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TESTIMONY OF THE OFFICE OF THE CHILD ADVOCATE BEFORE THE JUDICIARY COMMITTEE

February 26, 2007

Good morning Senator McDonald, Representative Lawlor, and members of the Committee. My name is Christina D. Ghio. I am an attorney and Assistant Child Advocate for the Office of the Child Advocate. Thank you for the opportunity to testify **in support of Senate Bill No. 7238, An Act Concerning the Commission on Child Protection and the Chief Child Protection Attorney.**

One of the most important things this legislature can do to improve accountability and outcomes for children whose families are involved with DCF is to ensure that all attorneys appointed to represent children and parents provide the highest quality of legal representation. Lawyers that provide good representation 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. Most importantly, they meet with their clients, keep their clients informed, keep themselves and the court informed about the needs of their client and the status of the case, and take timely action on behalf of their clients. They make a difference in the lives of children by preventing unnecessary placement disruptions and ensuring that DCF provides appropriate services in a timely way in turn, enhances their chances to 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. 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 working hard to establish training requirements and practice standards, the Commission has insufficient resources to provide true quality assurance or restructure the compensation system to attract and retain highly skilled attorneys.

Senate Bill No. 1203 would establish the foundation for a system of high quality legal representation in three ways:

First, the bill makes clear that initial and in-service trainings will be mandatory and comprehensive. Such training is critical to improving the quality of legal representation. Child abuse and neglect proceedings are extremely complex. In addition to the law directly affecting the proceedings, lawyers must navigate the Department of Children and Families, the educational system, and the various public benefits and social services systems. They must be able to assess

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the circumstances of the family and child and advocate for appropriate evaluations and services. They must be able to identify and advocate for what is best for the child.

Second, the bill would establish an hourly rate of payment for attorneys, rather than a flat fee. While poor payment is no excuse for poor representation, the current flat fee structure acts as an incentive for attorneys to carry excessive caseloads. Prior to creation of the Commission on Child Protection, some attorneys had contracts to take up to 300 cases per year. As an attorney who has represented children in these cases, I can tell you it is simply not possible to provide good quality legal representation with that many clients. Additionally, an hourly rate reflects that some cases are more complex than others, requiring attorneys to spend increased time to best understand and advocate for a particular child.

Third, the bill would establish a payment rate for non-attorney professionals. In so doing, the bill would allow attorneys to employ professionals such as social workers and educational advocates. Such services are invaluable. Representing parents and children in child abuse and neglect cases is extremely challenging, because the law is complex and the children who have been abused and neglected have so many unmet needs. Working in tandem with skilled professionals would help attorneys, who typically serve in a dual role as attorney and guardian ad litem, properly identify their clients' needs and advocate for appropriate services.

Thank you for the opportunity to testify.