



Jeanne Milstein
Child Advocate

STATE OF CONNECTICUT

OFFICE OF THE CHILD ADVOCATE
18-20 TRINITY STREET, HARTFORD, CONNECTICUT 06106

TESTIMONY OF JEANNE MILSTEIN, CHILD ADVOCATE BEFORE THE JUDICIARY COMMITTEE

February 16, 2007

Good morning Senator McDonald, Representative Lawlor and members of the Committee. Thank you for the opportunity to testify regarding House Bill No. 7039.

There is no question that our juvenile court system – and in particular the child abuse and neglect proceedings – are in need of significant improvement. It is critical that we improve accountability of all of the participants in juvenile court proceedings – of the Department of Children and Families (DCF), of attorneys appointed to represent children and indigent parents, of attorneys representing DCF, and of judges. It is also critical that we ensure that attorneys practicing in juvenile court have good training and provide good quality legal representation in what is an extremely complex legal environment. Finally, we must raise public awareness about abused and neglected children in our state. Raised Bill No. 7039 attempts to accomplish these important goals and for that it should be lauded.

I must, however, urge you to act with caution and to consider alternative methods to achieve these important goals. I ask you to consider a number of questions:

First, if the public has access, can children be protected from further harm due to public exposure of the details of their lives. The public has historically been excluded from these proceedings in an effort to protect children. Children who have been neglected or abused must not be further traumatized by public exposure about the details of their lives. While the bill includes some protection, it is important to ensure that these protections are enforceable.

Second, will this bill truly improve accountability, legal representation, or outcomes for children? I am not convinced that it will. Even an observer with considerable expertise would have difficulty making a qualitative assessment without the whole picture. Courtroom observers would have nothing more than the snapshot of information verbally provided by the parties and counsel. They would not have access to the confidential documents upon which the court is basing its decisions. They would not be privy to information about the history of the case.

Third, what else can be done to improve accountability, legal representation, and outcomes for children and families? One of the most important things this legislature can do to improve accountability and outcomes for children is to ensure that all attorneys appointed to represent children and parents provide the highest quality of legal representation.¹ Lawyers that provide

¹ Last year, this legislature began to address the poor quality of legal representation in child abuse and neglect cases by creating the Commission on Child Protection. While the Chief Child Protection Attorney, Carolyn Signorelli, is

good representation meet with their clients and hold DCF and judges accountable by investigating the facts, researching the law, filing motions, making good records, and filing appeals if necessary. They challenge other attorneys to do the same. 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.

Another step the legislature can take would be to create an oversight body, comprised of attorneys, pediatricians, child and adolescent psychologists and psychiatrists, social workers, parents, and other members of the community. This oversight body could be required report to the legislature with recommendations for improvement. This body could also include members of the press who agree to operate under strict guidelines to ensure confidentiality of personally identifiable information.

Finally, the legislature could adopt a pilot project in one or two courts and use this as an opportunity to test innovative approaches to achieving better outcomes for children. Such a pilot project could include legal representation using a multi-disciplinary agency model, pre-service and in-service training requirements, caseload and practice standards, supervision and quality assurance, some form of media access, and attendance of children. If a pilot project is adopted, it will be critical to include a qualitative assessment of the impact on outcomes for children.

I ask you, as you move forward, to carefully consider these questions and alternatives. I would be happy to work with you to find a solution that improves accountability of all of the participants and improves outcomes for children and families.

working hard to establish training requirements and practice standards, the Commission has insufficient resources to provide true quality assurance restructure the compensation to attract and retain highly skilled attorneys.