

Legislative History for Connecticut Act

**PA 14-186**

HB5040

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2014**

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PART 15  
4809– 5187**

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If not, let's return to the call of the calendar.

Will the Clerk please call Calendar 102?

THE CLERK:

On page 32, House Calendar 102, favorable report of the Joint Standing Committee on Judiciary.

Substitute House Bill 5040, AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE PROTECTION OF CHILDREN.

SPEAKER SHARKEY:

Representative Urban.

REP. URBAN (43rd):

Sorry, Mr. Speaker.

I move acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER SHARKEY:

Question is on acceptance of the joint committee's favorable report and passage of the bill.

Will you remark?

REP. URBAN (43rd):

Yes, thank you, Mr. Speaker.

Mr. Speaker, I'm sure that most people in the General Assembly know that the Children's Committee has been working very hard with the Department of Children and Families on result based accountability

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and the agency has been moving in that direction and we have had a great collaboration. And this bill moves that ball forward very much from the perspective of promoting information sharing and collaboration. We talk about how much have you done, how well have you done it and is anyone better off in RBA, but we also talk about partnerships, collaboration and information sharing. And this bill really underscores that when it comes to abuse and neglect of children as well as trafficking and mandated reporters.

.. Mr. Speaker, the Clerk has in his possession an amendment, LCO 4982. I ask that he call it and I be allowed to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 4982, which will be designated House Amendment "A".

THE CLERK:

House "A", LCO 4982, as introduced by Representative Urban and Senator Bartolomeo.

SPEAKER SHARKEY:

Gentlewoman has sought leave of the Chamber to summarize.

Is there objection? Seeing none, you may proceed with summarization, Madame.

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REP. URBAN (43rd):

Thank you, Mr. Speaker.

In keeping with the theme of partnership and information sharing, this amendment is just subsection 6 of the bill and it talks about partners in preventing abuse, specifically mandated reporters. Last year the Judiciary Committee and the Children's Committee had a joint meeting and we were addressing what was then an issue with Coach Sandusky and we talked about adding to our mandated reporters list which is what we have done here.

I would like to thank Representative Candelora for some of his help with the language and I'd also like to thank my Ranking Member for his input on this. So we added employed as a coach so that we were more specific, not just paid but employed. And we also added in -- and again, I'd like reach out to Brian McMahon High School's Youth Leadership Group for looking at the paid youth camp director and assistant director. They have been up here many times asking for us to go down that path.

And we also took some language out and again, the great collaboration with Office of the Public Defender and Department of Children and Families, when we

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realized that the language could be taken care of not through Legislation but through training. I move adoption.

SPEAKER SHARKEY:

Question before the Chamber is adoption of House Amendment "A".

Will you remark? Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker.

I just wanted to rise in support of this amendment. I too for many years have been concerned about our mandated reporters and always hopeful that we could expand the list of individuals who are working with our youth in Connecticut and include them in the mandated reporting. I also want to thank the Judiciary Committee. For many years, I know I have entered bills, submitted bills and testified in front of them regarding expanding the mandated reporting policies here in Connecticut and I'm happy to see this amendment and I look forward to supporting it. Thank you.

SPEAKER SHARKEY:

Thank you, Madame.

Would you care to remark? Would you care to

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remark further on House Amendment "A"? Representative  
Betts.

REP. BETTS (78th):

Thank you, Mr. Speaker.

Just very briefly, I just would urge the Chamber  
to support this amendment. It's been one that's had  
some broad-based input and I think it's made a good  
bill a better one and I urge your support. Thank you.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark? Would you care to  
remark further on House Amendment "A"? Representative  
Hoydick.

REP. HOYDICK (120th):

Thank you, Mr. Speaker. Good afternoon.

SPEAKER SHARKEY:

Good afternoon, Madame.

REP. HOYDICK (12th):

Mr. Speaker, I rise in support of the amendment  
which is now the bill and I would like to thank the  
Co-Chairs of the committee for being so open to  
responding to the good testimony that we've received  
especially from the Chief Public Defender's Office.  
And thinking through the process of what we do to

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protect kids and families and all the different roles the different departments play and how we can best utilize everyone's efforts and so I would like to thank Representative Urban, I'd like to thank Senator Bartolomeo and I'd also like to thank Representative Betts.

SPEAKER SHARKEY:

Thank you, Madame.

Would you care to remark? Would you care to remark further on House Amendment "A"? Representative Grogins.

REP. GROGINS (129th):

Thank you, Mr. Speaker.

Through you to the Chair, are you aware whether social workers work with lawyers in defense of clients?

SPEAKER SHARKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker.

Thank you very much for that question. Yes, they do and they are considered part of the defense team and that was one of the issues that we looked at here so that they would share the attorney client

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relationship, through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Grogins.

REP. GROGINS (129th):

Thank you. Through you, Mr. Speaker, thank you for that answer. Are you saying that they share the attorney client privilege, their privilege with regard to information that is disclosed to them about their client?

SPEAKER SHARKEY:

Representative Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker.

That's exactly it.

REP. GROGINS (129th):

Thank you, Mr. Speaker.

Several more questions. So just a scenario for you, a hypothetical, if a social worker has been employed or retained by a lawyer and is working on a criminal case in defense of a client and learns of certain information with regard to her role as a member of the defense team, is that social worker required to make a report under this bill? In other words, would she be mandated under this bill to report

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that information?

SPEAKER SHARKEY:

Rep. Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker.

No, she would share in the attorney client privilege and I believe that was covered in State versus Toste and I think that our -- actually our DCF Commissioner was instrumental in that ruling, through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Grogins.

REP. GROGINS (129th):

Thank you, Mr. Speaker.

Do you know any case law in support of the authority you're citing?

SPEAKER SHARKEY:

Rep. Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker.

Again, I would say the 1979 case of State versus Toste.

SPEAKER SHARKEY:

Representative Grogins.

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REP. GROGINS (129th):

Yes, Mr. Speaker, I'm aware of that case too just for the record. State versus Toste is at 178 Conn 626 (1979). In addition to that, you mentioned that you have spoken with the Commissioner, the DCF Commissioner and she's aware of this and what is her position with regard to social workers and being mandated to report information that they gain during the course of their representation in a defense team of a client?

SPEAKER SHARKEY:

Rep. Urban.

REP. URBAN. (43rd):

Through you, Mr. Speaker.

It's been a terrific collaboration with the Public Defender's Office and Department of Children and Families in recognizing that that privilege extends to a social worker who's part of the defense team and they really plan on doing some education and training to be sure that everyone understands exactly what that means and that we can carry this forward and further facilitate the situation, through you, Mr. Speaker.

SPEAKER SHARKEY:

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Representative Grogins.

REP. GROGINS (129th):

Yes, thank you, Mr. Speaker.

Through you, just one other scenario, what if a youth in this scenario that I've been talking about disclosed information about another child in the family or in his social circle that was unrelated to the defense of that client or unrelated to the mitigation of the case. Is that -- is the social worker under those circumstances required or mandated to disclose that information?

SPEAKER SHARKEY:

Rep. Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker.

Thank you for that question. Under current Statute the type of information would require to be disclosed and it would be disclosed via the Caroline.

SPEAKER SHARKEY:

Representative Grogins.

REP. GROGINS (129th):

And my last question is -- I'm sorry, Mr.

Speaker, thank you.

Through you, why didn't we legislate this if

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social workers are protected under these  
circumstances?

SPEAKER SHARKEY:

Rep. Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker.

This is a great situation where there is  
collaboration and rather than Legislation, the two  
agencies agreed on training, through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Grogins.

REP. GROGINS (129th):

I just want to thank the good lady for her  
answers and thank you for your patience, I appreciate  
it.

SPEAKER SHARKEY:

Thank you, Madame.

Would you care to remark? Would you care to  
remark further on House Amendment "A"?

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

REPRESENTATIVES:

Aye.

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Those opposed nay.

The ayes have it, the amendment is adopted.

Would you care to remark on the bill as amended?

Representative Betts.

REP. BETTS (78th):

Thank you, sir.

Pose a few questions to the good Chair of the  
Children's Committee, please?

SPEAKER SHARKEY:

Please proceed.

REP. BETTS (78th):

For the background of the Chamber, Representative  
Urban, I wonder if you could list the mandated  
reporters we now have for child abuse and child  
neglect, through you, Mr. Speaker.

SPEAKER SHARKEY:

Rep. Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker.

List the ones that we have or the ones that we're  
adding, through you, Mr. Speaker?

SPEAKER SHARKEY:

Representative Betts could you clarify?

REP. BETTS (78th):

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Okay. Thank you, very much. I just want to echo the words of the Co-Chair and say this is a very good bill that really reflects broad-based support with DCF and the Public Defenders and I urge support for it. Thank you very much.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on the bill as amended? Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker.

One question through you to the proponent of the bill, please?

SPEAKER SHARKEY:

Please proceed.

REP. CARTER (2nd):

On line 309 there's a place in the bill where it's talking about the suspected criminal activity by any individual and it adds, an employee of the Department being threatened or harassed or has been assaulted by a client or co-worker. My question is, why was co-worker added to that? A client makes sense because of the nature of their job, but why co-worker, through you, Mr. Speaker.

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SPEAKER SHARKEY:

Rep. Urban.

REP. URBAN (43rd):

Through you, Mr. Speaker.

Sadly, Mr. Speaker, it was because of an actual situation that happened with termination of an employee of the Department and there was some acting out, unfortunately, through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker and I thank the good Chair for her answers.

SPEAKER SHARKEY:

Thank you, sir.

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

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

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the Chamber immediately?

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SPEAKER SHARKEY:

Have all members voted? Have all members voted?  
Will the members please check the board to make sure  
your vote is properly cast? If all members have  
voted, the machine will be locked and the Clerk will  
take a tally.

Will the Clerk please announce the tally?

THE CLERK:

House Bill 5040, as amended by House "A".

Total Number Voting	138
Necessary for Passage	70
Those voting Yea	138
Those voting Nay	0
Those absent and not voting	13

SPEAKER SHARKEY:

The bill as amended passes.

Will the Clerk please call Calendar 87?

THE CLERK:

On page 31, House Calendar 87, favorable report  
of the Joint Standing Committee on Appropriations.

House Bill 5229, AN ACT CONCERNING THE EXPANSION OF  
SMALL HOUSE NURSING HOME PILOT PROGRAM.

SPEAKER SHARKEY:

Representative Abercrombie.

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Thank you. That was, are you referring to Calendar 468, House Bill 5450?

THE CHAIR:

Yes, I apologize.

SENATOR LOONEY:

That was recently voted, Madam President.

THE CHAIR:

Thank you.

SENATOR LOONEY:

So Calendar Page 16, Calendar 474, House Bill 5337, move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Also Calendar Page 16, two additional items, Calendar 469, House Bill 5538, move to place on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

And also, Madam President, Calendar 473, House Bill 5328, move to place on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President. Moving to Calendar Page 17 where we have two items. The first, Calendar 496,

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Calendar 500, House Bill 5547.

On Page 18, Calendar 507, House Bill 5530.

On Page 19, Calendar 512, House Bill 5386.

Calendar 514, House Bill 5521.

Calendar 516, House Bill 5500.

Calendar 517, House Bill 5305.

On Page 20, Calendar 527, House Bill 5592.

Calendar 528, House Bill 5453.

On Page 21, Calendar 531, House Bill 5299.

Calendar 533, House Bill 5290.

On Page 22, Calendar 541, House Bill 5456.

Calendar 539, House Bill 5294.

On Page 24, Calendar 551, House Bill 5588.

Calendar 552, House Bill 5269.

On Page 25, Calendar 564, House Bill 5489.

Calendar 562, House Bill 5446.

(HB5466)

On Page 26 --

THE CHAIR:

Hold on. Okay. Sorry. Please proceed.

THE CLERK:

On Page 26, Calendar 568, House Bill 5434.

Calendar 569, House Bill 5040.

Calendar 566, House Bill 5535.

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SENATOR LOONEY:

If we might pause for just a moment to verify a couple of additional items.

Madam President, to verify an additional item, I believe it was placed on the Consent Calendar and Calendar Page 30, on Calendar Page 30, Calendar 592, Substitute for House Bill 5476.

THE CHAIR:

It is, sir.

SENATOR LOONEY:

It is on? Okay. Thank you. Thank you, Madam President. If the Clerk would now, finally, Agenda Number 4, Madam President, Agenda Number 4 one additional item ask for suspension to place up on Agenda Number 4 and that is, ask for suspension to place on the Consent Calendar an item from Agenda Number 4.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President, and that item is Substitute House Bill Number 5566 from Senate Agenda Number 4.

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

THE CHAIR:

Mr. Clerk. Will you please call for a Roll Call Vote on the Consent Calendar. The machine will be opened.

THE CLERK:

An immediate Roll Call has been ordered in the Senate.

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An immediate Roll Call on Consent Calendar Number 2 has been ordered in the Senate.

THE CHAIR:

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

THE CLERK:

Consent Calendar Number 2.

Total number voting	36
Necessary for adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Two additional items to take up before the, our final vote on the implementer. If we might stand for just, for just a moment.

The first item to mark Go is, Calendar, to remove from the Consent Calendar, Calendar Page 22, Calendar 536, House Bill 5546. If that item might be marked Go.

And one additional item, Madam President, and that was from Calendar, or rather from Agenda Number 4, ask for suspension to take it up for purposes of marking it Go, that is House Bill, Substitute for House Bill 5417. Thank you, Madam President.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

**JOINT  
STANDING  
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COMMISSIONER JOETTE KATZ: Good morning. 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 and I'm here to testify on several of the bills on your public hearing agenda including five DCF-sponsored proposals.

The first bill that I'd like to speak on is Senate Bill Number 43, AN ACT CONCERNING REVISIONS TO THE DEPARTMENT OF CHILDREN AND FAMILIES STATUTES. This proposal is part of our Legislative package. It makes a number of technical and are minor changes to various DCF statutes.

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HB5039

Specifically it makes the following modifications. Sections 1 through 4 delete references to quote certified relatives close quote in the statutes. The Department stopped new placements of children with certified relative caregivers approximately 10 years ago because those placements did not qualify for federal Title IV-E reimbursement.

Those certified relative caregivers in place at that time were grandfathered, however, no such placements have existed for the past few years.

Section 5 provides statutory authority for DCF to lien properties when providing funds for home modifications on behalf of foster parents. We envision utilizing this mechanism in very limited circumstances. If we do place a lien, it would be for 50 percent of the funds provided and the amount would be reduced by 10 percent for each year a child remains in the residence.

Sections 6 and 7 make technical corrections and

Section 8 repeals a reporting requirement related to private provider measurable outcomes. We believe that this reporting requirement is unnecessary now that the Department has incorporated results-based accountability provisions in most of our provider contracts.

DCF also supports House Bill Number 5040, AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE PROTECTION OF CHILDREN, another piece of our Legislative package. Section 1 provides for greater sharing of information between DCF and other agencies. This will permit both DCF and other professionals to more effectively serve our families.

Section 2 provides DCF with access to the Department of Social Services parent locator service to assist DCF in locating missing parents in child protective service cases.

Sections 3, 4 and 5 provide DCF with greater legal authority to seek legal custody of child victims of human trafficking to protect vulnerable victims of sexual exploitation and human trafficking.

Section 6 adds the following individuals to the list of people who must report suspected child abuse and neglect: 1) youth camp counselors and assistant directors; 2) any adult who is a paid coach or director of intramural or interscholastic school athletics; 3) any adult who is a paid coach or director of youth athletics; 4) any adult who is a paid coach or director of a private sports organization or team and 5) any adult who is a paid administrator, faculty staff, athletic director, athletic coach or athletic trainer who works for a -- for a constituent unit of

the state system of higher education or a private higher education institution.

Section 7 makes clarifying changes to the statute concerning DCF investigations of allegations of child abuse and neglect involving school employees. It also allows DCF to share the outcome of -- of investigations with school officials. Currently we can only share information when we have substantiated an allegation against a school employee.

Finally the -- the Department recommends that the Committee make one modification to the language on lines 237 through 240. Please see the proposed substitute language in our written testimony.

We've also submitted written testimony in support of two other bills, House Bill 5037 which is AN ACT CONCERNING CROSS REPORTING OF CHILD ABUSE AND ANIMAL CRUELTY and Senate Bill 5039, AN ACT CONCERNING ANIMAL-ASSISTED SERVICES. In the interest of time I will defer to our written statements but obviously would be happy to answer any questions that you may have and I thank you again for the opportunity to appear in front of you.

SENATOR BARTOLOMEO: Thank you, Commissioner.

Are there any questions from the Committee?

Representative Betts.

REP. BETTS: Thank you, Commissioner. And the first one I'd like to start off with is what's the rationale for your asking to have the authority to place liens on properties? Has this been a big problem?

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COMMISSIONER JOETTE KATZ: It has not been a big

problem. Generally speaking, particularly when we're talking about families who are willing and able to take some of our more challenging children, we -- we do modifications to the home and we're happy to do it.

There has been, rarely but on occasion, an instance where the child's placement did not -- did not really last any extended period of time and we had done significant modifications to the homes. And -- and frankly if we're doing things like adjusting sizes of sinks and ramps, et cetera, to make a home more handicapped accessible, that's one thing.

But very often we end up putting additions on homes. And if in fact we do that again, more than happy to do it to accommodate the needs of -- of our children but if the placement does not extend for any significant period of time, we end up making a very significant capital improvement to a home without necessarily getting what we bargained for, so to speak.

So it gives us that opportunity and again it would only be 50 percent, reduced 10 percent per year, and would -- and it would expire at the end of the five-year period of time.

REP. BETTS: Thank you.

Do you happen to know if any other states have that authority? DCF have that authority?

COMMISSIONER JOETTE KATZ: I -- I do not but I can certainly find out for you.

HB5040 REP. BETTS: Okay. Also I -- I wanted you to \_\_\_\_\_ comment on I guess it was the public defender.

COMMISSIONER JOETTE KATZ: Thank you.

REP. BETTS: If you would comment on that please.

COMMISSIONER JOETTE KATZ: I'm -- I'm happy to.

Thank you so much. So I've known Suzie Storey for probably longer than either one of us wants to admit to and I have the utmost respect for -- for her and the work her agency does. As you know I was a public defender in a past life and I'm very sensitive to the concerns that the public defender's agency has, as I understand them, in terms of the their social workers who are mandated reporters.

I think the -- the question frankly historically emanates from a case in Connecticut State v. Tosti (phonetic) which goes back to the late 70s and it's one I'm quite familiar with and whether or not the social worker is actually an agent of the attorney and really so it's an extension of the attorney-client privilege and I'm very sensitive to it and very supportive of it.

Here's the problem I have and I think we need to make -- take a slightly nuanced approach to this -- to this issue. If a child is represented by the Public Defender's Office and needs to be able to speak with his or her social worker, and the social worker needs to be able to speak obviously with the client and they need to be able to do so honestly and frankly for purposes of the representation.

If the child talks about what's occurred, let's say female, in her history, in her background with her family as part of a mitigation so to speak for the conduct that -- that she now may have -- have been charged with, that's one thing.

I would -- I would recognize that that's a -- the nature of that as being privileged. It's

for the purpose of representation. If, however -- but everything in life is a balance. If, however, in the course of that communication the child also discloses that what happened to her, hypothetically, let's say she was sexually abused by her father, what happened to her is currently happening to a little sister, that's something that I think needs to be disclosed for the protection of the little sister.

And so that's -- that's a much more nuanced approach and I think it's one that we really have to be sensitive to in -- in both providing for the Public Defender's Office and the social worker to be able to do his and her job but for also the agency to be able to do its job and to protect the children who are no -- who are not there and not being represented by the Public Defender's Office.

Thank you for the opportunity.

REP. BETTS: Thank you, Commissioner.

Thank you, Madam Chair.

SENATOR BARTOLOMEO: Great question, thank you.

Are there any other questions from Committee?

Senator Linares.

SENATOR LINARES: Thank you, Commissioner --

COMMISSIONER JOETTE KATZ: Thank you.

SENATOR LINARES: -- for being here today and for your presentation. I just have a follow-up question on Section 5 regarding placing a lien on properties. You had mentioned that this doesn't happen often where you would have to -- you might have to use this method.

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category of -- of families just taking on more than they could chew.

SENATOR LINARES: Okay, thank you, Commissioner.

COMMISSIONER JOETTE KATZ: Sure.

SENATOR BARTOLOMEO: Any other questions?

Seeing none, thank you, Commissioner Katz. We truly appreciate your testimony and your work.

COMMISSIONER JOETTE KATZ: Thank you so much.

SENATOR BARTOLOMEO: Okay next we have Susan Storey from -- the Chief Public Defender.

CHIEF PUBLIC DEFENDER SUSAN O. STOREY: Good morning, Senator and Representative Urban and members of the Children's Committee. I'm Attorney Susan Storey. I'm the Chief Public Defender for the State of Connecticut and with me is Attorney Christine Rapillo who is our director of delinquency defense and child protection who I know has appeared before you many times.

I am here today to talk about Raised Bill Number 5040. I know that Commissioner Katz discussed briefly some of the concerns we have about characterizing the -- the changes to Section 6 of 5040 because it would amend 17a-101 to -- to clarify that persons who are included as mandated reporters includes any social worker.

And the issue we have with that is that language could be interpreted to include public defender social workers who are an integral part of the attorney-client team in all of our offices throughout the state, both in the adult and juvenile system.

They -- their sole responsibility is to assist the attorneys for the sole purpose of representing clients that are represented by the division. The -- our division was one of the first, if not the first, indigent defense organization to employ public social workers in our offices throughout the state.

This -- the team approach has been so successful that it really has become a national model. Many states now look to us for guidance in establishing just the same type of system that we have. These are social workers who help the attorneys deal with the collateral consequences, the social histories.

All the networking with DOC, DMHAS, DCF, CSSD is really done by the social workers at the request of the attorneys while the attorneys are in court and they make very critical decisions about treatment options and really have the type of information that attorneys don't have, the skills that attorneys don't have, so that they can help the attorneys make best decisions on how to handle cases for the clients.

It's also significant I think that for the past three decades the OPM and the Appropriations Committee have been extremely supportive of our initiatives through grant funding and through appropriations to augment the services that we have as far as social workers in the division.

Last year we received two positions to work exclusively with domestic violent defendants in order to provide just another layer of protection within the justice system not only for defendants but also potential victims of domestic violence.

The -- the primary role of the social workers, as I explained, is really to assist the attorneys in the legal represent -- representation of clients. Under the Connecticut Rules of Professional Conduct, especially Rule 1.6, the attorneys are bound by the rules of confidentiality. That means that the conversations, and I think you're all familiar with this very well settled rule, that when attorneys talk to their clients, either adults or juveniles, that the information that they -- they get from the conversations are privileged and can't be disclosed without the client's consent.

There is, however, a -- this is not unqualified. Under Rule 1.6, attorneys have to reveal information given to them by a client if the information has the attorney reasonably believing that they must prevent the client from committing another criminal act or a fraudulent act that could result in death or substantial bodily harm to another person.

So not only are our attorneys functioning under that qualification but also are training -- the attorneys must also caution their non-attorney staff, including the social workers, that they are also subject to that exception.

So there is that duty if it comes to light that there is a client who is going to harm someone or expresses that kind of situation that we -- we must report that and we do report that either to law enforcement, the prosecutors or whoever is the most responsible person that should have that information.

In my testimony I talk about how then Chief Public Defender Joe Shortall, who was back in -- in the early 90s, requested an ethics opinion regarding the social worker's role of

our social workers because there is some tension between mandatory reporting and the attorney-client privilege and he really wanted to try to clarify for our staff whether or not they were mandated reporters or they were part of the attorney-client team because they worked so closely with the attorneys.

Geoffrey Hazard, who is a -- an expert in legal ethics, gave us a written opinion saying that the social workers had the same duty of confidentiality to the client as did the attorney.

So in reliance of this ethics opinion, social workers have been under -- working under the assumption that they are not mandated reporters, that they are part of the attorney-client team but also if they have certain information that must be disclosed then they do disclose it.

This is not to say that social workers do not make reports, do not file their own neglect petitions for kids in juvenile court or do not bring to the attention of another mandated reporter that certain things really need to be taken a look at.

There's ways that our attorneys and social workers provide information that protects children. I don't want you to think that we don't care about the safety of children by not being mandated reporters.

But there's confusion now in our agency as to whether or not our social workers are mandated reporters or that they -- or they're still covered. So this has caused a lot of confusion in the function and we've really had to have -- and I can't tell the social workers okay you're not mandated reporters because there's a law

that says you are but then we also have an ethics opinion that says you're not.

So it's caused a lot of confusion and when last year there was legislation that also provided civil and criminal penalties, if anybody dissuaded the social worker from reporter, that puts another layer of confusion upon -- in our offices between the attorneys and the social workers about how to handle certain situations that may come up.

It's really important I think, from a policy standpoint, to also recognize that public defenders defense attorneys have an obligation to -- in court to -- to zealously express the expressed interests of their clients. This is also for children and adults. This -- this is true for child protection cases as well as delinquency in -- in adult cases.

The -- the only way to maintain that relationship is to have a trusting relationship with clients so that you have the best information to fashion not only a defense but also a mitigation argument or a proper treatment program to recommend to the court.

Often clients will tell us information that they do not tell a probation officer or another -- or other court personnel because they don't feel comfortable doing so and they believe that what they tell us is confidential.

This is the best way and this is, you know, a policy decision that you need to make and a balance that -- you know we need to get the best information, not only to defend our clients, but also to fashion responses for sentencing and treatment options.

If our clients don't feel that they can tell us

sensitive information, then we may not be doing what's best for the justice system or for public safety as well as for our clients.

The -- one of the concerns is that if you look at the -- the definitions of neglect for the Department of Children and Families, that really -- it's very, very broad and for our social workers, especially in child protection cases, going into client homes, which is extremely important for us in representation, conditions of a client's home, cleanliness, lack of food, lack of clothing can be a reason that someone might have to report as a mandated reporter rather than fashioning another response which our social workers usually do.

If we make a report, then the client may -- some of our clients may be taken out of their homes against their expressed wishes and sometimes in the juvenile court the client may end up in detention because there's no other option for the court or a DCF placement.

So this is the tension between mandated reporting and our obligations as attorneys that we see as an issue. We recently, as you know, in 2011 became responsible for all child welfare matters. It's especially problematic in child welfare matters. We really -- when we accepted the role of representing parents and children in child welfare matters, one of the reasons we did so was because we really wanted to make a difference in the way that people are represented, not only the children but also the parents in line with the goals of DCF to try to reunify families if at all possible.

This is an area where we really wanted to employ social workers as an adjunct to our attorneys because, as we know, reunification and taking substantial steps towards

reunification is really very difficult at times. And parents obviously sometimes need a lot of coaching and a lot of case management in order to find housing, find mental health treatment, substance abuse treatment, all the things that are necessary for them to reunite safely with children.

And so we were really looking -- looking forward to moving forward in that direction because we think that that would be a really excellent model.

Having our social workers as mandated reporters in this role we have put everything on hold because we think we really need clarification before we can move forward with that what we think is an important improvement for the system.

So I -- I -- I'm hoping that -- I know that Commissioner Katz mentioned that perhaps we could work on some language that would, you know, probably meet in the middle on this issue. I think we'd have to see the language before we see if it's really workable under the attorney-client privilege but we'd absolutely be willing to do that.

And if you have any questions I'd be happy to answer them for you.

SENATOR BARTOLOMEO: Thank you.

Questions from Committee?

Okay I have one. So one of the things that I -- and I did get distracted for a moment by one of my staff members so if you covered it then just please reiterate, but one of the things I didn't hear you speak to was a situation like the Commissioner described about trauma.

So you -- you do speak about, you know, if there is -- likely result in death or substantial bodily harm.

CHIEF PUBLIC DEFENDER SUSAN O. STOREY: Uh-huh.

SENATOR BARTOLOMEO: But I think one of the things -- some of the work that we've been doing in this Children's Committee in the last year that we've learned about is the effect of certain types of trauma and they actually are physical if you look at brain anatomy.

CHIEF PUBLIC DEFENDER SUSAN O. STOREY: Absolutely.

SENATOR BARTOLOMEO: So I guess I -- I was wondering if you could speak to how would you answer the question that -- or the situation that the Commissioner posed about a child knows that whatever is happening to them is happening to a sibling, for instance, and that that trauma should be something that's exposed.

CHRISTINE RAPILLO: Can I talk to that?

CHIEF PUBLIC DEFENDER SUSAN O. STOREY: I'll let Chris talk because we discussed this earlier.

CHRISTINE RAPILLO: I think depending on the circumstances, that would be a situation where it would be outside the boundaries of the attorney-client relationship. So our concern is where information that has to do with the client's case that the client is sharing as a result of the attorney-client relationship would come under mandated reporting.

We have situations in our offices where staff goes out and observes things that -- with regard to other people, to -- to non-clients, where they do make reports. They'll go into a

house, the -- our client is not there and they find young children unattended. There is then both anonymous reports made and reports where people have given their name.

So I think if it's a situation where it doesn't relate to the client's case and it's not directly related to the client and you have -- have a client who says, you know, you can't tell anybody, then it may be a situation where they could make a request.

CHIEF PUBLIC DEFENDER SUSAN O. STOREY: I think the issue with these cases they are all very fact-specific so it's hard -- I think we could certainly work with the Department to come up with language that could keep non-client information safe.

But our issue is when the client is giving us information related to their case as part of the attorney-client relationship. Those are the things that we're the most concerned about.

SENATOR BARTOLOMEO: Okay so I -- I think what we would be looking for, as -- as Chairs of the Committee, is, you know, in the short time that we have coming forward that you do work with -- with DCF and that you do work on those kinds of things because this definition that I'm looking at is just really too narrowly defined and there are certain types of situations I think that -- that maybe need to be looked at as we're speaking about.

So I think we would absolutely like to see you -- if you could come up with some kind of a compromise that would protect the children and also allow you to do the jobs that you need to do.

Representative Urban.

REP. URBAN: No -- no actually you got the question that I was headed towards so, you know, that's good. Both of us would -- and I'm sure the Committee agrees that we would like you to work together so that we can get that language and I know that Commissioner Katz has already indicated, and as have you, Susan, so I -- I think that's our request.

SENATOR BARTOLOMEO: Any other?

Representative Candelaria.

REP. CANDELARIA: Thank you.

Just have a quick question because for me this is very gray. All cases are different now. Who would determine that the incident may be outside of the scope of the client -- client privilege and confidentiality? Who would determine that? How would you come with a decision and say well this particular case we are obligated as mandated reporters to report it forward? How would you arrive at that decision?

CHRISTINE RAPILLO: Well that's the quandary that we're in now because there isn't a way to arrive at that decision. So we either have to operate under the assumption that the social worker members of our team either -- either don't ever have to mandated report or always have mandated report.

And as the attorney who would be directing the representation of the client, you'd have to be the most protective so we would have to assume that under the current proposal they would always be mandated to report.

And because the definitions are pretty broad

and it could be -- it could be something as serious as the situation that the Commissioner outlined or something -- I mean there's a whole range of things that somebody could look at that could be risk of harm.

So the devil is in the details. Under the current way the law is set up, there can't really be any discussion about it because if the attorney and the social worker have a discussion about whether it's a mandated reporting issue or not and there's a problem, the attorney is -- could be construed as interfering with a mandated reporter which would subject them to criminal liability.

So that's kind of been our issue. I think that this idea that we would work with DCF on language that would help clarify it would be the right way to go because now no one knows and people are -- are quite reluctant to engage in conversation about it because there's criminal liability on the social worker if they are, in fact, mandated reporters and don't make the report and could potentially be criminal liability on the attorney directing the case if they have a conversation with the social worker and that's then later interpreted as interfering with somebody who should have made a mandated report.

Everyone is interested in -- in having us be able to do our best job and zealously advocate for our clients, you know, without causing these kinds of problems.

REP. CANDELARIA: You mentioned that -- that currently there have been some reports.

CHRISTINE RAPILLO: There have.

REP. CANDELARIA: And how did you arrive at those,

the current ones?

CHRISTINE RAPILLO: Some of situations have been where it was clearly not involving our client, where people showed up some place and saw usually an unattended younger sibling and there's a call made.

There's also been -- I mean we have -- we post guidelines for indigent defense on our website to talk about our role as counsel for the lawyer and it -- counsel for the child and when you're representing a child, although ultimately when you show up in court you have to advocate for what that client wants, part of the job is to talk to that kid about what can you realistically do for them and what's best for them.

And although if -- if the child won't go along with that, you have to tell the judge what the client wants. A big part of our role is trying to counsel the child to come to a good decision.

So most of the time these cases get resolved because the client is talked to and -- and there's a resolution that we come up with that, you know, we're going to disclose this but not that. We're going to take you to the DCF worker. You know we're -- we're going to try to work this out. We're going to report it but we're going to work on something for you first. We're going to try to find you an alternative placement to propose before we make that phone call.

So we work with these kids because we try to have a trusting relationship with them. You don't lead every child to the decision that we as grownups would want them to make and that's where we have to go and, you know, they're

entitled, under their due process rights, to have a say what they want.

But there -- for most of these cases it never gets to that point and I think that's the good news.

REP. CANDELARIA: Thank you.

SENATOR BARTOLOMEO: Any other questions?

Okay I thank you very much --

CHIEF PUBLIC DEFENDER SUSAN O. STOREY: Thank you very much we appreciate it.

SENATOR BARTOLOMEO: -- for your testimony and we'll look forward to hearing if there's any resolution.

Next on the list we have Abby Anderson and after Abby will be Zoe Stout.

ABBY ANDERSON: Good afternoon, Senator Bartolomeo, Representative Urban and the members of the Committee on Children. Thank you for this opportunity to speak this afternoon. My name is Abby Anderson. I'm the executive director of the Connecticut Juvenile Justice Alliance. We're a statewide advocacy organization dedicated to stopping the criminalization of Connecticut's children.

We support evidence-based prevention to keep children from entering the system as well as services to help kids who do enter the system be successful.

The Alliance supports Section 1g-25 of H.B. 5040 which calls for information sharing between the Department of Children and Families and the Court Support Services Division for the

purposes of DCF measuring recidivism among juvenile offenders.

Currently DCF does not track recidivism. Recidivism tells us how often offenders return to the justice system and therefore let's us know if our programs are working, if our services are effective, using RBA language it let's us know if anyone is better off.

Today DCF can't answer that question very well and so it cannot measure the cost-effectiveness of the program or pinpoint which children will most benefit from its services.

The state's own studies show that children of color experience harsher treatment in the juvenile justice system than their white peers. Recidivism data is used to norm risk assessment tools and evaluate programs, services and the system as a whole. So regular recidivism data can help pinpoint strengths, weaknesses and areas where racial bias may be affecting decision-making.

Tracking recidivism is essential to improving the services offered by the juvenile justice system and ensuring it uses our resources wisely.

So we would strongly encourage that we find a way to ensure that those two agencies can share that information.

Thank you for your time and attention. Happy to answer any questions.

SENATOR BARTOLOMEO: Thank you.

Do we have questions from Committee?

Representative Urban.

REP. URBAN: Obviously, Abby, I think that this is a terrific effort and I'm fully supportive of it and the whole RBA issue is one that's dear to my heart and I know that we also have, with my Co-Chair here, reservations about mental health issues and those will be coming forward because there was a bill that we did on that.

So if we bring that information together maybe we really can do something about recidivism and, as you so aptly put it, make people better off. So yeah I think this is a -- I think it's a good initiative.

SENATOR BARTOLOMEO: Okay well seeing no other questions, thank you very much for your testimony.

Zoe Stout is next and next will be Carolina Cuervo.

ZOE STOUT: Good afternoon, Senator Bartolomeo, Representative Urban, Senator Linares, Representative Betts and distinguished members of the Committee. My name is Zoe Stout and I am a senior staff attorney at the Center for Children's Advocacy, a nonprofit organization affiliated with the University of Connecticut School of Law.

The Center provides holistic legal services for poor children in Connecticut through individual representation and systemic advocacy.

I am here today to testify in opposition to Sections 5b, c and d and Section 8 of Senate Bill 43, An Act Concerning Revisions to DCF Statutes.

Section 5b is new language which would entitle DCF to reimbursement from foster parents for

as their ability to pay back some of these --  
these liens or improvements to their household.

ZOE STOUT: I do not have that information with me  
today but I can certainly do research on that  
and get back to you.

SENATOR LINARES: That would be great, thank you.

SENATOR BARTOLOMEO: Okay so that will be a question  
for the record. Any other questions, comments,  
thoughts?

Thank you very much.

ZOE STOUT: Thank you.

SENATOR BARTOLOMEO: Okay, Carolina Cuervo and then  
after Carolina will be John D'Baptist.

CAROLINA GUIRAL CUERVO: Good afternoon, Senator  
Bartolomeo, Representative Urban, Senator  
Linares, Representative Betts and distinguished  
members of the Committee on Children. My name  
is Carolina Guiral and I am an intern for the  
Center for Children's Advocacy, a nonprofit  
organization whose mission is to advocate for  
Connecticut's most vulnerable children.

We support Raised Bill Number 5040, Sections 3,  
4 and 5 relating to child victims of human  
trafficking for the following reasons. The  
federal government estimates that 200,000  
American children are trafficked each year.  
Trafficking children for commercial sex has  
become a rapidly growing criminal enterprise in  
the country generating an estimated \$32 billion  
a year.

Connecticut has had 195 reported cases of child  
trafficking over the last six years. Last  
summer five teenage girls who were being

sexually exploited were recused in a Connecticut hotel during an FBI raid.

These girls were more -- among more than 100 sexually exploited minors who were rescued across the nation over one weekend. Nevertheless, these numbers are likely underrepresented as they only account for those children who have been identified as victims.

Every day children are being exploited for commercial sex across our state and they are in need of a safe harbor. The Department of Children and Families has proposed Sections 3, 4 and 5 of this bill in order to provide the agency with the legal authority to seek legal custody of child victims of human trafficking.

The bill's most important objectives are first to provide child victims of human trafficking with child welfare services in order to address their needs as victims in recognizing that these children require specialized services to deal with the trauma that they have endured.

Second, to address the problem from a preventive standpoint, DCF may provide training to law enforcement officials and educate the general public about the issue with the goal of identifying child victims, recognizing children at risk and preventing the problem from reoccurring. We know that increased training has lead to increased identification of victims.

Third, DCF may establish multidisciplinary teams to advance and coordinate the prompt investigation of suspected cases involving child trafficking.

And lastly to require the inclusion of children who have been victims of human trafficking into

the definition of when a child may be found uncared for under state law.

Sections 3, 4 and 5 of this bill are an important step in furthering protection to a class of children who are especially vulnerable because they have fallen prey to a brutal form of child abuse. We ask this Committee to support these provisions of the bill.

Thank you.

SENATOR BARTOLOMEO: Thank you.

Any questions from Committee?

Thank you very much for your testimony.

CAROLINA GUIRAL CUERVO: Thank you.

SENATOR BARTOLOMEO: John D'Baptist and after John will be Sarah Gleason.

JOHN D'BAPTIST: Good afternoon, Senator Bartolomeo, Representative Urban, Senator Linares, Representative Betts and honorable members of the Committee on Children. My name is John D'Baptist and I am a law student at the University of Connecticut School of Law.

HB5040

I speak to you today not only as a citizen of this great state but also as a child advocate and intern for the Center for Children's Advocacy.

The Center for Children's Advocacy is a nonprofit dedicated to the promotion and protection of the legal rights of poor children whose care is dependent on Connecticut's judicial, child welfare, health, mental health, education and juvenile justice system.

Through my work at the Center, I have interacted with many children who have suffered abuse and neglect and I've heard their tragic stories and know the unfortunate shortcomings of the child protection system.

Today I am here in support of Raised Bill H.B. 5040, Section 1, AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE PROTECTION OF CHILDREN. I strongly urge you to support this bill because it not only provides greater collaboration between agencies that is needed but also further protects children from abuse and neglect by allowing DCF to inform other agencies and educational institutions that an employee is on the Abuse and Neglect Registry thereby preventing further abuse.

I also urge you to support this bill because it allows DCF to share information with the State's Attorney and law enforcement about a person who falsely reported abuse or neglect.

Many children have been subjected to abuse and neglect investigations due to an angry neighbor who did not like their parents or an angry parent who has lost custody and falsely reported serious accusations. These amendments can further prevent such occurrences and strengthen the overall child protection system through this cooperative information sharing.

The interagency collaboration that will be brought by this proposed bill is crucial for the protection of Connecticut's children. The Department of Public Health should be informed when DCF places a licensee of the Department of Public Health on the Child Abuse and Neglect Registry because many of the DPH employees interact with children every day.

Furthermore, superintendents, heads of private

schools and other high level officers in institutions providing care for children should also be informed when their employees are placed on the Abuse and Neglect Registry as this can prevent other children from being victims of abuse.

Also for the first time the provisions of this bill would allow DCF to share case records with the Court Support Services Division in order to track recidivism. This will bring further improvement to the juvenile justice system.

Lastly, the proposed bill requires information sharing with the Birth-to-Three system's referral intake office to provide referrals. This will expedite and facilitate the enrollment and planning process for substantiated victims of abuse and neglect. Those needing such services will be spared having to fill out information they already submitted to DCF allowing them to receive services much sooner.

This raised bill and its amendments are a step in the right direction of fostering interagency collaboration and information sharing that will hopefully prevent further abuse and neglect of children and expedite the process of providing services to those that are most in need.

Thank you for giving me the opportunity to testify today.

SENATOR BARTOLOMEO: Thank you.

Any questions, comments?

Okay, thank you very much.

And Sarah Gleason followed by Edie Joseph.

HB5040

SARAH GLEASON: Good afternoon, Senator Bartolomeo, Representative Urban, Senator Linares, Representative Betts and distinguished members of the Committee on Children. My name is Sarah Gleason and I am a law student intern at the Center for Children's Advocacy.

The Center for Children's Advocacy provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy. I am here today on behalf of the Center to support Section 7 of Raised Bill 5040.

This legislation will allow DCF to share all investigative reports of child abuse and neglect by a school employee with school officials. This legislation is important to ensure that Connecticut children stay safe while at school and to give school officials the power to better monitor inappropriate behavior by school employees.

In a 2010 report by the Attorney General and child advocate, they noted a story in Bridgeport in which an elementary school principal was investigated for using duct tape to restrain a special needs student to a chair. This allegation was not substantiated because the child had no signs of physical or emotional harm and he said it was fun.

However, the principal eventually admitted that the allegation was true. If a similar situation were to happen again, DCF is currently unable to share the investigative report with school officials if their report was not substantiated.

But school officials need to be aware of the alleged actions of school employees. Statewide only 16 percent of DCF accepted reports of

abuse and neglect were substantiated in 2013. The reasonable call standard used by DCF to substantiate reports means that there are times when reports of abuse and neglect may not be substantiated but nonetheless be true.

By being made aware of all investigative reports school officials are in a better position to monitor employees for concerning or inappropriate behavior patterns and closely watch employees who have been the subject of multiple unsubstantiated reports for improper and unacceptable behavior with children.

Children spend a large amount of time at school and it is vital that they be surrounded by school employees that are qualified and appropriate. Every day that parents send their children to school they are trusting the state and school officials to ensure that the people who surround their children are doing everything in their best interests.

This legislation will allow school officials to be fully aware of what is going on with their school employees regarding possible abuse and neglect and it is important for the safety of Connecticut children.

We support Raised Bill 5040 and we encourage you to as well. Thank you.

SENATOR BARTOLOMEO: Thank you.

Comments, questions?

Thank you very much.

And Edie Joseph. We have no one else signed up so if you are wanting to testify please make sure that you sign up immediately.

HB 5040  
EDIE JOSEPH: Thank you, Senator Bartolomeo, Representative Urban and distinguished members of the Committee on Children. I'm testifying today on behalf of Connecticut Voices for Children, a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut's children, youth and families.

Connecticut Voices for Children supports information sharing between the Department of Children and Families and the Court Support Services Division in order to allow DCF to track recidivism among juvenile offenders as proposed in Section 1(g)(25) of Raised Bill 5040.

Currently DCF does not track recidivism of its juvenile offenders. Preventing recidivism is the goal of most programs for delinquent youths and it is the most commonly used indicator of juvenile justice program and system effectiveness. In fact, a program's recidivism rate is generally regarded as the most critical indicator of program success. Without measuring recidivism, DCF is unable to evaluate whether its programs and services are working.

Tracking recidivism is essential to improving Connecticut's juvenile justice system and ensuring that the system most effectively serves the children in its care.

Recidivism data can be used to better serve youth by informing the design of more effective programs and services; establishing the validity of risk and needs assessment tools that match youth to appropriate services and pinpointing specific areas where racial bias might be affecting decision-making.

It can also be used to better evaluate the

Department of Children and Families by demonstrating accountability for use of public dollars, providing outcome measures to inform decision-makers and evaluating programs over time which allows stakeholders to compare the relative benefits of particular programs over others. It is near impossible to discuss system effectiveness without recidivism data as a starting point.

A 2013 Center for Juvenile Justice Reform study found that the lack of access to data is a significant limitation in Connecticut's Juvenile Services Division. Measuring recidivism is a critical step in building DCF's juvenile justice system data capacity thereby improving DCF's ability to serve Connecticut's children fairly and effectively.

Thank you for the opportunity to testify and I'm happy to answer any questions now or at your convenience.

SENATOR BARTOLOMEO: Thank you.

Questions?

Okay well thank you very much --

EDIE JOSEPH: Thank you.

SENATOR BARTOLOMEO: -- for being here today.

Last chance if anyone else would like to testify before the Committee.

Going once, going twice.

Okay that then concludes our public hearing for today and our next meeting of the Children's Committee will be on this coming Thursday and that will be, let's see, Thursday at 11.

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STATE OF CONNECTICUT  
DEPARTMENT OF CHILDREN AND FAMILIES

Public Hearing Testimony

Children Committee

February 18, 2014



**S.B. No. 43 AN ACT CONCERNING REVISIONS TO THE DEPARTMENT OF CHILDREN AND FAMILIES STATUTES**

The Department of Children and Families supports S.B. No. 43, An Act Concerning Revisions to the Department of Children and Families Statutes. This proposal is part of DCF's legislative package.

This bill makes a number of technical and/or minor changes to various DCF statutes. Specifically, it makes the following modifications:

Sections 1 through 4 delete references to "certified relatives" in §§ 17a-11(d), 17a-93, 17a-11b and 17a-114a. The Department stopped new placements of children with certified relative caregivers approximately ten years ago because those placements did not qualify for federal Title IV-E reimbursement. Those certified relative caregivers in place at that time were "grandfathered," however, no such placements have existed for the past few years.

Section 5 provides statutory authority for DCF to lien properties when providing funds for home modifications on behalf of foster parents. We envision utilizing this mechanism in limited circumstances. If we do place a lien, it would be for fifty percent of the funds provided and the amount would be reduced by ten percent for each year a child remains in residence.

Section 6 corrects an obsolete statutory reference to the Select Committee on Children.

HB5037

Section 7 corrects references to the Department's Family Assessment Response program.

Section 8 repeals § 17a-63a, which concerns a reporting requirement related to private provider measurable outcomes. We believe that this reporting requirement is unnecessary now that the Department has incorporated Results Based Accountability provisions in most of our provider contracts.

**H.B. No. 5040 AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE PROTECTION OF CHILDREN**

The Department of Children and Families supports H.B. No. 5040, An Act Concerning the Department of Children and Families and the Protection of Children. This proposal is part of

DCF's legislative package. This bill makes a number of technical and other minor changes to DCF statutes.

Section 1 provides for greater sharing of information between DCF and other agencies. Specifically, it amends or adds the following provisions:

- § 17a-28 (f) to permit the sharing of the name of a reporter of child abuse or neglect with law enforcement and prosecutors when they are investigating and/or prosecuting the failure to report by a mandated reporter or instances of false reporting;
- § 17a-28 (g)(7) to require the sharing of information with prosecutors when they are investigating and/or prosecuting the failure to report by a mandated reporter or instances of false reporting;
- § 17a-28 (g)(8) to require the sharing of information with law enforcement when they are investigating and/or prosecuting the failure to report by a mandated reporter or instances of false reporting;
- § 17a-28 (g)(11) to require the sharing of information with DPH when DCF places a licensee of DPH on the child abuse and neglect registry, or when DCF possesses information regarding a regulatory violation of an individual licensed by DPH;
- § 17a-28 (g)(23) to require the sharing of information with school superintendents or the head of a private school or institution providing care for children when DCF places individuals employed by such organizations on the child abuse and neglect registry;
- § 17a-28 (g)(24) to clarify the sharing of information with DSS in situations promoting the health, safety and welfare of a child or youth "receiving services from either department;"
- adds § 17a-28 (g)(25) to require the sharing of common case records with CSSD for the purpose of tracking recidivism of juvenile offenders;
- § 17a-28 (g)(26) for the purpose of referrals to the Birth-to-Three system to facilitate enrollment and the provision of services; and
- § 17a-28 (h)(11) to permit the sharing of information with law enforcement in situations whereby a DCF employee is being or has been threatened, harassed or assaulted by a client or co-worker.

Section 2 amends § 17b-90 (b) to provide DCF access to DSS' parent locator service to assist DCF in locating missing parents in child protective services cases.

Sections 3, 4 and 5 provide DCF with greater legal authority to seek legal custody of child victims of human trafficking to protect vulnerable victims of sexual exploitation and human trafficking.

Section 6 adds the following individuals to the list of people who must report suspected child abuse and neglect: (1) youth camp directors and assistant directors; (2) any adult who is a paid coach or director of intramural or interscholastic school athletics; (3) any adult who is a paid coach or director of youth athletics; (4) any adult who is a paid coach or director of a private sports organization or team; and (5) any adult who is a paid administrator, faculty, staff, athletic

director, athletic coach, or athletic trainer who works for a constituent unit of the state system of higher education or a private higher education institution.

Section 7 makes clarifying changes to statute concerning DCF investigations of allegations of child abuse or neglect involving school employees. It also allows DCF to share the outcome of investigations with school officials.

Finally, the Department recommends that the Committee make one modification to the language on lines 237 through 240. Please strike the language and in its place substitute the following:

"(26) The Birth-to-Three system's referral intake office to provide referrals of substantiated victims of child abuse or neglect with suspected developmental delays and newborns impacted by withdrawal symptoms resulting from prenatal drug exposure, to determine eligibility, facilitate enrollment and plan for the provision of services."

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**H.B. No. 5037 AN ACT CONCERNING CROSS REPORTING OF CHILD ABUSE AND ANIMAL CRUELTY**

The Department of Children and Families supports H.B. No. 5037, An Act Concerning Cross Reporting of Child Abuse and Animal Cruelty.

Public Act 11-194 established a process for DCF, the Department of Agriculture (DOAG) and state, regional and municipal animal control officers (ACO) to cross report suspected child abuse or neglect and instances of an animal being treated cruelly, harmed or neglected. DCF and DOAG have collaborated on successful and well-attended training sessions on this issue. This bill builds upon the foundation laid by Public Act 11-194 by expanding the scope of the reporting requirements to more appropriately capture open DCF child protective services cases. We believe that the cross-reporting should not include referrals made by the Department to the Family Assessment Response system and our interpretation of this language is consistent with that belief. However, we would suggest a clarifying amendment on line 39: after the closing bracket insert "there is an open child protective service case and"

Currently records indicate that only one report to DCF from the Commissioner of Agriculture has been filed since the effective date of Public Act 11-94. This is due to the narrowly written definition of what must be reported: those cases in which an Animal Control Officer (ACO) has filed a verified petition with superior court. Almost no animal cruelty cases get to the point of the filing of a verified petition. Also, on the DCF end, we were only reviewing open investigation cases, which typically are only open for forty-five days.

The new language will help ACOs and DCF work together to identify children and families who may be in need of assistance from DCF.

## Center for Youth Leadership

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Why wait for someone else to make a difference?

### Connecticut Legislature: Committee on Children

*Testimony in Support of HB 5039: An Act Concerning Animal-Assisted Services; HB 5037: An Act Concerning Cross Reporting of Child Abuse and Animal Cruelty; and HB 5040: An Act Concerning the Department of Children and Families and the Protection of Children*

*February 18, 2014*

#### ***Millie Cunningham and Andrea Barros***

Hi Senator Bartolomeo and members of the committee. We have special greetings for Representative Urban, with whom we have worked in the past, and Senator Duff and Representative Wood, both of whom represent our hometown of Norwalk and support our activism on a host of issues. My name is Millie Cunningham and this is Andrea Barros. We are members of the Center for Youth Leadership at Brien McMahon High School in Norwalk. On behalf of our 226 members, we are here to testify about HB 5037, HB 5039 and HB 5040.

#### ***HB 5039***

We will start with HB 5039. Twice a week since 2003 we have volunteered with children who have been abused and/or experienced violence at home. We can say without hesitation that animal assisted therapy has been a godsend for many of these children.

Since we are not trained therapists, we do not lead the animals in their sessions with the children. However, when we sit with the children or hold them as they play and read to the animals, you can actually feel the children's bodies relax; their hearts stop racing; their breathing slows to a comfortable pace; and they talk to the animals as you or I would to a trusted friend or family member. The responses of

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Fine, A. H. (Ed.). (2010). *Animal-assisted therapy: Theoretical foundations and guidelines for practice (3rd edition ed.)*. San Diego: Academic Press.

Governing Magazine, "Connecticut May Be First State to Codify Animal-Assisted Therapy for Trauma Victims," July 26, 2013

Johnson, R. A., Odendaal, J. S., & Meadows, R. L. (2002). *Animal-assisted interventions research: Issues and answers*. *Western Journal of Nursing Research*, 24(4), 422-440.

Kaminski, M., Pellino, T., & Wish, J. (2002). *Play and pets: The physical and emotional impact of child-life and pet therapy on hospitalized children*. *Children's Health Care*, 31(4), 321-335.

New Jersey General Assembly, 215th Legislature: "Bill A2155: Establishes pilot program in DCF providing animal assisted therapy to victims of childhood violence, trauma or children with behavioral health care needs," Assemblywoman Celeste Riley, January 16, 2004

Palley, L. S., O'Rourke, P. P., & Niemi, S. M. (2010). *Mainstreaming animal-assisted therapy*. *ILAR Journal/National Research Council, Institute of Laboratory Animal Resources*, 51(3), 199-207.

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## **STATE OF NEW JERSEY**

### **215th LEGISLATURE**

*A2155: Establishes a pilot program in DCF providing animal assisted therapy to victims of childhood violence, trauma or children with behavioral health care needs; appropriates \$100,000*

**INTRODUCED JANUARY 16, 2014**  
**Sponsored by: Assemblywoman CELESTE M. RILEY District 3**



**Committee on Children**

**February 18, 2014**

**Public Hearing**

**Written Testimony**

**Submitted By**

**Aliza C. Wilder**

**Director**

**Human Resources**

**University of Connecticut**

Thank you for the opportunity to submit testimony in support of House Bill 5040, An Act Concerning the Department of Children and Families and the Protection of Children.

The University has always been committed to ensuring a safe yet welcoming environment for students, employees and visitors, and complying with all relevant laws. The University's Code of Conduct and policies have long set an expectation that the actions of University community members reflect fundamental moral and ethical values, in accordance with established policies, procedures, laws and regulations.

**UNIVERSITY POLICY**

To further promote compliance with those expectations, in January 2012 the University adopted the UConn Child Abuse and Neglect Reporting Policy. The purpose of this policy is to remind University employees who are "mandated reporters" under the law of their reporting obligations, educate employees as to what constitutes child abuse or neglect under the law, and encourage those employees who are not mandated reporters to report suspected child abuse by reminding them that they are entitled to protection under the law for all such reports made in good faith, even if that report is later found unsubstantiated.

**STUDENT WORKERS**

The bill applies to employees, but does not include student workers as employees who are mandatory reporters. UConn supports this provision. At any given time UConn employs over 5000 students part-time in various work assignments where they are closely supervised by full-time University staff members. Most student employment assignments are not in programs that serve young children. Given that student

employees are closely supervised by full-time staff who would be mandatory reporters under the proposed legislation, the University agrees that it is not necessary to classify students as mandatory reporters.



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ATTORNEY SUSAN O. STOREY  
CHIEF PUBLIC DEFENDER

**Testimony of  
Susan O. Storey, Chief Public Defender  
Office of Chief Public Defender**

**Raised Bill No. 5040**

**An Act Concerning the Department of Children and Families And the Protection of Children**

**Committee on Children**

**February 18, 2014**

The Office of Chief Public Defender has concerns in regard to Raised Bill No. 5040 An Act Concerning the Department of Children and Families and the Protection of Children. Section 6 (14) of this proposed bill would amend Subsection (b) of section 17a-101 of the C.G.S. 2014 supplement to "clarify" persons who are included as mandated reporters as "any" social worker. Such language could be interpreted to include Public Defender Social Workers who are an integral part of the attorney-client team and who are supervised by and assist the attorneys for the sole purpose of representing adults and children in cases handled by the Division.

The Connecticut Division of Public Defender Services was one of the first indigent defense organizations in the nation to employ social workers in offices throughout the state. The success of the Connecticut team approach of defense attorney and non-attorney support staff has served as a best practices model for indigent defense organizations throughout the country. Public Defender Social Workers have become essential to providing effective assistance of counsel in adult and juvenile proceedings. The Social Workers work with the attorneys by providing client social histories, sentencing mitigation, diversion and treatment recommendations, and critical networking with CSSD, DOC DCF, DMHAS and non-profit agencies that provide rehabilitative services to our clients. The Office of Policy and Management and the Appropriations Committee have consistently supported funding for the expansion of the Agency's social work initiative for the past three decades in recognition of the value of social workers to the criminal and juvenile justice system.

The primary role of Public Defender Social Workers is to assist in the legal representation of clients at the direction of attorneys. Under the Connecticut Rules of Professional Conduct,

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R. B. 5040 An Act Concerning the Department of Children and Families and  
the Protection of Children  
Susan O. Storey, Chief Public Defender, Office of Chief Public Defender

specifically Rule 1.6, attorneys are bound by the rules of confidentiality. Conversations between attorneys and their clients, both juvenile and adult, are privileged and information obtained from the client cannot be disclosed without the client's consent. However, the attorney client privilege and confidentiality is not unqualified. Subsection (b) of Rule 1.6, the Confidentiality rule, imposes a mandatory obligation for an attorney to reveal information and/or communications in the following circumstance:

*(b) A lawyer shall reveal such information to the extent the lawyer reasonably believes necessary to prevent the client from committing a criminal or fraudulent act that the lawyer believes is likely to result in death or substantial bodily harm.*

Therefore, if an attorney receives information regarding future conduct of the client that the "lawyer believes is likely to result in death or substantial bodily harm" the lawyer is absolutely obligated to reveal the information. Such disclosure can be to the court, the prosecutor or law enforcement. Division of Public Defender Services attorneys are obligated to report such information if it comes to their attention.

Furthermore, pursuant to Rule 5.3, of the Rules of Professional Conduct regarding Non-Lawyer Assistants, attorneys have an obligation to reasonably assure that non-lawyer assistants who are employed or retained by the defense team also comply with the ethics rules including the rule of confidentiality and non-disclosure of privileged information. As a result, non-attorney public defender staff are also advised to comply with Rule 1.6 of the Rules of Professional Conduct. In 1990 former Chief Public Defender, now Superior Court Judge Joseph Shortall requested an ethics opinion from nationally recognized legal ethics expert, Geoffrey C. Hazard, Jr., then Sterling Professor of Law at Yale Law School. This request was for the purpose of seeking clarification of whether or not Public Defender Social Workers also had a duty of confidentiality to the clients or were mandated reporters. In his written opinion Professor Hazard analogized the role of a social worker employed by the Division to that of a paralegal or non-lawyer assistant and expressed his opinion that the standards of confidentiality that apply to the lawyers also applied to those who assist them in providing the representation. In reliance on this ethics opinion, Connecticut Public Defender Social Workers have been complying with Rule 5.3 since the social work program began.

The language of Raised Bill No. 5040 presents confusion for our Agency staff as to whether our social workers should continue to comply with the Rules of Professional Conduct or the mandated reporter statutes. If they are considered mandated reporters solely by virtue of their educational degree or licensure rather than in accordance with their legal function, then their role may become significantly more limited to the detriment of the justice system. Such changes in reporting requirements also place attorneys and social workers at untenable legal odds with each other and potentially could subject them to civil and/or criminal prosecution. P.A. 13-53 and P.A. 13-297 passed during the last session allow for civil and criminal penalties for anyone who hinders, prevents or intentionally or unreasonably interferes with an employee making a report of suspected child abuse or neglect. Attorneys and non-lawyer staff in our offices must be able to

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R. B. 5040 An Act Concerning the Department of Children and Families and  
the Protection of Children  
Susan O. Storey, Chief Public Defender, Office of Chief Public Defender

work together to establish a trusting and confidential relationship with juvenile and adult clients in order to obtain all information necessary to effectively carry out their role. Often the client may only feel comfortable telling the lawyer and the social worker information about a client's situation that is critical to effectively resolving a case. Without establishing such trusting relationship, counsel can be ineffective and lack essential information necessary to carry out the defense function as constitutionally required by the 6<sup>th</sup> Amendment.

In juvenile court, the lawyer for a child has an ethical obligation to advocate in accord with the child's expressed interest, as long as the client is competent. The Department of Children and Families website lists the broad definitions for neglect of a child that should be reported. One or more of the definitions of neglect listed can be applied to nearly every child represented by our office who lives in poverty and disadvantaged circumstances. If a public defender social worker questioned the conditions of a client's home, i.e. cleanliness, lack of food, during a home visit then they may feel they have to make a report rather than addressing or resolving the situation in another manner. Such report could result in a client being removed from the home against his or her expressed wishes to remain in the home or community. The client then feels betrayed by the attorney and social worker and has no real advocate or voice in the courtroom as required by the United States Supreme Court. It is important to note however, that it is also not unusual for juvenile public defenders representing children in delinquency cases to file neglect petitions on behalf of clients, or to contact DCF regarding issues of child abuse.

The Division of Public Defender Services is entrusted with representing children and adults in the criminal and delinquency courts, and since 2011 in the child welfare court systems. One of the Agency's expressed goals in agreeing to merge the two agencies was to more effectively represent children and parents in child welfare matters. If the child has both a delinquency and neglect petition pending before the court then it seems to make sense that the public defender attorney and social worker should be allowed to be involved in both cases order to provide more holistic representation for the child's situation. When there is an abuse or neglect petition pending in juvenile court there are usually many other professionals involved in the case who are mandated reporters and aware of the child's circumstances.

Furthermore, it is our goal to have social workers as part of the attorney-client child protection teams representing parents in neglect proceedings. It is important to provide more social work resources and assistance to parents who are willing and able to take steps to reunite with their children to do so more effectively and safely. This plan has been put on hold awaiting clarification of our social workers' legal status as mandated reporters. If you agree that this is a worthy goal then you I would respectfully request that you amend Raised Bill 5040 to clarify that the attorney -client privilege and rule of confidentiality as expressed in Rule 1.6 of the Rules of Professional Conduct extend to non-attorney social worker legal team members under Rule 5.3 who are employed or retained for the specific purpose of assisting attorneys with the representation of individual clients.



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**TESTIMONY OF THE CONNECTICUT JUVENILE JUSTICE ALLIANCE  
FOR THE COMMITTEE ON CHILDREN  
FEBRUARY 18, 2014  
REGARDING H.B. 5040**

**IN FAVOR OF: Section 1(g) 25 of HB 5040 AN ACT CONCERNING THE  
DEPARTMENT OF CHILDREN AND FAMILIES AND THE PROTECTION OF  
CHILDREN**

Sen. Bartolomeo, Rep. Urban and members of the Committee on Children, thank you for this opportunity to speak with you. I'm Abby Anderson, executive director of the Connecticut Juvenile Justice Alliance, a statewide advocacy organization dedicated to stopping the criminalization of Connecticut's children. We support evidence-based prevention to keep children from entering the system as well as services to help kids who do enter the system to be successful.

The Alliance supports section 1 (g) 25 of HB 5040, which calls for information sharing between the Department of Children and Families and the Court Support Services Division for the purposes of DCF measuring recidivism among juvenile offenders.

Now, DCF does not track recidivism. Recidivism rates tell us how often offenders return to the justice system and therefore tell us if programs are working, if services are effective – in RBA language, “is anyone better off?” Today DCF can't answer that question. And so it cannot measure the cost effectiveness of a program or pinpoint which children will most benefit from its services.

The state's own studies show that children of color experience harsher treatment in the juvenile justice system than their white peers. Recidivism data is used to “norm” risk assessment tools and evaluate programs, services and the system as a whole. So, regular recidivism data helps pinpoint strengths, weaknesses and areas where racial bias is affecting decision-making.

Tracking recidivism is essential to improving the services offered by the juvenile justice system and ensuring that it uses resources wisely.

Thank you for your time and attention. I am happy to answer any questions you may have.

**Alliance member organizations:**

AFCAMP, Center for Children's Advocacy, Center for Effective Practice, CHDI, Connecticut Legal Services, Connecticut Voices for Children, Connecticut Youth Services Association, Community Partners in Action, FAVOR, FSW, NAMI Connecticut and the Keep the Promise Coalition, Office of the Chief Public Defender, Office of the Child Advocate, RYASAP, The Tow Foundation, The Village for Families and Children

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## Center for Children's Advocacy

### TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF SECTION 1 OF HB 5040, AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE PROTECTION OF CHILDREN

#### COMMITTEE ON CHILDREN FEBRUARY 18, 2014

Good Afternoon Senator Bartolomeo, Representative Urban, Senator Linares, Representative Betts, and Honorable Members of the Committee on Children,

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization dedicated to the promotion and protection of the legal rights of poor children whose care is dependent on Connecticut's judicial, child welfare, health, mental health, education, and juvenile justice systems. Through our work at the Center we have interacted with many children who have suffered abuse and neglect, heard their tragic stories and know the unfortunate shortcomings of the child protection system. Today, we are here in support of raised bill HB 5040 Section 1, An Act Concerning The Department of Children And Families And The Protection Of Children.

We strongly urge you to support this bill because it not only provides greater collaboration between agencies that is needed, but also further protects children from abuse and neglect by allowing DCF to inform other agencies and educational institutions that an employee is on the abuse and neglect registry, thereby preventing further abuse. We also urge you to support this bill because it allows DCF to share information with the State's Attorney and law enforcement about a person who falsely reported abuse and neglect. (See Section 1 (g) (7) and (8) ) Many children have been subjected to abuse or neglect investigations due to an angry neighbor who did not like their parents or an angry parent who has lost custody and falsely reported serious accusations. These amendments can prevent such occurrences and strengthen the overall child protection system through this cooperative information-sharing.

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The interagency collaboration that will be brought by this proposed bill is crucial for the protection of Connecticut's children. The Department of Public Health (DPH) should be informed when DCF places a licensee of the DPH on the child abuse and neglect registry because many of the DPH employees interact with children everyday. (See Section 1 (g) (11) ) Furthermore, superintendents, heads of private schools, and other high level officers in institutions providing care for children should also be informed when their employees are placed on the child abuse and neglect registry, as this can prevent other children from being victims of abuse. (See Section 1 (g) (23))

Also, for the first time, the provisions of this bill would allow for DCF to share case records with the Court Support Services Division in order to track recidivism. (See Section 1 (g)(25) ) The absence of the state agencies to determine if juvenile justice youth are actually benefitting from services has been a big impediment to further improvements in the juvenile justice system.

Lastly, the proposed bill requires information sharing with the Birth-to-Three system's referral intake office to provide referrals. (See Section 1 (g) (26)) This will expedite the process by facilitating the enrollment and planning process for the provision of services and also help determine eligibility for substantiated victims of abuse or neglect. Those needing such services will be spared having to fill out information they have already submitted to DCF, allowing them to receive services sooner.

This raised bill and its amendments are a step in the right direction of fostering interagency information sharing that will hopefully prevent further abuse and neglect of children and expedite the process of providing services to those that are most in need. Thank you for giving me the opportunity to provide this testimony.

Respectfully submitted,

John D'Baptist, Law Student Intern

Martha Stone, Executive Director

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## Center for Children's Advocacy

### TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF HB-5040 SECTION 7 AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE PROTECTION OF CHILDREN

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy.

We strongly support H.B. 5040, Section 7, which makes minor and technical corrections to § 17a-101i and would require that the Department of Children and Families (DCF) notify the employing superintendents and the Commissioner of Education of its findings after completing an investigation of a report that a child has been abused or neglected by a school employee, and that DCF notify the person in charge of an institution of its findings after completing an investigation of a report that a child has been abused or neglected by a member of the staff of a public or private institution, private school, or facility that provides care for children.

#### The Community Trusts School Officials to Keep Children Safe While at School

Every day that parents and guardians send their children to school, they are putting their trust in school officials and teachers to keep their children safe. Connecticut children spend over a thousand hours each year inside their school and it's the school's responsibility to ensure these children are surrounded by school employees that are both qualified and appropriate to be spending such long hours with children.

Currently, § 17a-101i allows DCF to share the results of its investigation of a school employee for abuse or neglect with the school superintendent and Commissioner of Education only if DCF has "reasonable cause to believe that a child has been abused or neglected"<sup>1</sup> Therefore, the investigation must substantiate the allegation of abuse or neglect before DCF is allowed to share the report with school officials. By changing the language so that DCF can share all investigative reports, not just substantiated reports, the school districts and Commissioner of Education are in a better position to monitor its employees and ensure that the students remain safe and secure at school.

#### Inappropriate Behavior by a School Employee Can Occur Even if Not Substantiated

By requiring DCF to share the results of its investigation with school officials, even if the allegations are not substantiated, school officials can better monitor curious and inappropriate patterns among school employees. Statewide, only 16% of DCF accepted reports of abuse and neglect were substantiated in 2013.<sup>2</sup> The low number of substantiations means there are likely allegations that are true, but not substantiated.

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<sup>1</sup> CONN. GEN. STAT. § 17a-101i(a)(1) (2012).

<sup>2</sup> STATE OF CONNECTICUT DEPARTMENT OF CHILDREN AND FAMILIES, TOWN PAGES: NUMBER OF ACCEPTED REPORTS AND ALLEGATIONS TO DCF FISCAL YEAR 2013-89 (2013), available at [http://www.ct.gov/dcf/lib/dcf/agency/pdf/tpmasked\\_2013.pdf](http://www.ct.gov/dcf/lib/dcf/agency/pdf/tpmasked_2013.pdf).

The DCF Policy Manual states "reasonable cause" is the standard for substantiation<sup>3</sup> However, just because an allegation is not substantiated does not mean there was not inappropriate behavior by a school employee. For example, in Bridgeport, DCF received a report alleging an elementary school principal used duct tape to restrain a special needs student to a chair.<sup>4</sup> DCF ultimately did not substantiate the allegation because the child who had been taped to the chair said it was fun and had no signs of physical or emotional harm.<sup>5</sup> However, it was eventually revealed that the principal and the security guard admitted to taping the child to the chair.<sup>6</sup> This is just one example of abuse or neglect that may not be substantiated, but is nonetheless inappropriate behavior by a school employee and school officials should be notified.

**Notification of the Results of All Investigations Allow School Officials to Better Monitor School Employees**

By notifying school officials of the results of all investigations of abuse and neglect by school employees, school officials become aware of inappropriate behavior, even if not substantiated, and can monitor concerning behavior patterns. Schools officials can better monitor their employees and have increased awareness of school employees that they should watch for inappropriate behavior. In addition, if a school employee has multiple reports of abuse and neglect, even if all unsubstantiated, school officials need to be aware of this in order to ensure it is safe for that employee to be around children.

Respectfully submitted,

Sarah Gleason  
Law Student Intern

Martha Stone  
Executive Director

Zoe Stout, Senior Staff Attorney  
Child Abuse Project

<sup>3</sup> CONNECTICUT DEPARTMENT OF CHILDREN AND FAMILIES, POLICY MANUAL 34-3-6 (2011), available at <http://www.ct.gov/DCF/cwp/view.asp?a=2639&q=332408>.

<sup>4</sup> REPORT OF THE ATTORNEY GENERAL & CHILD ADVOCATE, PROTECTING OUR CHILDREN. IMPROVING PROTECTIONS FOR CHILDREN WHEN ALLEGATIONS ARE MADE THAT SCHOOL SYSTEM PERSONNEL ABUSED AND/OR NEGLECTED CHILDREN 36 (2010), available at [http://www.ct.gov/oca/lib/oca/DCF-Education\\_Report\\_Final\\_7-8-10.pdf](http://www.ct.gov/oca/lib/oca/DCF-Education_Report_Final_7-8-10.pdf).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

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## Center for Children's Advocacy

### TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF H.B. 5040 SECTIONS 3, 4, 5 AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE PROTECTION OF CHILDREN

Committee on Children  
February 18, 2014

Good afternoon Senator Bartolomeo, Representative Urban, Senator Linares, Representative Betts, and distinguished Members of the Committee on Children. This testimony is presented on behalf of the Center for Children's Advocacy, a non-profit organization whose mission is to advocate for the most vulnerable children of Connecticut and ensure their access to justice. We support Raised Bill No 5040, sections 3, 4, and 5, relating to child victims of human trafficking for the following reasons.

The federal government estimates that 200,000 American children are trafficked each year.<sup>1</sup> Trafficking children for commercial sex and labor has become a rapidly growing criminal enterprise in the country, generating an estimated \$32 billion dollars a year.<sup>2</sup> Connecticut has had 195 reported cases of child sex trafficking over the last six years.<sup>3</sup> This past summer, five teenage girls who were being sexually exploited were rescued in a Connecticut hotel during an FBI raid. These girls were among more than 100 sexually exploited minors who were rescued across the nation over one weekend.<sup>4</sup> Nevertheless, these numbers are likely underrepresented, as they only account for those children *who have been identified*.

Every day, children are being exploited for commercial sex across our state and they are in need of a safe harbor. Children are special targets for human trafficking because they are vulnerable and easy to convince. Many of them do not even become aware that they are victims until they have long become the property of their traffickers.

The Department of Children and Families has proposed sections 3-5 of this bill in order to provide the agency with the legal authority to seek legal custody of child victims of human trafficking. The Bill's most important objectives are

**1. To provide child victims of human trafficking with child welfare services and address their needs as victims.**

This objective recognizes that these children require specialized services to treat the unique trauma they have endured.

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[www.kidscounsel.org](http://www.kidscounsel.org)

<sup>1</sup> U.S. Department of Justice. 2004. *Report to Congress from Attorney General John Ashcroft on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2003*. Washington, D.C.: U.S. Department of Justice

<sup>2</sup> Facsheet on Human Trafficking, UNITED NATIONS OFFICE ON DRUGS AND CRIME, available at [http://www.unodc.org/documents/human-trafficking/UNVTF\\_fs\\_HT\\_EN.pdf](http://www.unodc.org/documents/human-trafficking/UNVTF_fs_HT_EN.pdf).

<sup>3</sup> *Connecticut Forum Planned on Trafficking of Minors*, THE BULLETIN (Jan 29, 2014), available at <http://www.norwichbulletin.com/article/20140129/NEWS/140129435/0/SEARCH>.

<sup>4</sup> *Local Children Rescued During FBI Sex Trafficking Raids*, NBC CONNECTICUT (Jul. 29, 2013), available at <http://www.nbcconnecticut.com/news/local/5-Children-Rescued-During-Local-Child-Sex-Trafficking-Raids-217403301.html>

**2. To provide training to law enforcement and raise awareness among the general public.**

To address the problem from a preventive standpoint, DCF may provide training to law enforcement officials likely to encounter minor children who are victims of trafficking and educate the general public on the issue. This is in order to identify the victims, recognize children at risk and prevent the problem from reoccurring. We know that increased training has led to increased identification of victims.

**3. To establish multidisciplinary teams to advance and coordinate the prompt investigation of suspected cases involving child trafficking.**

**4. To include children who have been victims of human trafficking into the definition of "uncared for" under state law.**

This would extend to these children the protection given to abused and neglected children under our state's laws

Sections 3, 4, and 5 of this bill are an important step in furthering protection to a class of children who are especially vulnerable because they have fallen prey to a brutal form of child abuse. We ask this Committee to support these provisions.

Respectfully Submitted,

Carolina Gural Cuervo  
Law Student Intern

Martha Stone, JD  
Executive Director

Zoe Stout, JD  
Senior Staff Attorney  
Child Abuse Project

# CONNECTICUT VOICES FOR CHILDREN

*Independent research and advocacy to improve the lives of Connecticut's children*

P. 3  
Line 13

## Testimony Supporting

**H.B. 5040: An Act Concerning the Department of Children and Families and the Protection of Children**

Edie Joseph  
Committee on Children  
February 18, 2014

Senator Bartolomeo, Representative Urban, and distinguished members of the Committee on Children:

I am testifying today on behalf of Connecticut Voices for Children, a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut's children, youth, and families.

**Connecticut Voices for Children supports information sharing between the Department of Children and Families (DCF) and the Court Support Services Division in order to allow DCF to track recidivism among juvenile offenders, as proposed in Section 1(g)(25) of H.B. 5040.**

Currently, DCF does not track recidivism of its juvenile offenders. Preventing recidivism is the goal of most programs for delinquent youth, and " . . . is the most commonly used indicator of [juvenile justice] program and system effectiveness."<sup>1</sup> In fact, " . . . a program's recidivism rate is generally regarded as the most critical indicator of program success."<sup>2</sup> Without measuring recidivism, DCF is unable to evaluate whether its programs and services are working.

**Tracking recidivism is essential to improving Connecticut's juvenile justice system and ensuring that the system most effectively serves the children in its care.** Recidivism data can be used to better serve youth by: informing the design of more effective programs and services, establishing the validity of risk and needs assessment tools that match youth to appropriate services, and pinpointing specific areas where racial bias might be affecting decision making.<sup>3</sup> It can also be used to better evaluate the Department of Children and Families by: demonstrating accountability for use of public dollars, providing outcome measures to inform decision makers, and evaluating programs over time, which allows stakeholders to compare the relative benefits of particular programs over others.<sup>4</sup> It is near impossible to discuss system effectiveness without recidivism data as a starting point.<sup>5</sup>

A 2013 Center for Juvenile Justice Reform study found that "the lack of access to data is a significant limitation in Connecticut's DCF-JSD [Juvenile Services Division]."<sup>6</sup> **Measuring recidivism is a critical step in building DCF's juvenile justice system data capacity, thereby improving DCF's ability to serve Connecticut's children fairly and effectively.**<sup>7</sup>

Thank you for the opportunity to testify. I am happy to answer any questions now or at your convenience.

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<sup>1</sup> See Philip W. Harris *et al.*, "Measuring Recidivism in Juvenile Corrections," Office of Juvenile Justice and Delinquency Prevention Journal of Juvenile Justice, available at: <http://www.journalofjuvjustice.org/jojj0101/article01.htm>.

<sup>2</sup> See Philip W. Harris *et al.*, "A CJCA White Paper: Defining and Measuring Recidivism," Council of Juvenile Correctional Administrators, (2009), available at: [http://ojj.la.gov/ojj/files/CJCA\\_Recidivism\\_WhitePaper.pdf](http://ojj.la.gov/ojj/files/CJCA_Recidivism_WhitePaper.pdf).

<sup>3</sup> *Ibid.* Also see Marion R. Kelly, MSW, James C. Howell, Ph.D., and Kristen Johnson, Ph.D., "Preliminary Report for the State of Connecticut," CT Department of Children and Families, (June 2013). A copy of this text is available upon request.

<sup>4</sup> See Philip W. Harris *et al.*, "A CJCA White Paper: Defining and Measuring Recidivism," Council of Juvenile Correctional Administrators, (2009), available at: [http://ojj.la.gov/ojj/files/CJCA\\_Recidivism\\_WhitePaper.pdf](http://ojj.la.gov/ojj/files/CJCA_Recidivism_WhitePaper.pdf). For a more comprehensive framework for a data-driven juvenile justice system, see "A Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders," (Wilson & Howell, 1993; Lipsey, Howell, Kelly, et al., 2010).

<sup>5</sup> See Marion R. Kelly, MSW, James C. Howell, Ph.D., and Kristen Johnson, Ph.D., "Preliminary Report for the State of Connecticut," CT Department of Children and Families, (June 2013). A copy of this text is available upon request. For a report that shows how recidivism data is used to evaluate and analyze the effectiveness of juvenile justice programs, see "Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice," Center for Juvenile Justice Reform, (December 2010), available at <http://cjjr.georgetown.edu/resources2/cjjrpublications/ebppaper.html>.

<sup>6</sup> See Marion R. Kelly, MSW, James C. Howell, Ph.D., and Kristen Johnson, Ph.D., "Preliminary Report for the State of Connecticut," CT Department of Children and Families, (June 2013). A copy of this text is available upon request.

<sup>7</sup> *Ibid.*

**CONNECTICUT  
VOICES  
FOR CHILDREN**

*Independent research and advocacy to improve the lives of Connecticut's children*

**Testimony Supporting  
H.B. 5040: An Act Concerning the Department of Children  
and Families and the Protection of Children**

Tamar Holoshitz<sup>1</sup>  
Committee on Children  
February 18<sup>th</sup>, 2014

Senator Bartolomeo, Representative Urban, and Distinguished Members of the Children's Committee:

I am testifying on behalf of Connecticut Voices for Children, a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut's children, youth, and families.

Connecticut Voices for Children strongly supports sections 3-5 of H.B. 5040, which would authorize Department of Children and Families (DCF) to provide child welfare services to anyone under age 18 who is identified as, or believed to be, a victim of trafficking, provide training on trafficking to law enforcement officials (within available appropriations), reduce trauma for victims by using multi-disciplinary teams in investigating instances of trafficking, and expand the definition of an "uncared for" child to include trafficked children. The human trafficking of children is a critical concern, and state efforts to prevent and respond to human trafficking would be greatly aided by the changes suggested in this bill.

**Voices would urge the committee to consider amending the bill to provide training not only for law enforcement officials, but also to other first points of contact, such as hospital and sexual assault crisis hotline staff. Additionally, Voices recommends that a dedicated funding stream be established to support victims of trafficking and provide trainings.**

In this testimony we describe the problem of human trafficking, explain its scope nationally and in Connecticut, examine Connecticut's current laws on human trafficking, outline existing resources to aid victims and train first responders, and suggest areas for expansion based on models from other states.

**I. Human Trafficking of Children: The Exploitation of Minors**

Human trafficking is the recruitment, transportation, transfer, harboring or receipt of persons for the purposes of exploitation.<sup>2</sup> Exploitation can include coerced labor or sex.<sup>3</sup> Human trafficking

<sup>1</sup> Ms. Holoshitz is a student at Yale Law School. This testimony was prepared through the Yale Law School Legislative Advocacy Clinic under the supervision of J.L. Pottenger, Jr., Nathan Baker Clinical Professor of Law, Shelley Geballe, Distinguished Senior Fellow at Connecticut Voices for Children and Clinical Visiting Lecturer at Yale Law School, and Ellen Shemitz, Executive Director at Connecticut Voices for Children.

<sup>2</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, G.A. Res. 55/25 (15 November 2000)

<sup>3</sup> *Id.*

thus combines a *process* of recruiting, moving or obtaining a person with an *end* of involuntary servitude, debt bondage, or commercial sex acts.<sup>4</sup>

When we hear of human trafficking we often think of the problem as being an international one: it is perceived to be more prevalent in other countries and to necessitate forcing a person to cross an international border. In fact, trafficking is prevalent in the United States and can occur with no crossing of a state or international border.<sup>5</sup> In 2012 the Department of Justice identified 40,000 domestic human trafficking victims.<sup>6,7</sup>

Children are at great risk of being trafficked. One estimate is that fifty percent of trafficking victims are children.<sup>8</sup> It is also estimated that 100,000 children are in the sex trade in the United States each year.<sup>9,10</sup> Domestic human trafficking can take many forms. For example, a teen in foster care runs away with her supposed "boyfriend" who asks her to sleep with a few of his friends to pay rent.<sup>11</sup> Or, a youth is made to work long hours at a family member's restaurant.<sup>12</sup> Or, a mother "rents" her children to a pedophile to support her drug addiction.<sup>13</sup> Youth who are particularly vulnerable to domestic minor sex trafficking include youth with histories of abuse, homeless or runaway youth, youth within the foster care system, especially congregate care, and LGBTQ youth.<sup>14</sup>

For example, Emily, a 15-year-old ninth grader, ran away from home and was found being advertised for sex in four states: Maine, New Hampshire, Massachusetts and Connecticut.<sup>15</sup> Police found her in a hotel in New Hampshire.<sup>16</sup> The Department of Justice estimates that 1.6 million youth run away in a year<sup>17</sup>, and many risk ending up in situations similar to Emily's.

Connecticut is no different from any other state when it comes to the issue of human trafficking: the problem is a pervasive, if under-recognized one. The National Human Trafficking Resource Center (NHTRC) reports that since December 7, 2007 there have been 536 calls to the NHTRC hotline from Connecticut, of which 141 were tip and crisis calls.<sup>18</sup> 183 of these calls were received from

<sup>4</sup> HUMAN TRAFFICKING: WHAT YOUTH WORKERS SHOULD KNOW ABOUT HUMAN TRAFFICKING, [www.Anysyb.net/Human%20TraffickingYouthBureauConference.pptx](http://www.Anysyb.net/Human%20TraffickingYouthBureauConference.pptx) (last visited Feb. 14, 2014)

<sup>5</sup> HUMAN TRAFFICKING, <http://www.ocfs.state.ny.us/main/humantrafficking/> (last visited Feb. 14, 2014)

<sup>6</sup> U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT (June 2013).

<sup>7</sup> This number is significantly smaller than the number of total estimated human trafficking victims, because the Department of Justice is unable to identify every instance of human trafficking. Many trafficking cases go unreported, are not investigated or are not confirmed by the Justice department. Estimates of total trafficking numbers acknowledge the fact that there is under-reporting.

<sup>8</sup> FACTSHEET: CHILD TRAFFICKING, <http://www.unicef.org/infobycountry/files/ipuglobaltrafficking.pdf> (last visited Feb. 14, 2014).

<sup>9</sup> HUMAN TRAFFICKING, <http://www.polansproject.org/human-trafficking/overview> (last visited Feb. 14, 2014)

<sup>10</sup> See footnote 7 regarding under-reporting.

<sup>11</sup> HUMAN TRAFFICKING, <http://www.ocfs.state.ny.us/main/humantrafficking/> (last visited Feb. 14, 2014).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> HUMAN TRAFFICKING, *supra* note 4

<sup>15</sup> Nicholas Kristof, *When Emily Was Sold for Sex*, NEW YORK TIMES, Feb. 12, 2014, [http://www.nytimes.com/2014/02/13/opinion/kristof-when-emily-was-sold-for-sex.html?ref=nicholasdkristof&\\_r=0](http://www.nytimes.com/2014/02/13/opinion/kristof-when-emily-was-sold-for-sex.html?ref=nicholasdkristof&_r=0) (last visited Feb. 14, 2014).

<sup>16</sup> *Id.*

<sup>17</sup> Heather Hammer, David Finkelhor, and Andrea J. Sedlak, *Runaway/Thrownaway Children: National Estimates and Characteristics*, October 2002, <https://www.ncjrs.gov/pdffiles1/ojdp/196469.pdf> (last visited Feb. 14, 2014)

<sup>18</sup> STATE MAP, <http://www.polansproject.org/state-map> (last visited Feb. 14, 2014) The data displayed in this report was generated based on limited criteria from calls received by the National Human Trafficking Resource Center Connecticut Voices for Children

2012 to 2013, and 27 were identified as potential trafficking.<sup>19</sup> Callers identified Bridgeport, Bristol, Hartford, Meriden, Middletown, Naugatuck, New Canaan, Salem, Stamford, and West Haven as locations for potential trafficking.<sup>20</sup> Between 2008 and 2010 the State Department of Children and Families identified 120 child survivors.<sup>21</sup> Ninety-eight percent of the children who have been identified and confirmed as victims of domestic minor sex trafficking since 2008 have been involved with child welfare services in some manner.<sup>22</sup>

## II. Connecticut's Existing Laws on Human Trafficking

Connecticut defines human trafficking as:

... all acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons, within national or across international borders, through force, coercion, fraud or deception, to place persons in situations of slavery or slavery-like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor or other debt bondage.<sup>23</sup>

Connecticut is one of 18 states that have a safe harbor law which considers sexually exploited children to be the victims of trafficking and deserving of services rather than criminals deserving of penalties.<sup>24</sup> Connecticut prohibits the prosecution of minors under the age of 15 engaged in prostitution-related offenses, and with respect to 16- and 17-year-olds, Connecticut has adopted a rebuttable presumption that such minors were coerced into prostitution and thus lack the mens rea necessary to support a finding of criminal culpability.<sup>25</sup> If a youth is arrested for prostitution then the police must additionally report the incident to the Department of Children and Families.<sup>26</sup>

### H.B. 5040

H.B. 5040 has four distinct pieces: (1) authorizing DCF to provide child welfare services to trafficking victims, (2) providing training to law enforcement officials on human trafficking (3) using multi-disciplinary teams in investigation and (4) expanding the definition of "uncared for" youth.

Section 3(a) of House Bill 5040 provides that the Commissioner of Children and Families may (1) provide child welfare services for any minor child residing in the state who is identified by the Department of Children and Families as a victim of trafficking, and (2) provide appropriate services to a minor child who the Department of Children and Families reasonably believes may be a victim of trafficking.

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(NHTRC) hotline This is not a comprehensive report on the scale or scope of human trafficking on a state or national level. These statistics may be subject to change.

<sup>19</sup> STATE OF CONNECTICUT GENERAL ASSEMBLY TRAFFICKING IN PERSONS COUNCIL, RECOMMENDATIONS TO THE CONNECTICUT GENERAL ASSEMBLY 3 (2014)

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> STATE OF CONNECTICUT DEPARTMENT OF CHILDREN AND FAMILIES, PUBLIC HEARING TESTIMONY ON H.B. 6500 AN ACT PROHIBITING THE PUBLICATION OF ADVERTISEMENTS FOR COMMERCIAL SEXUAL ACTS THAT DEPICT A MINOR, (March 5, 2013)

<sup>23</sup> C G S § 46a-170(g).

<sup>24</sup> POLARIS PROJECT, 2013 ANALYSIS OF STATE HUMAN TRAFFICKING LAWS SAFE HARBOR – PROTECTING SEXUALLY EXPLOITED MINORS (August 2013).

<sup>25</sup> *Id.*, see also C G S § 53a-82(c)

<sup>26</sup> C G S. § 46b-133(d)(2)

Section 3(b) further provides that the Commissioner of Children and Families may provide training to law enforcement officials regarding the trafficking of minor children. The training should include (1) awareness and compliance with the laws and protocols concerning trafficking of minors, (2) identification of, access to and provision of services for minor children, and (3) any other services that the department deems necessary to carry out the provisions of this section.

Section 4(a) provides that the Commissioner of Children and Families may establish multidisciplinary teams for the purpose of reviewing particular cases, including cases involving the trafficking of a minor child. Section 17a-106a of the Connecticut General Statutes first provided for multidisciplinary teams in child welfare cases. The purpose of such teams is to “advance and coordinate the prompt investigation of suspected cases of child abuse or neglect, to reduce the trauma of any child victim and to ensure the protection and treatment of the child.”<sup>27</sup> Each team consists of at least one representative from each of the following: the State’s Attorney of the Judicial District of the team, the Commissioner of Children and Families, the head of the local or state law enforcement agencies, a health care professional with substantial experience in the diagnosis and treatment of abused or neglected children, a member of a youth service bureau, a mental health professional with substantial experience in the treatment of abused or neglected children, and any other appropriate individual with expertise in the welfare of children that the members of the team deem necessary.<sup>28</sup> Multi-disciplinary teams increase coordination and efficiency and decrease the number of times that a victim must re-tell their story, reducing secondary trauma; their use in trafficking cases is significant because trafficking victims come in to the state system through multiple points of entry, and so the provision of services would be facilitated by coordinating across these various entities.

Section 5(8) repeals Section 46b-120 of the general statutes to include victims of trafficking in the definition of “uncared for” youth. “Uncared for” is a statutory category, in addition to “neglected” and “abused”, that triggers certain legal rights. For example, the Commissioner of Children and Families can file with the Superior Court to bring an “uncared for” child within the jurisdiction of the court.<sup>29</sup> Expanding the category to encompass victims of trafficking ensures that the Commissioner of Children and Families will be able to commence proceedings regarding the child

### III. Best Practices for Services and Training

#### Existing Resources

In 2011 the Trafficking in Persons Council and other non-governmental organizations provided services to 20 victims of human trafficking and conducted 70 educational and public awareness trainings for 1,270 people in Connecticut.<sup>30</sup> 17 of the 20 victims identified were children.<sup>31</sup> The funds spent for direct services were \$1,875 and the funds spent for education were \$8,297.<sup>32</sup>

The Department of Children and Families conducted 35 trainings to over 500 individuals, including the Department of Children and Families, AMR Ambulance, Connecticut Police Chiefs Association,

<sup>27</sup> C.G.S. § 17a-106a

<sup>28</sup> *Id.*

<sup>29</sup> C.G.S. § 46b-129

<sup>30</sup> TRAFFICKING IN PERSONS COUNCIL, 2011 ANNUAL REPORT (February 2012)

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

Connecticut Sexual Assault Crisis Services, Manchester Police Department, Newington Ambulance, Norwich Foster parent Support Group, Rockville High School, University of Connecticut Campus, Youth Continuum, adult and juvenile judges, public defenders, and prosecutors.<sup>33</sup> The Connecticut Department of Children and Families also trains foster care parents and caseworkers in care facilities on identifying warning signs of trafficking.<sup>34</sup>

The Office of Victim Services worked with non-governmental organizations to conduct community-based trainings. The agencies that OVS collaborated with were the Barnaba Institute, The Connecticut Women's Consortium, International Institute of Connecticut, and Women's and Family Center for Meriden.

### Recommendations for Expansion

#### *Allocate Special Funding for Training and Direct Services*

In 2011 only \$8,297 was spent on training. If Department of Children and Families and Office of Victim Services are to train law enforcement officials this amount ought to be increased.

Additionally, less than \$2,000 was spent on direct victim services for trafficking victims. These funds went towards housing three adult victims of trafficking<sup>35</sup>, leading us to believe that the services for child victims of trafficking came out of Department of Children and Families extant budget. **There ought to be money specifically earmarked for the assistance of child victims of trafficking, and for training of relevant personnel.**

### Screening

#### *Maintain Mandatory Screening*

The fact that Connecticut Department of Children and Families screens every child who enters its system for commercial sexual exploitation has been held up as a model for other states.<sup>36</sup> **We applaud the practice of screening every child who enters DCF and suggest maintaining the system of regional Human Trafficking Liaisons as a best way to ensure proper implementation of H.B. 5040.**

#### *Expand Training and Screening Efforts to, and Coordinate with, Connecticut's Juvenile Justice System*

Florida's Victim Identification Pilot Project trains staff at the Department of Juvenile Justice Assessment Centers to identify victims using a tool that includes common indicators and tips on how to interview victims of sex trafficking.<sup>37</sup> When victims are identified, staff reports them to the Florida Abuse Hotline and an alert is entered to track the child and ensure they receive appropriate

<sup>33</sup> *Id*

<sup>34</sup> ADMINISTRATION FOR CHILDREN AND FAMILIES, HUMAN TRAFFICKING BRIEFING SERIES. EMERGING PRACTICES WITHIN CHILD WELFARE RESPONSES (May 2013).

<sup>35</sup> Trafficking in Persons Council, *supra* note 30

<sup>36</sup> ADMINISTRATION FOR CHILDREN AND FAMILIES, *supra* note 34

<sup>37</sup> *Id*

services.<sup>38</sup> Since many cases of trafficking may emerge through arrests of youth, it is crucial that there be a mechanism to determine victimization and transfer cases over to social service organizations. Juvenile Justice System staff ought to be included in any trainings that are created under H.B. 5040.

*Expand Training and Screening Efforts to, and Coordinate with, Local Children's Hospitals and Local Rape Crisis and Sexual Assault Centers*

Another common point of entry is through hospitals and rape crisis hotlines. Children seeking services ought to be screened by hospital and crisis hotline staff and if necessary referred to the proper agencies. To accomplish this goal training efforts ought to be expanded to hospital and crisis hotline staff.

The Connecticut Department of Children and Families already works with the Connecticut Children's Medical Hospital<sup>39</sup>; this liaison could be leveraged for implementation of H.B. 5040 by ensuring that trained hospital staff is conducting screenings for trafficking. Moreover, Connecticut ought to consider expanding its model of coordinating with Connecticut Children's Medical Hospital to other hospitals statewide.

Multnomah County in Oregon coordinates responses to commercial sexual exploitation with the Sexual Assault Resource Center, a hotline staffed 24 hours a day by licensed clinicians.<sup>40</sup> Similarly, in implementing resources for victims Connecticut ought to coordinate with sexual assault hotlines to ensure that callers are being screened and referred to services.

### Training

*Develop Training Programs Based on the Three P's Model*

In developing training for law enforcement officials, it is important that the program focus not only on prosecution but developing a holistic understanding of the problem of human trafficking. The paradigm that is advanced by the State Department is the 3 P's Model, which focuses on Prevention, Protection, and Prosecution.<sup>41</sup> For example, law enforcement officials must have knowledge of and work to advance prevention efforts, by coordinating and communicating with non-governmental organizations working on the issue of human trafficking. Law enforcement can advance prevention efforts by monitoring websites like backpage where victims are often advertised, and by screening youth that come into contact with law enforcement for other reasons. Law enforcement has a role to play in protection efforts as well because they are often the first responders when a trafficking situation emerges. They can enhance the protection of victims by being trained in how best to respond to a trafficking victim, how to effectively and compassionately interview a trafficking victim, and how to ensure that the needs of a trafficking victim are given priority. Finally, law enforcement must be trained to fulfill their traditional role of prosecution, and work to keep pimps and johns accountable for the trafficking of people especially minors. Law enforcement officers should be

<sup>38</sup> *Id*

<sup>39</sup> *Id*

<sup>40</sup> *Id*

<sup>41</sup> UNITED STATES DEPARTMENT OF STATE OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, THE 3P'S: PREVENTION, PROTECTION, PROSECUTION (June 2011)  
Connecticut Voices for Children

trained in prevention, protection, and prosecution of human trafficking, and should be trained on how to operate within multi-disciplinary teams with other child welfare staff.

### *Training Should Focus on Identification and Response*

Several models for training of law enforcement officials exist. For example, the Rescue and Restore Campaign, run through the Office of Refugee Resettlement in the Administration for Children and Families, provides resources on such topics as tips for identifying the crime of human trafficking, screening questions to assess whether a person is a trafficking victim, understanding the mindset of a trafficking victim, and communicating with victims of human trafficking.<sup>42</sup> The Polaris Project provides resources for law enforcement, including human trafficking case examples and a comparison chart of primary sex trafficking networks in the U.S.<sup>43</sup> The Department of Homeland Security Blue Campaign provides a web-based human trafficking training for law enforcement that focuses on recognizing human trafficking encountered during routine duties, how to protect victims, and how to initiate human trafficking investigations.<sup>44</sup> Looking to these programs as models, law enforcement training in Connecticut ought to focus both on identification of victims (how to screen victims and questions to ask) and on proper responses to human trafficking (how to initiate an investigation and how best to communicate with victims of trafficking).

### Housing

#### *House Teen Trafficking Victims in Group Homes, not Domestic Violence Shelters*

Office of Victim Services has contracted with The Connecticut Coalition Against Domestic Violence (CCADV) to provide shelter and services, not to exceed seven days, basic needs such as clothing and prescriptions, and assistance with permanent living arrangements for victims of trafficking.<sup>45</sup>

There may be good justifications for housing older victims of sex trafficking in domestic violence shelters – the victimization they've experienced has strong parallels to the sort of abuse and control that many victims of domestic violence experience, and so similar resources can be utilized. But this does not answer the question of where to house teen survivors of sex trafficking. Research suggests it would be inappropriate to house teen survivors of sex trafficking in a domestic violence shelter where most of the people being served are much older. In New York City, Girls Educational & Mentoring Services, an organization that services sexually exploited children and women, offers a Transitional Independent Living program for youth ages 16 to 21 who cannot immediately reunite with their families.<sup>46</sup> This allows teen victims to recover and become empowered in a setting with peers of their same age group. Moreover, the Transitional Independent Living Program provides housing for up to 18 months, offering more continuity than housing a victim on an emergency basis for seven days at a domestic violence shelter and then searching for alternate housing. **Teen**

<sup>42</sup> RESCUE AND RESTORE CAMPAIGN TOOL KITS, <http://www.acf.hhs.gov/programs/orr/resource/rescue-restore-campaign-tool-kits#law> (last visited Feb 14, 2014)

<sup>43</sup> Tools for Service Providers and Law Enforcement, <http://www.polarisproject.org/resources/tools-for-service-providers-and-law-enforcement> (last visited Feb 14, 2014).

<sup>44</sup> Human Trafficking Training Program, <http://www.flctc.gov/training/programs/human-trafficking-training-program> (last visited Feb. 14, 2014)

<sup>45</sup> TRAFFICKING IN PERSONS COUNCIL, ANNUAL REPORT (January 2009)

<sup>46</sup> TRANSITIONAL & SUPPORTIVE HOUSING, <http://www.gems-girls.org/what-we-do/our-services/intervention/transitional-supportive-housing> (last visited Feb 14, 2014).

trafficking victims ought to be housed in group homes where they will be surrounded by others of their age group, rather than in domestic violence shelters.

In closing, we would like to reiterate Connecticut Voices for Children's strong support of Raised Bill 5040, with the suggestions identified above, and thank the Co-Chairs and distinguished members of this Committee for their time.