

State of Connecticut

SENATE

STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591
www.SenatorFinch.com

SENATOR BILL FINCH
TWENTY SECOND DISTRICT

LEGISLATIVE OFFICE BUILDING
ROOM 3203
HARTFORD, CONNECTICUT 06106-1591
TELEPHONE
TOLL FREE: 1-800-842-1420
HARTFORD: (860) 240-0447
FAX: (860) 240-0023

CO-CHAIR
ENVIRONMENT COMMITTEE

VICE-CHAIR
TRANSPORTATION COMMITTEE

MEMBER
ELEMENTARY AND SECONDARY EDUCATION COMMITTEE
FINANCE COMMITTEE

Testimony in Support of a Bill to Performers State Senator Bill Finch

Chairs, members of the Labor Committee, I would like to thank you for hearing Proposed Senate Bill 308. I believe it is timely and necessary, in part due to the fine work of the General Assembly to promote economic growth in our State.

Connecticut, under the leadership of the House Speaker Amann enacted enlightened legislation to encourage the making of movies in Connecticut. Generous tax forgiveness on income derived from movies made in Connecticut has already resulted in the production of several major films and others are currently being planned.

Much of the movie industry seems to have protected children in the making of movies. Several states where heretofore most movie production has occurred have for years had legislation like I propose Connecticut enact. But to my surprise I have learned from parents whose children are acting in Connecticut made movies, there is no protection of the children or their assets.

Many will remember Jackie Coogan a "little rascal" from "Our Gang." As a child star, Coogan earned millions, but unscrupulous parents took his money. He sued them in 1935 but only received \$126,000. His fight did bring attention to abuse faced by children, sometimes at the hands of their own parents. California Child Actor's Bill is sometimes known as the Coogan Bill or the Coogan Act. This requires that parents set aside 15% of the child's earnings in trust.

Recently Dakota Fanning a 12 year old child actor was involved in the filming of a rape scene during the making of the movie "Hound Dog" in North Carolina. North Carolina, according to some I have spoken to who are more knowledgeable on this subject than I, is not known as a state which affords adequate protection to child performers. This seems to be born out by "Hound Dogs" and should be a lesson to us to enact protective laws now to avoid any similar comparisons to our state.

I think that simple steps should be taken by this Committee and the General Assembly to protect the children who participate in the making of movies in Connecticut.

We should:

Insure that working conditions are safe and that separate conditions are implemented which account for children's smaller size, strength and tolerance to physical conditions.

Require children who are out of school for long periods of time are provided tutors if necessary and are not in jeopardy under our truancy laws.

Shelter the income of the children from unscrupulous parents.

Require criminal background checks of all production company employees who will be supervising child performers.

Provide protection of children from filming of nudity, suggestive behavior or serious violence of physical abuse which would not be appropriate to their age.

I certainly do not want to discourage the growth of this sector of our economy nor would I want to ransom the safety of our most vulnerable for profit. I am sure this Committee can find a level of protection which already exists in other states, which has been accepted by the industry, to insure the welfare and safety of our children who are employed as performers.

To protect children

1. In the definition of child performer in section 1 (2), I included language to exclude emancipated minors. Do you think this is sufficient to remove them from the act? Do we need to include anything else in the bill to address them?

I think what you have is sufficient

2. In section 1 (4), I tied the child performer trust into the provisions of chapter 802c, which are Connecticut's trust statutes. I know very little about trust law. Is this sufficient? Do you know whether any provisions in that chapter should be excluded for this type of trust? Are there provisions that we need to add?

3. Section 4 deals with the schooling issue. I really don't know to what extent we have teachers in Connecticut that can fulfill these obligations. I included section 11 requiring the Commissioners of Education and Higher Education to conduct a study and make recommendations concerning educational and certification requirements for studio teachers. I'm not sure where that leaves us for now.

I think teachers should be only provided when a child is required to miss 3 consecutive school days. This leaves open the question of child supervision during non-school days. Perhaps for now, requiring a parent or guardian to be on set coupled with some spot checks for safety and welfare issues may be enough.

4. Also in section 4, I bracketed some language on page 4. This looks like it might be important, but I'm not entirely sure what it says! Do you have an opinion on whether we need this?

The production company is to provide teacher services when a child is employed and on set. Basically what I think this language refers to a situation where a child has a work permit and is not employed for more than 10 days then she/he must attend school.

Versus a situation where there may be only several days between employment of two different productions.

Maybe that can also be put in a reg?

5. Section 5 requires the parent or guardian of a child to establish a child performer trust. Is this a problem for child performers (or their parents) who only do a small amount of work? The cost of creating the trust might be more than the child earns. Does it make any sense to put an earnings threshold on having to create the trust? Otherwise, might we be discouraging smaller productions from coming here?

See above

The second issue here is the child protection trust that NY has (where 15% of the child's gross earnings goes if a child performer trust isn't established, or if the employer isn't given the proper information to make deposits into the child's trust). First of all, Connecticut doesn't have one. If we establish one, I'm not sure what we need to say about it. Is the Comptroller's office the best place for this to be? What are her fiduciary obligations for administering a trust on behalf of these kids?

A professional trustee should handle the administration of the trust. The Comptroller's office may not be the place to be. I think we need a provision for someone to hold the money for the child until a trust is established.

But do we really need to create this trust in the first place. In section 7, the child is required to present evidence of the existence of a child performer trust in order to get a permit. The permit is valid for only six months. If satisfactory existence of the trust isn't presented, the child's permit can't be renewed. At that point, the child can't work and, presumably won't be getting paid.

The reason for establishment of a trust is that there is a long history of parents taking the child's earnings and squandering them leaving nothing for the child. First trust established in CA by the child actor Jackie Coogan. (I think that is what you were asking).

For now, maybe we can just require that child's trust to be created and think about whether we should create a state-run trust, and who should administer it?

I agree.

6. Section 6 deals with the eligibility certificate for employers of child performers. The information from NY on this was pretty sketchy. Should there be other requirements for getting one of these? Right now, it appears anyone with \$350 can do it. I did require the Labor Commissioner to adopt requirements in regs, but we might want to add some statutory guidance.

I like that idea especially since we don't have a system where a court or Commissioner can approve contracts with child performers so that they cannot be repudiated. The approval system also protects the production company. Generally if a court or commission approves the contract then child cannot repudiate it.

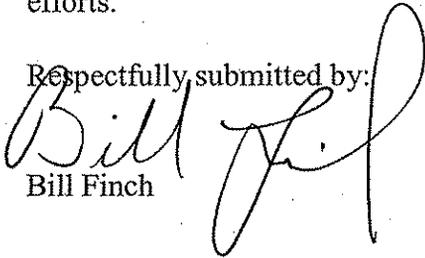
7. In sections 12 and 13, I amended existing statutes to exclude child performers. I thought, since we're creating a new body of law to address them, we should take them out of these other sections so there's no confusion about which law applies. Does this make sense?

I agree and it makes sense. I think we need to take it out of the sections that imposes fines on entities or persons who solicit employment of child performers during school hours too. This may help bring agencies to Connecticut.

I can respond more fully by Friday if you need more. Thank you so much for your efforts.

Respectfully submitted by:

Bill Finch

A handwritten signature in black ink, appearing to read "Bill Finch", written over the typed name.