

**DEPARTMENT OF CHILDREN AND FAMILIES
PUBLIC HEARING TESTIMONY
JUDICIARY COMMITTEE
MARCH 20, 2006**



- **BILL No. 56 - AN ACT CONCERNING THE REGISTRATION OF SEXUAL OFFENDERS**
- **S.B. 667 - AN ACT CONCERNING DETERMINATIONS OF COMPETENCY IN JUVENILE PROCEEDINGS**
- **S.B. NO. 674 - AN ACT CONCERNING CONFIDENTIALITY OF AND ACCESS TO RECORDS MAINTAINED BY THE DEPARTMENT OF CHILDREN AND FAMILIES**
- **H.B. NO. 5699 - AN ACT CONCERNING IMPLEMENTATION OF CERTAIN REQUIREMENTS PROTECTING CHILDREN OF FAMILIES WITH SERVICES NEEDS**
- **H.B. NO. 5700 - AN ACT CONCERNING JUSTICE FOR ALL CHILDREN**
- **H.B. NO. 5731 – AN ACT CONCERNING DETENTION AND LEAVE IN THE JUVENILE JUSTICE SYSTEM**
- **H.B. NO. 5821 AN ACT CONCERNING BEHAVIORAL HEALTH AND SUBSTANCE ABUSE SERVICES THAT ARE GENDER SPECIFIC TRAUMA INFORMED**



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**BILL No. 56 AN ACT CONCERNING THE REGISTRATION OF SEXUAL
OFFENDERS**

The Department of Children and Families supports BILL No. 56 AN ACT CONCERNING THE REGISTRATION OF SEXUAL OFFENDERS.

Governor Rell has offered this legislation to require lifetime registration for certain sexual offenders as well as lifetime GPS monitoring and increased minimum mandatory sentencing for certain offenses. The Governor's recommended budget adjustments include funding to implement these new requirements.

The Department of Children and Families is committed to the safety and well-being of all children in Connecticut. We believe that this bill, which provides for more stringent requirements for the oversight, registration and supervision of sex offenders, assists in making communities safer for children.



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**S.B. No. 667 AN ACT CONCERNING DETERMINATIONS OF COMPETENCY IN
JUVENILE PROCEEDINGS**

The Department of Children and Families offers the following comments regarding S.B. No. 667 AN ACT CONCERNING DETERMINATIONS OF COMPETENCY IN JUVENILE PROCEEDINGS. This bill would establish procedures to be followed in juvenile proceedings when a child's competency is at issue.

Two years ago, the Department of Children and Families participated in discussions with the Judicial Branch, the Department of Mental Health and Addiction Services and other agencies, which led to the drafting of this proposal. Our participation was grounded in the belief that children and youth in juvenile court are entitled to be competent to understand the proceedings against them and to assist in their own defense. The adult criminal court utilizes the provisions of § 54-56d of the General Statutes to determine competency; however, there is no similar statute for juvenile court. Instead, the practice has been for juvenile court judges to order competency evaluations pursuant to their practice book. Currently, independent evaluators conduct the evaluations, or utilize one of the adult Offices of Court Evaluations operated by Department of Mental Health and Addiction Services (DMHAS).

Absent a specific statute, evaluations in juvenile court are not done in a uniform manner, with evaluators who may not have experience working with children, and which can lead to reports and recommendations that are more difficult to implement. Further, when restoration is recommended, many are being conducted at Riverview Hospital. This includes restorations of children aged 16-17 who are in adult court, but can not be placed at Connecticut Valley Hospital due to their age. Many of these children may not meet criteria for hospitalization, but because Riverview is the only facility that can do this, children are being placed there for restoration purposes.

As mentioned earlier, DCF staff have participated in discussions in past years that led to the introduction of this proposal. However, there are resource issues that will need to be resolved before we can lend our full support to this bill. We are willing to work with members of the committee and the Judicial Branch in addressing these issues.



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S.B. No. 674 AN ACT CONCERNING CONFIDENTIALITY OF AND ACCESS TO RECORDS MAINTAINED BY THE DEPARTMENT OF CHILDREN AND FAMILIES

The Department of Children and Families supports S.B. NO. 674 AN ACT CONCERNING CONFIDENTIALITY OF AND ACCESS TO RECORDS MAINTAINED BY THE DEPARTMENT OF CHILDREN AND FAMILIES.

The Department of Children and Families has proposed this legislation to revise and update laws related to the confidentiality of and access to DCF records. While many of these changes are largely technical, it is important to note that these statutes have not been significantly revised since 1991.

The Department remains committed to limiting the disclosure of confidential records of our clients. However, there are instances when an individual is unable or unwilling to allow or grant the disclosure of information. In these situations, that unwillingness or inability to allow for disclosure impedes the Department's ability to protect a child or provide treatment when appropriate.

Foster/Adoptive Parent Access to Information

A major change in this proposal would permit foster and adoptive parents greater access to information about existing children in their care or children who may be placed with these individuals. This would also apply in those cases where DCF contracts with outside entities to locate foster and adoptive homes. This provision allows those entities access to the case record, but protects clients by limiting further disclosure.

Disclosure of Records

Several sections of the DCF proposal deal with modifications to ease restrictions on the sharing of information with other professionals engaged with children. Specific provisions would allow social workers to share information with Probation officials, the Department of Corrections and members of the Judicial Branch in order to coordinate treatment information. Other modifications would allow DCF to share limited information with necessary collateral contacts, e.g. police, medical and mental health personnel, school and/or day care personnel or community service providers who have had past contact with the family as part of an investigation of child abuse or neglect and to provide necessary information to school employees.

The proposal also allows DCF to notify police if employees witness criminal activity that could harm a child or youth. It also would allow the Department to confirm or deny the accuracy of information and general legal status of case in certain limited circumstances.

Access to Records

The proposal makes some clarifications regarding who can access confidential case information. For example, it clarifies that all DCF employees may have access for business purposes. It also permits outside legal counsel “during the course of legal representation of the department or of any other individual DCF employee” to have some access to case records. These changes are necessary because at times outside counsel represents DCF and, even when the Attorney General’s Office represents the Department, it is not clear that AAGs are entitled to review the case record without a court order.

Since this bill reorganizes much of section 17a-28 of the General Statutes, we have enclosed a chart to assist in tracking the movement of various provisions of this section.

The Department requests that the Judiciary Committee favorably report this bill.



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H.B. No. 5731 AN ACT CONCERNING DETENTION AND LEAVE IN THE JUVENILE JUSTICE SYSTEM

The Department of Children and Families offers the following comments regarding H.B. No. 5731 AN ACT CONCERNING DETENTION AND LEAVE IN THE JUVENILE JUSTICE SYSTEM.

The Department has concerns with the language in section 1 of the bill that would reduce the length of a delinquency commitment by counting the time spent in one of the listed pre-disposition placement settings might impede the Department's ability to effectively provide necessary services post-commitment (i.e., there won't be enough time to work with the child because the length of the commitment could potentially be much shorter than it is now). Please note that a process does exist for the discharge of youth prior to the expiration of their delinquency commitment, when circumstances dictate. DCF believes that consideration should be given to establishing a system that determines when a youth is ready for discharge based on the progress they have made towards meeting their treatment goals, not a predetermined length of commitment. We would welcome continued discussion of such a discharge system with all parties involved in the juvenile justice system.

Section 2 of the bill essentially provides the Commissioner with the discretion to waive the leave restrictions during the 60-day fitness evaluation period when a juvenile is transferred from one facility to another. Currently, such leave provisions are spelled out in sections 17a-7a-1 through 17a-7a-9 of the Regulations of Connecticut State Agencies. Given that this doesn't mandate a waiver but simply allows the Commissioner more flexibility with regard to an individual child, we could support this language.



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H.B. No. 5821 AN ACT CONCERNING BEHAVIORAL HEALTH AND SUBSTANCE ABUSE SERVICES THAT ARE GENDER SPECIFIC TRAUMA INFORMED

The Department of Children and Families offers the following comments regarding H.B. No. 5821 AN ACT CONCERNING BEHAVIORAL HEALTH AND SUBSTANCE ABUSE SERVICES THAT ARE GENDER SPECIFIC TRAUMA INFORMED.

This bill requires that behavioral health services and substance abuse services delivered or funded by the state are gender specific and trauma-informed, and it also establishes a competitive grant program to encourage best practices in gender specific and trauma-informed treatment programs and services. This requirement would affect all state agencies which provide behavioral health and substance abuse services including not just DCF, but also the Department of Mental Health and Addiction Services, the Department of Corrections, and those programs provided through the Court Support Services Division (CSSD) of the Judicial Branch.

DCF appreciates that the needs of children and youth are best understood when accounting for their total life's experiences. Trauma experienced at very young ages can manifest itself in lifelong psychological conditions or in behavior issues. Placing any presenting needs of a child or youth in the context of those traumas is the best way to develop and perform effective treatment. We also recognize the need to design interventions suited to gender specific needs. Research has offered extensive guidance to practitioners about the unique gender considerations in the approach to programming and treatment.

DCF is working collaboratively with CSSD to develop practice standards for gender specific programming that would provide a common language among all providers, state and private, in working with adolescent girls. A formal program evaluation tool has also been developed and is being utilized at three of the programs for adolescent girls. Support Teams with cross bureau representation have been organized to support program change and improvement addressing current challenges and developing best practices for gender specific programming. DCF is also collaborating with CSSD in developing a comprehensive training curriculum for parole and probation, management, clinical staff, and providers. In summary, the practice standards, program evaluations and support teams, and the intensive training requirements across DCF and CSSD, will provide a framework for moving towards programming that are gender specific and trauma informed. DCF and CSSD are also collaborating with the Department of Mental Health and Addiction Services to discuss practice standards in an effort to develop a set of standards, common language, across all three agencies.

The Department is committed to the principles expressed in this legislation, however we do not believe that it is necessary to enact these provisions statutorily.