

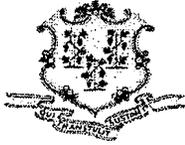


Jeanne Milstein
Child Advocate

STATE OF CONNECTICUT

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*Testimony of Jeanne Milstein, Child Advocate
Joint Committee on the Judiciary
April 4, 2007*

Good morning Senator McDonald, Representative Lawlor, and members of the Committee. My name is Jeanne Milstein and I am the state's Child Advocate. Thank you for the opportunity to testify today.

I support **Committee Bill No. 6285, An Act Concerning the Age of a Child with Respect to Juvenile Court Jurisdiction**. During the past six months, the Juvenile Jurisdiction Planning and Implementation Committee has closely examined the needs and experiences of 16 and 17 year old youth in Connecticut's adult and juvenile justice systems. My office has been committed to this effort and to our efforts to understand the experiences of children before they become involved with the juvenile and adult court systems. As a result of this work, I believe that Connecticut should raise the age of adult jurisdiction.

First, adolescents are very different from adults. They do not have the same decision-making capacity as adults. Their brains are simply not finished being built at sixteen and seventeen years of age. Acknowledging the differences between adult and adolescent brains is important because it has implications for the criminal culpability of adolescents. It is also important because it suggests that the way we respond to adolescents who engage in unwanted and illegal behavior may have a significant impact on the kind of adult he or she will become. In the adult system, we do not offer age-appropriate rehabilitative services or treatments. The inadequacy of the adult criminal system to address the unique emotional and developmental needs of teenagers is substantiated through research demonstrating that youth incarcerated in adult facilities are more likely to re-offend and commit more serious crimes than youth who are tried and treated in the juvenile system for the same crimes.

Second, the vast majority of the youth who are at-risk to enter and who are currently incarcerated at Manson and York have unique unmet needs and experiences that place them at-risk for detention and incarceration. We know that most have histories of significant trauma due to experiences of abuse, neglect, violence and substance abuse in their homes and communities. Many have been removed from their biological family and placed in and out of foster care and institutionalized settings, losing opportunities to form

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meaningful connection to adults, peers and school community. Yet, all too often, our public systems have missed opportunities to intervene on their behalf in ways that focus on their emotional needs and life experiences. These missed opportunities occurred when school problems began, when a child's behavior began to change, or when trauma and mental health issues were recognized, but not treated. They occurred when we treated behaviors rather than the underlying cause of the behavior. Sadly, the traumatic experiences and emotional conditions of these youth often escalate until eventually they are no longer viewed as a child, but as a villain; no longer considered a victim, but a threat.

Incarceration does not address the significant service needs of these youth. In Connecticut, we must grab every opportunity to focus on early intervention and prevention. What does that mean? It means doing a good assessments, providing appropriate and timely services and following up on care. It means creating and sustaining opportunities for collaborations with the schools, starting at pre-K and kindergarten. It means knocking on the doors of the families of kindergarten children who are suspended or expelled from school and asking what help they need. It means recognizing that family intervention services are essential because we cannot just treat a child in isolation. A child is part of a family...whatever that family may be.

We also must take a serious look at the accountability and continuous quality improvement of existing approaches and programs. For every new practice, new staff and new program, we must be able to answer the questions: In what ways is this helping the child and how do we know?

We also must create opportunities for youth who are now 16 and 17 years old. Incarcerating youth has important implications for their future and the very experience of incarceration can impact the type of adult these youth will become. We must have mental health and addiction services for adolescents throughout Connecticut. We must have a range of programs and services for youth while in detention and during incarceration to prepare them for successful transition to their community and adulthood. My staff met with the adolescents at Manson and York and they spoke about their need to build employment and independent living skills such managing money, parenting and finding housing. Many expressed concern that their criminal record would hinder their ability to find meaningful and adequate employment. Others worried what impact their limited educational opportunities would have on their future. Still others felt that there was hope, that they could have a successful future, if only they could get treatment for their addictions and anger.

One girl reminded my staff of just how difficult and traumatic life has been for many of these teenagers, asking, *"Did you ever stop to think that when we do these things we are doing it because it helps us forget about all our other problems we are going through?"* Another did not hesitate to admit, *"I know what I need when I leave here. I need my mom to be right here and I just need to hug her."* Another youth shared, *"I have potential, I have good thoughts, important thoughts, but I don't have anyone to tell them to and when I wake up in the morning, I have forgotten what my thoughts were. I just need someone to*

listen to me and to talk to.” As my staff concluded their interviews that day, they were asked, “*Are they really going to listen to us? Is this really going to make a difference?*” I urge you to make a difference by supporting Committee Bill No. 6285.

I also support **HB 5576 An Act Concerning Family Support Centers for Children of Families with Service Needs**. This bill would create vital community-based Family Support Centers, serve as a diversionary model to treat status offending youth outside of the court system, provide screening and assessment to determine appropriate services for youth and their families, and offer a continuum of supportive services currently unavailable for the over 900 Connecticut youth who are most at risk for violating a court order. This bill also is extremely timely and important as we consider raising the age of adult jurisdiction. For many of the children and youth adjudicated as family with service needs (FWSN), the pathway is all too familiar: foster care, residential placement, detention, and, for some, adult prison. Many experience multiple placements at the same facility—including Manson and York—before they reach the age of 18. This unacceptable cycle is devastating for children, families, and communities. As children bounce from placement to placement, they are often treated in crisis, rather than receiving early or preventive intervention. As a result, their mental health needs and substance use perpetuate, their education becomes fragmented, and their family connections unravel.

For the majority of children and youth adjudicated FSWN, mental health needs present the greatest concern and the most insufficiently addressed need. A 2006 study by the National Center for Mental Health and Juvenile Justice found that 70.4% of youth in the juvenile justice system met criteria for at least one mental health disorder and that 80% of girls sampled met criteria for at least one disorder, compared to 67% of boys.¹ In 2005, DCF brought Marty Beyer, a national expert on girls’ services, to Connecticut. She reviewed numerous case studies of girls involved with DCF and made recommendations that set forth a framework for thinking about the unique needs of girls, the impact of trauma on girls’ emotional health and behavior and best practices for serving girls. This research confirms that youth in the juvenile justice system have unmet mental health treatment needs and adolescent girls and boys have different needs and respond differently to treatment. They need access to quality mental health assessments and services that are developmentally appropriate, gender-responsive, and trauma informed. And their families need services and supports to help them understand and parent their children. The proposed Family Service Centers can fill this gap.

We must begin at the beginning. We must devote our efforts to properly assessing and serving children and families who come to our attention *when* they come to our attention. Family Service Centers are an important first step in this process. They will allow youth classified as status offenders to receive treatment in their communities, outside of the court system. They will improve screening and assessment methods to determine appropriate services for children and their families. Youth and families will have access to ongoing treatment through a continuum of services currently unavailable to them.

¹ Shufelt, J.L. & Cocozza, J.J. (2006) *National center for mental health and juvenile justice: research and program brief*. Youth with Health Disorders in the Juvenile Justice System: Results from a Multistate Prevalence Study.

In addition, we must commit to ending the practice of incarcerating children who have committed no crime. By investing our resources in assessment, diversion, early intervention, and treatment services, we can prevent many children and youth from spiraling down the path toward incarceration. For those youth requiring a higher level of service and security, and for whom there is no less restrictive alternative, the bill would permit placement in a staff-secure facility under the auspices of the Court Support Services Division or DCF.

I would suggest adding at least one very important provision: a limitation on the length of time any child could remain in a staff secure setting, with regular judicial oversight of any such stay. Such a provision would provide protection against the all too common problem of children languishing in highly restrictive settings.

I am also here today to testify **in support of Raised Bill No. 1269, An Act Concerning the Quality of Legal Representation of Children and Youth in Juvenile Matters.** On February 26, 2006, Christina Ghio, an Assistant Child Advocate, testified on my behalf in support of Senate Bill No. 7238, An Act Concerning the Commission on Child Protection and the Chief Child Protection Attorney. I urge you to support Raised Bill No. 1269 in conjunction with Senate Bill No. 7238. Senate Bill No. 7238 would establish the foundation for a system of high quality legal representation by making it clear that initial and in-service trainings will be mandatory and comprehensive; establishing an hourly rate of payment for attorneys, rather than continuing the current flat fee system; establishing a payment rate for non-attorney professionals; and by mandating that the Chief Child Protection Attorney oversee and ensure the accountability of attorney providing legal services to children and indigent parents. The bill before you today, Raised Bill No. 1269, goes a step, or two, further by establishing a pilot project to test the use of a multidisciplinary model of legal representation and by creating a pilot program for the forgiveness of law school loans for attorneys who commit to full-time practice of law in the field of child protection. I urge you to support these bills because I believe that high quality legal representation enhances system accountability and improves outcomes for children. Good attorneys make a difference in the lives of children by preventing unnecessary placement disruptions and ensuring that DCF provides appropriate services in a timely way, thereby increasing the likelihood that children will grow up safe and healthy in permanent, stable homes.

To ensure that children and indigent parents have high quality legal representation, we must structure the attorney appointment system in a way that attracts and retains highly skilled attorneys, provides them with good supervision, and incorporates quality assurance so that attorneys who aren't zealously representing their clients no longer receive contracts. Because Senate Bill No. 7238 and Raised Bill No. 1269 together accomplish these goals, I urge you to support them.

As Chair of the Children's Services Committee of the Interagency Task Force on Trafficking in Persons which just issued a final report in January, I also support SB 398, An Act Establishing a Trafficking in Persons Council. Since its inception in 2004, the Task Force has learned that trafficking of persons, including children, is a very real but often hidden issue in Connecticut. There is much work to be in terms of a public awareness campaign to fully educate the public about how widespread the problem is. Individuals who work with children must be trained to identify victims. We need to reach out to schools, the faith community, emergency rooms, walk-in clinics and the child welfare system to help them learn how to identify victims. And we must begin to identify the service needs of, and criteria for providing services to, children who are victimized by this trafficking. The Task Force was time limited. As a result, I believe that it is important to continue our efforts and creating the Trafficking in Persons Council will enable us to continue this very important work.

Thank you for the opportunity to testify. I would be happy to answer any questions you may have.