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**TESTIMONY OF LIVIA DeFILIPPIS BARNDOLLAR, ESQ.
VICE PRESIDENT, CONNECTICUT BAR ASSOCIATION**

**IN SUPPORT OF
RAISED SENATE BILL NO. 1269**

***“AN ACT CONCERNING THE QUALITY OF LEGAL REPRESENTATION
OF CHILDREN AND YOUTH IN JUVENILE MATTERS”***

**Judiciary Committee
April 4, 2007**

Senator McDonald, Rep. Lawlor, members of the Judiciary Committee: My name is Livia Barndollar, and I am a partner in the law firm of Marvin, Ferro, Barndollar & Roberts, L.L.C. of New Canaan, Connecticut, and have practiced law for 26 years. I practice family law and am an officer of the Family Law Section as well as Senior Topical Editor of Family Law for the Connecticut Bar Journal. I also serve as the Vice President of the Connecticut Bar Association.

This afternoon, I speak on behalf of the Connecticut Bar Association to urge the passage of Raised Senate Bill 1269. This bill directs the Chief Child Protection Attorney to establish a pilot program to provide legal services to children and indigent parties in juvenile matters using a multidisciplinary agency model of representation and to establish a pilot program for the forgiveness of law school loans for attorneys who commit to the full-time practice of child protection law. It also provides for the appropriations needed by the Chief Child Protection Attorney (“CCPA”) to carry out these programs and to increase the rate of compensation to those attorneys who contract with the CCPA to represent children and indigent parties in child protection cases.

In 2005, the General Assembly created the Commission on Child Protection in response to problems associated with the provision of legal services to children and indigent parents in child protection cases. The Mission Statement adopted by the Commission calls for the Commission “to ensure that children and indigent parents who require legal services and guardians ad litem in child protection, child custody and child support cases in Superior Court, receive high quality, competent and zealous representation.” The data provided to this Committee by the Chief Child Protection Attorney, however, indicates that she is limited by her current budget to paying such attorneys an average of \$25 per hour. Can there be any question at all that such a level of compensation is grossly inadequate to the needs of the Commission and inhibits its mission to provide high quality, competent and zealous representation?

The CCPA is asking for the funding necessary to carry out the responsibilities that the General Assembly assigned it. The clients served by the CCPA are among the most vulnerable citizens in Connecticut. The parents are impoverished, they are poorly educated, many have mental health and substance abuse problems and they have usually been victims themselves of neglect or abuse or crime in their own childhood. They and their children are the least capable of advocating for themselves.

The need for competent and zealous lawyers in child protection cases is great. For children, it is desperately important that they be represented by attorneys who will ensure that their interests are served when they are separated from their parents or when separation is threatened. Counsel for a child can independently ensure that the state acts in that child's best interests. In the case of parents or guardians, when the state seeks to interfere in one of the most paramount constitutional rights of every citizen, that of family integrity, zealous lawyers can assist their clients in dealing with the immense power of the state. Those attorneys can aid in reunification of the family or other positive outcomes or can advocate the issuance of court orders that the state provide services to achieve stability and family integrity.

The CCPA recently issued Standards of Practice for attorneys who contract with her to provide services in child protection cases. These standards, modeled after the National Association of Counsel for Children (NACC) and ABA Standards, require attorneys to be knowledgeable in federal and state entitlement statutes and systems, child welfare and protection statutes and case law, education law and issues impacting on families such as domestic violence, mental health, substance abuse, poverty and cultural differences, not to mention child developmental psychology. And, of course, these lawyers must be skilled in mediation and trial practice.

Issuing standards of practice, however, without being provided the funds needed to implement them, will prevent the CCPA from effectuating her commitment to reform the current system of compensation for representation. For too many years, the lawyers who have taken child protection cases have received woefully inadequate compensation resulting in high caseloads and marginally effective legal assistance. With the passage of the legislation creating the Commission on Child Protection, the state fixed responsibility for improving the quality of representation in child protection matters. Absent proper funding of the Commission, however, the CCPA does not have the resources to change the fundamental character of such representation. You can't hit a home run off Roger Clemens with a wiffle ball bat.

The Connecticut Bar Association has been working with the CCPA to generate interest in the area of child protection matters by offering continuing legal education about representation of clients obtained through contracts with the CCPA. Also in concert with the CCPA, we are providing free training with a special Juvenile Law Track, to all CCPA contract attorneys at the upcoming CBA Annual Meeting on June 18, 2007. But free training every day of every year will not fix this system. Competent, well-trained attorneys cannot dedicate themselves to a field that does not provide even modest compensation.

We respectfully urge passage of the CCPA's funding request as set forth in S.B. 1269.