



General Assembly

Substitute Bill No. 1203

January Session, 2007

* SB01203KIDJUD030607 *

**AN ACT TO IMPROVE THE QUALITY OF LEGAL REPRESENTATION
FOR CHILDREN IN JUVENILE MATTERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-123c of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective July 1, 2007*):

3 (a) There is established a Commission on Child Protection that shall
4 consist of eleven members appointed as follows: (1) The Chief Justice
5 of the Supreme Court shall appoint two judges of the Superior Court,
6 or a judge of the Superior Court and a retired judge of the Superior
7 Court; (2) the speaker of the House of Representatives, the president
8 pro tempore of the Senate, the majority leader of the [Senate and]
9 House of Representatives, the majority leader of the [House of
10 Representatives, and] Senate, the minority leader of the House of
11 Representatives and the minority leader of the Senate shall each
12 appoint one member; and (3) the Governor shall appoint three
13 members, one of whom shall serve as chairperson.

14 (b) Each member of the commission shall serve for a term of three
15 years and until the appointment and qualification of his or her
16 successor. No more than three of the members, other than the
17 chairperson, may be members of the same political party. Of the four
18 nonjudicial members, other than the chairperson, at least two shall not

19 be members of the bar of any state.

20 (c) If any vacancy occurs on the commission, the appointing
21 authority having the power to make the initial appointment under [the
22 provisions of] this section shall appoint a person for the unexpired
23 term in accordance with the provisions of this section.

24 (d) The members of the commission shall serve without
25 compensation but shall be reimbursed for actual expenses incurred
26 while engaged in the duties of the commission. The members of the
27 commission shall not be employed in any other position under this
28 section or section 46b-123d, as amended by this act.

29 (e) The commission may adopt such rules as it deems necessary for
30 the conduct of its internal affairs.

31 (f) The commission shall be responsible for carrying out the
32 purposes of this section and section 46b-123d, as amended by this act,
33 and shall appoint a Chief Child Protection Attorney, who shall serve at
34 the pleasure of the commission and whose compensation shall be fixed
35 by the commission.

36 (g) The commission shall be within the Division of Public Defender
37 Services for administrative purposes only.

38 (h) The commission may accept funds from the federal government,
39 other state agencies and private organizations.

40 (i) (1) The commission shall establish the compensation rate for
41 attorneys providing legal services and serving as guardians ad litem
42 pursuant to subparagraph (B) of subdivision (1) of subsection (a) of
43 section 46b-123d, as amended by this act, which rate shall not be less
44 than sixty dollars per hour.

45 (2) The commission shall establish the compensation rate for
46 nonattorney professionals employed by not-for-profit legal services
47 agencies, individual attorneys or private law firms under contract with

48 the Chief Child Protection Attorney pursuant to subsection (b) of
49 section 46b-123d, as amended by this act, who render professional
50 services related to representation provided by such agencies, attorneys
51 or law firms pursuant to subparagraph (B) of subdivision (1) of
52 subsection (a) of said section 46b-123d, which rate shall be less than
53 sixty dollars per hour. For purposes of this subdivision, "nonattorney
54 professionals" includes, but is not limited to, paralegals, social
55 workers, education advocates and health practitioners.

56 (3) The commission may establish such requirements for the
57 submission of billing statements, receipts and other documentation by
58 not-for-profit legal services agencies, individual attorneys and private
59 law firms as the commission deems necessary in furnishing
60 compensation to such agencies, attorneys and law firms for providing
61 legal services and serving as guardians ad litem pursuant to
62 subdivision (1) of subsection (a) of section 46b-123d, as amended by
63 this act.

64 Sec. 2. Section 46b-123d of the general statutes is repealed and the
65 following is substituted in lieu thereof (*Effective July 1, 2007*):

66 (a) The Chief Child Protection Attorney appointed under section
67 46b-123c, as amended by this act, shall: [, on or before July 1, 2006:]

68 (1) Establish a system [for the provision of: (A) Legal] to provide (A)
69 legal services and guardians ad litem to children, youths and indigent
70 respondents in family relations matters in which the state has been
71 ordered to pay the cost of such legal services and guardians ad litem,
72 provided, legal services shall be provided to indigent respondents
73 pursuant to this subparagraph only in paternity proceedings and
74 contempt proceedings, and (B) legal services and guardians ad litem to
75 children, youths and indigent legal parties in proceedings before the
76 superior court for juvenile matters, other than legal services for
77 children in delinquency matters; [. To carry out the requirements of
78 this section, the Chief Child Protection Attorney may contract with (i)
79 appropriate not-for-profit legal services agencies, and (ii) individual

80 lawyers for the delivery of legal services to represent children and
81 indigent legal parties in such proceedings;]

82 (2) [Ensure] Establish a system to ensure that attorneys providing
83 legal services pursuant to this section are assigned to cases in a manner
84 that will avoid conflicts of interest, as defined by the Rules of
85 Professional Conduct; and

86 (3) [Provide] Establish a comprehensive program to provide
87 mandatory initial and in-service training for [guardians ad litem
88 provided pursuant to this section and for] attorneys providing legal
89 services and serving as guardians ad litem pursuant to this section,
90 and establish training, practice and caseload standards for the
91 representation of [: (A) Indigent respondents in family matters, and (B)
92 children and indigent legal parties in juvenile matters, other than
93 representation of children in delinquency matters] children, youths,
94 indigent respondents and indigent legal parties pursuant to
95 subdivision (1) of this subsection. Such standards shall apply to [any]
96 each attorney who represents children, [or] youths, indigent
97 respondents or indigent legal parties [in such matters] pursuant to this
98 section and shall be designed to ensure a high quality of legal
99 representation. The training for attorneys required by this subdivision
100 shall be designed to ensure proficiency in the procedural and
101 substantive law related to such matters and to establish a minimum
102 level of proficiency in relevant subject areas, including, but not limited
103 to, family violence, child development, behavioral health, educational
104 disabilities and cultural competence.

105 (b) The Chief Child Protection Attorney, with the approval of the
106 Commission on Child Protection, shall have exclusive authority to
107 select and contract with appropriate not-for-profit legal services
108 agencies, individual attorneys or private law firms for the delivery of
109 legal services to represent children, youths, indigent respondents and
110 indigent legal parties pursuant to this section. Any contract entered
111 into pursuant to this subsection may include terms encouraging or
112 requiring the use of a multidisciplinary agency model of legal

113 representation.

114 (c) The Chief Child Protection Attorney shall oversee and ensure the
115 accountability of attorneys providing legal services and serving as
116 guardians ad litem pursuant to this section, and shall investigate and
117 resolve any complaint regarding an attorney who has entered into a
118 contract pursuant to subsection (b) of this section.

119 (d) The Chief Child Protection Attorney may employ such staff as is
120 necessary to carry out his or her duties.

121 Sec. 3. Section 46b-123e of the general statutes is repealed and the
122 following is substituted in lieu thereof (*Effective July 1, 2007*):

123 (a) The judicial authority before whom a [juvenile or] family
124 relations matter described in subparagraph (A) of subdivision (1) of
125 subsection (a) of section 46b-123d, as amended by this act, is pending
126 shall determine eligibility for counsel for a child or youth and the
127 parents or guardian of a child or youth if they are unable to afford
128 counsel. Upon a finding that a party is unable to afford counsel, the
129 judicial authority shall appoint [the Chief Child Protection Attorney]
130 an attorney to provide representation from a list of qualified attorneys
131 provided by the Chief Child Protection Attorney. [For purposes of
132 determining eligibility for appointment of counsel, the judicial
133 authority shall cause the parent or guardian of a child or youth to
134 complete a written statement under oath or affirmation setting forth
135 the parent or guardian's liabilities and assets, income and sources
136 thereof, and such other information which the Commission on Child
137 Protection shall designate and require on forms adopted by the
138 Commission on Child Protection. Upon the appointment of the Chief
139 Child Protection Attorney pursuant to this subsection, the Chief Child
140 Protection Attorney shall assign the matter to an attorney under
141 contract with the Chief Child Protection Attorney to provide such
142 representation.]

143 (b) The judicial authority before whom a juvenile matter described

144 in subparagraph (B) of subdivision (1) of subsection (a) of section 46b-
145 123d, as amended by this act, is pending shall provide counsel for a
146 child or youth by notifying the Chief Child Protection Attorney who
147 shall assign an attorney to represent such child or youth. The judicial
148 authority shall determine eligibility for counsel for the parents or
149 guardian of the child or youth if such parents or guardian is unable to
150 afford counsel. Upon a finding that such parents or guardian is unable
151 to afford counsel, the judicial authority shall notify the Chief Child
152 Protection Attorney of such finding, and the Chief Child Protection
153 Attorney shall assign an attorney to provide representation.

154 (c) For the purposes of determining eligibility for appointment of
155 counsel pursuant to subsection (a) or (b) of this section, the judicial
156 authority shall cause the parent or guardian of a child or youth to
157 complete a written statement under oath or affirmation setting forth
158 the parent's or guardian's liabilities and assets, income and sources
159 thereof, and such other information as the Commission on Child
160 Protection shall designate and require on forms adopted by said
161 commission.

162 ~~[(b)]~~ (d) The payment of any attorney who was appointed prior to
163 July 1, 2006, to represent a child or indigent parent in any case
164 described in subdivision (1) of subsection (a) of section 46b-123d, as
165 amended by this act, who continues to represent such child or parent
166 after July 1, 2006, shall be processed through the Commission on Child
167 Protection and paid at the rate that was in effect at the time of such
168 appointment.

169 Sec. 4. (Effective October 1, 2007) (a) The Chief Child Protection
170 Attorney appointed under section 46b-123c of the general statutes, as
171 amended by this act, shall establish a pilot program to provide legal
172 services to children and indigent legal parties in juvenile matters using
173 a multidisciplinary agency model of legal representation. The Chief
174 Child Protection Attorney shall conduct the program in an urban
175 district of the superior court for juvenile matters and a nonurban
176 district of the superior court for juvenile matters.

177 (b) The Chief Child Protection Attorney shall establish a pilot
178 program for the forgiveness of law school loans for attorneys who
179 commit to full-time practice in the field of child protection.

180 (c) The Chief Child Protection Attorney shall contract with an
181 independent evaluator to assess the effectiveness of the pilot programs
182 established pursuant to this section in improving the quality of legal
183 representation and the well-being of children referred to the
184 Department of Children and Families for abuse or neglect. On or
185 before January 1, 2009, the Chief Child Protection Attorney shall
186 submit a report concerning the implementation and effectiveness of
187 such pilot programs to the joint standing committee of the General
188 Assembly having cognizance of matters relating to the judiciary and
189 the select committee of the General Assembly having cognizance of
190 matters relating to children, in accordance with the provisions of
191 section 11-4a. Such pilot programs shall terminate not later than June
192 30, 2009.

193 Sec. 5. (*Effective July 1, 2007*) (a) The sum of four hundred eighty-one
194 thousand dollars is appropriated to the Commission on Child
195 Protection, from the General Fund, for the fiscal year ending June 30,
196 2008, for personal services.

197 (b) The sum of four hundred eighty-one thousand dollars is
198 appropriated to the Commission on Child Protection, from the General
199 Fund, for the fiscal year ending June 30, 2009, for personal services.

200 Sec. 6. (*Effective July 1, 2007*) (a) The sum of thirteen million nine
201 hundred forty-four dollars is appropriated to the Commission on
202 Child Protection, from the General Fund, for the fiscal year ending
203 June 30, 2008, for contracted attorneys, family matters attorneys and
204 associated administration expenses.

205 (b) The sum of thirteen million nine hundred forty-four dollars is
206 appropriated to the Commission on Child Protection, from the General
207 Fund, for the fiscal year ending June 30, 2009, for contracted attorneys,

208 family matters attorneys and associated administration expenses.

209 Sec. 7. (*Effective July 1, 2007*) (a) The sum of one million six hundred
210 thousand dollars is appropriated to the Commission on Child
211 Protection, from the General Fund, for the fiscal year ending June 30,
212 2008, for the pilot program to provide legal services using a
213 multidisciplinary agency model of legal representation established
214 pursuant to subsection (a) of section 4 of this act.

215 (b) The sum of one million six hundred thousand dollars is
216 appropriated to the Commission on Child Protection, from the General
217 Fund, for the fiscal year ending June 30, 2009, for the pilot program to
218 provide legal services using a multidisciplinary agency model of legal
219 representation established pursuant to subsection (a) of section 4 of
220 this act.

221 Sec. 8. (*Effective July 1, 2007*) (a) The sum of five hundred thousand
222 dollars is appropriated to the Commission on Child Protection, from
223 the General Fund, for the fiscal year ending June 30, 2008, for the pilot
224 program for the forgiveness of law school loans established pursuant
225 to subsection (b) of section 4 of this act.

226 (b) The sum of five hundred thousand dollars is appropriated to the
227 Commission on Child Protection, from the General Fund, for the fiscal
228 year ending June 30, 2009, for the pilot program for the forgiveness of
229 law school loans established pursuant to subsection (b) of section 4 of
230 this act.

231 Sec. 9. (*Effective July 1, 2007*) (a) The sum of fifty thousand dollars is
232 appropriated to the Commission on Child Protection, from the General
233 Fund, for the fiscal year ending June 30, 2008, for initial and in-service
234 training for attorneys providing legal services pursuant to section 46b-
235 123d of the general statutes, as amended by this act.

236 (b) The sum of fifty thousand dollars is appropriated to the
237 Commission on Child Protection, from the General Fund, for the fiscal
238 year ending June 30, 2009, for initial and in-service training for

239 attorneys providing legal services pursuant to section 46b-123d of the
240 general statutes, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	46b-123c
Sec. 2	<i>July 1, 2007</i>	46b-123d
Sec. 3	<i>July 1, 2007</i>	46b-123e
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>July 1, 2007</i>	New section
Sec. 6	<i>July 1, 2007</i>	New section
Sec. 7	<i>July 1, 2007</i>	New section
Sec. 8	<i>July 1, 2007</i>	New section
Sec. 9	<i>July 1, 2007</i>	New section

KID

Joint Favorable Subst. C/R

JUD