STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

231 Capitol Avenue
Hartford, Connecticut 06106
(860) 757-2270 Fax (860) 757-2215

Testimony of Judge William J. Lavery
Judiciary Committee Public Hearing
January 17, 2007

House Bill 5258, An Act Adopting Certain Recommendations of the Governor's Commission on Judicial Reform

Good afternoon. My name is William Lavery and I am the Chief Court Administrator for the Connecticut Judicial Branch. I appear before you today to testify in regards to **House Bill 5258,** ***An Act Adopting Certain Recommendations of the Governor's Commission on Judicial Reform.***

Earlier today Justice Borden appeared at the Committee's Informational Forum on Openness of the Court system to talk about the progress that the Judicial Branch is making in implementing the recommendations of the Public Access Task Force. As you know, many of the Task Force's recommendations appear in Senate Bill 126, *An Act Adopting Certain Recommendation of the Judicial Branch Public Access Task Force.* I endorse Justice Borden's remarks and do not intend to address that bill further today, other than to say that it is very important that those recommendations that properly belong in the legislature's domain be acted on by this Committee and the Legislature as a whole, and equally important that matters concerning court procedure, which properly belong in the domain of the Rules of Court, be acted on by the judges of the Superior Court.

Turning now to **House Bill 5258,** ***An Act Adopting Certain Recommendations of the Governor's Commission on Judicial Reform,*** I will confine my remarks to only two sections of the bill. I will first address section 4 of the bill, which would allow members

of the public to attend child protection proceedings in the Superior Court for Juvenile Matters.

As many of you know, I care passionately about children's issues. I consider improving the situation for the children and youth involved in our state's justice system the top priority of my tenure as Chief Court Administrator. I strongly believe that all of us who work in the system have an obligation to ensure that the best interests of children involved with the juvenile court - whether in delinquency or child protection matters - are protected.

I have long been personally opposed to opening juvenile court proceedings. Having sat as the presiding judge in the Superior Court for Juvenile Matters in Bridgeport, Norwalk, Stamford and Waterbury, I am acutely aware of what goes on in these very sensitive cases. I must tell you, some of the most disturbing testimony I heard as a trial judge involved sickening examples of child abuse and neglect. Opening child protection proceedings will allow the public to learn intimate allegations of abuse and neglect perpetrated on children, not in the abstract, but with a name and face attached.

I understand that the proponents of this change believe that it will result in an improvement to the child protection system. I have been told that it will have a twofold result - first, it will make the parents be better parents, and second, it will expose to the world the inadequacy of the child protection system and thereby force it to improve. I don't believe that the first of these claims has any merit at all, and I am not sure about the second. I worry that the public airing of the very serious allegations of abuse and neglect that are heard during these proceedings could have a damaging effect on the children who are the victims of these behaviors. I do not believe that the names of these child victims should be in the public domain. However, these are my personal opinions, and it is possible that I could be convinced otherwise if presented with evidence to the contrary.

In light of these questions, I am here today to plead that the legislature move carefully and deliberately on this matter. I would respectfully suggest that a reasonable

alternative to enacting the language in this section would be to mandate that the issue be studied by a group of representatives from the branches, departments, agencies and advocacy groups that work in this area. This committee, commission or task force – whatever you wish to call it -- would thoroughly examine the benefits and detriments of opening child protection proceedings and submit a report, with a final recommendation, to the legislature.

I have been participating in two such groups over the past six months or so – the Juvenile Jurisdiction Planning and Implementation Committee and the Family with Service Needs Advisory Board -- and it has been a valuable process. Collecting evidence, hearing from experts, and discussing the issue with other members of the group can be an educational experience, and can also lead to a meeting of the minds. On an issue of this importance, where you have people who care deeply about children on both sides of the issue, surely it would be preferable to try to reach consensus prior to making a change. The stakes are so high; a decision on this issue will affect the lives of countless children. This should not be a political decision.

Before concluding, I would like to turn to another subject. I have concerns with section 11 of the proposal, which would allow the Judicial Review Council to disclose the fact that it is conducting an investigation of a judge, when such disclosure is deemed to be in the public interest. I believe that these matters should not be disclosed until there has been a finding of probable cause, and am concerned that the meaning of "in the public interest", which is not defined, is unclear.

Thank you for the opportunity to testify today.