what they do now if they felt that the child -- that the parent was going to harm the child. But let's say it's -- as I said before, it's dad's best friend you know Uncle Joe. And Uncle Joe's coming over. And so when -- when the -- if they tell the parent your child said Uncle Joe was X, Y and Z the parent is likely going to -- I -- say Uncle Joe are you X, Y and Z. That's another way in which that child might be harmed and it wouldn't necessarily be the parent.

SENATOR MCKINNEY:

Thank you. And thank you, Senator, I appreciate you answering the questions. Madam President, I -- I stand in support of the amendment and the underlying bill when it's amendment. Again just to reiterate, these are extraordinarily difficult incidents and -- and sadly we know it's true that there are instances where for whatever reasons whether it's divorce or animosity or whatever, there are at times allegations made that are not true.

And the job of a DCF employer to protect the child but also to protect the rights of -- of a parent who may have an unfair, an untrue allegation made against them is extremely difficult. I don't -- I quite frankly I don't know how you do it. But that's why there's so much concern about this. Again I think it's a good bill and trust the Department that this will help them to fulfill their mission. Thank you.

THE CHAIR:

Thank you. Will you remark further on the amendment? Will you remark further on the amendment? Seeing none, Senator.

SENATOR BARTOLOMEO:

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Thank you, Madam President. May we have a roll call vote on the amendment please?

THE CHAIR:

Absolutely. A roll call vote will be had. Mr. Clerk, will you call for a roll call vote. The machine will be open on the amendment.

THE CLERK:

Immediate roll call vote has been ordered in the Senate. Senators please return to the Chamber.
Immediate roll call has been ordered in the Senate.

THE CLERK:

If all members have voted, all members have voted the machine will be closed. Mr. Clerk, will you please call the tally.

THE CLERK:

Senate Amendment Schedule A for Senate Bill 822.

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The amendment passes. Senator -- Senator Bartolomeo.

SENATOR BARTOLOMEO:

- Thank you, Madam President. Madam President, now that the amendment has passed and the amendment is now the bill I move that we put this on the Consent Calendar.

THE CHAIR:

Seeing no -- Senator Boucher.

SENATOR BOUCHER:

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Thank you, Madam President. Madam President, I rise to -- well originally I was going to rise to propose an amendment to this bill now that the amendment has become the bill but in fact it just gives me an opportunity to make a case for further changes in the Department of Children and Families.

We've just had a very important discussion of some very serious cases that unfortunately the State has to intervene in but there's also other areas that some substantial changes have been made since December. And it actually was a change in language that changed the approach with what we work with some very troubled youth -- mentally ill youth and children that come to the attention of the courts and in the past the courts made a decision along with the advice and consent of DCF and the DCF Commissioner about the placement of those youths. Now I -- as I said I did have an amendment with regards to this.

I'm not going to bring it forward but I do want to bring to everyone's attention the reason that some changes should be made and considered by the end of this legislative session. In the hurry to manage a very compelling problem with regards to a deficit that the State was under, the State took some cost cutting measures and one of those happened to the outplacement of our youth. Currently or at least prior to this issue being brought forward we had 300 of our youth placed out of state that had serious issues whether it was mental illness, whether they -- or a problem with the courts and the probate system.

And there was a very long conversation I had with our new DCF Commissioner over an hour and a half to discuss the issues now of their wanting to have sole discretion over where an outplacement was made or whether the courts would still be involved and have a third party, an independent party, the court system also be involved in that decision making. Based on financial considerations I felt that predominated this discussion there was a very important statement that was made that now of those 300 that were outplaced 80 of them had been brought back into the State. And for me it felt like it was just a financial consideration.

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And given the economic situation we have in the State I am very concerned that both at the Department of Social Services and DCF there are placements being made that possibly could be made simply because of financial considerations and not what is in the best interest of that child. And I think having that ability to have an independent party or having at least an appeals process to be made because there seems to be some concern, the feedback that I'm getting from parents in the district, from colleagues that have parents in a district.

Their interaction right now has been very different and very one sided without any recourse whatsoever in certain situations where in the past our legislative language read that -- that in fact an outplace could be made that could include a private residential or day facility within or outside the State or it could be in a residential facility operated by or under contract with the Department. That does no longer seem to be the case.

And I think that if we could at least have the ability for a parent that has serious concerns where someone may have been placed out for three or four years and immediately being brought back, if we do not have the proper placement that maybe if there's an empty bed or residential somewhere else that there at least is some general outside body that can make an independent decision and allow at least the parents at least one opportunity to have that at least simply reviewed.

And I bring that to your attention. I'm not going to delay the proceedings with any amendments but I do see that this is an issue that I think with cooperation within those Departments and leaders within the General Assembly maybe something could be done, a small tweak that might allow for just a little bit more oversight since this whole discussion involved the best interest of our children and our children at risk of which we are all very concerned. Thank you, Madam President.

THE CHAIR:

Thank you. The question on the floor is is there an objection for this to be placed on the Consent

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Calendar? Is there objection? Seeing none, the bill
will be placed on the Consent Calendar. Mr. Clerk.

THE CLERK:

On page 34, Calendar 104 substitute for Senate Bill
number 833, AN ACT ADDRESSING THE MEDICAL NEEDS OF
CHILDREN, favorable report of the Committee on Human
Services. There is an amendment.

THE CHAIR:

Sir, a moment please. Senator Looney.

SENATOR LOONEY:

Madam President -- Madam President, if we might place
this item on the Consent Calendar and then if the
Senate might stand at ease for a moment before calling
the next item.

THE CHAIR:

Seeing no objection, so ordered. Sir.

SENATOR LOONEY:

Thank you.

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, that
next item Calendar page 104, Calendar 105, Senate Bill
887 would also move to place that item on the Consent
Calendar.

THE CHAIR:

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Seeing no objection, so ordered, Sir.

SENATOR LOONEY:

Thank you, Madam President. If we might now call for a vote on the Consent Calendar.

THE CHAIR:

Sounds like a great idea. Senator -- Mr. Clerk, will you please call for a vote and -- and first read the Consent Calendar before I open the machine.

THE CLERK:

On page one, Calendar 454, Senate -- Senate Joint Resolution number 55, Calendar 455, Senate Joint Resolution number 56, on page two, Calendar 456, Senate Joint Resolution number 57, Calendar 470, House Joint Resolution number 5. Also --

THE CHAIR:

Ninety five, Sir. I think the House Joint Resolution is number 95.

THE CLERK:

It is indeed 95. Also on page two, Calendar 471, House Joint Resolution number 96, Calendar 472, House Joint Resolution number 97, on page ten, Calendar 230, Senate Bill 235, page 14, Calendar 283, Senate Bill number 963, on page 16, Calendar 311, Senate Bill 1118, also Calendar 315, Senate Bill 1078, on page 21, Calendar 367, Senate Bill 804, page 24, Calendar 395, Senate Bill 967, on page 33 Calendar 102, Senate Bill 822, page 34, Calendar 104, Senate Bill 833, and on page 34, Calendar 105, Senate Bill 887.

THE CHAIR:

At this time Mr. -- Senator Looney.

SENATOR LOONEY:

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Thank you, Madam President. One item that needs to be removed from the Consent Calendar that is Calendar 104 -- page 34, Calendar 104. If that might be removed from the Consent Calendar and marked passed temporarily.

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THE CHAIR:

Seeing no -- seeing no objection, so ordered, Sir.

SENATOR LOONEY:

Thank you, Madam President. And if the -- if we would -- might call for a -- a vote now on the other items marked consent.

THE CHAIR:

Mr. Clerk, I will open the machine.

THE CLERK:

Immediate roll call has been ordered in the Senate in voting today's Consent Calendar. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Meyer. Senator Meyer, would you like to vote on the Consent Calendar, Sir. No problem.

Have all members vote, all members have voted. The machine will be closed. Mr. Clerk, will you call the --

THE CLERK:

On today's Consent Calendar.

Total Number Voting 35

Necessary for Adoption 18

Those voting Yea 35

Those voting Nay 0

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Those absent and not voting 1

THE CHAIR:

The Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam -- thank you, Madam President. Madam President, I believe the Clerk is in possession of Senate Agendas two and three for today's session.

THE CHAIR:

Senator -- Mr. Clerk.

THE CLERK:

The Clerk is in possession of Senate Agendas two and three both dated Wednesday, May 1, 2013. Copies have been distributed and are on Senators' desks.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Madam President. Madam President, I move all items on Senate Agendas numbers two and three dated Wednesday, May 1, 2013 to be acted upon as indicated and that the Agendas be incorporated by reference in the Senate Journal and the Senate transcript.

THE CHAIR:

So ordered, Sir. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, that will conclude our business for today. Before yielding the floor to members for announcements or points of personal privilege it's our intention to be in session