

Judiciary Committee

Public Hearing: February 26, 2007

Support for SB 7238

My name is John Kelley. I have practiced in the areas of family law and child protection law for sixteen years. I have had the opportunity to practice as a legal services lawyer, a private bar attorney, an attorney for the Department of Children and Families and as an attorney for Children In Placement (the Connecticut Court Appointed Special Advocates organization). I have also been given the chance to serve as the American Bar Association Rule of Law Liaison to Albania in 1997-1998. In that position I worked to help the Albanians improve their legal system. Recently I served in both Baghdad and Washington in positions with the United States Army. In those offices I attempted to help the Iraqi government improve their legal system.

I would like to provide to the committee a statement of support for Raised Bill Number 7238.

We all recognize the importance of the well being of children in our society. Most parents make considerable sacrifices so that their children are safe, happy, well-educated and prepared to become well adjusted and contributing members to society as adults. To ensure that outcome, parents search out the best resources for their children. They try to find the best teachers, the best doctors, and the best of any other professionals that will guarantee the success and well being of their children.

Some children, unfortunately, do not have parents like this. For these children, the struggle is not about academic or athletic achievement, it is about survival. These are the children in our Child Protection System. These children, more than any other children, need effective advocates. Many of these children have problems that require competent and professional help. For these children to receive that assistance they need strong voices on their behalf.

Under the present system of providing attorneys to parents and children in the Connecticut child protection system, we penalize lawyers for working on behalf of their clients. The present flat rate system disadvantages attorneys who work for their clients. The more they work on behalf of their children, the less they are paid.

This is not the way to build the rule of law for those who most need it. Good attorneys who care desperately about these children will work hard in their interests. But they will do it at their own expense. This is no way to build a strong system of representation for children and families in Connecticut.

Law firms and businesses across this country know that to attract employees you must pay them a competitive salary. Further, once they have proven themselves, to retain them you must reward their efforts.

We have made some progress in Connecticut recently on behalf of children and families within the child protection system. The state is providing for the first time, through the Office of the Chief Child Protection Attorney, professional trainings. However, is it fair or reasonable to place additional demands upon those attorneys working in the field of child protection or those about to enter this demanding area of law without increasing their compensation?

You may get bright and enthusiastic lawyers who see the training opportunities as a chance to sharpen their skills. They may well use these trainings to improve their competence and then move on more lucrative areas of the law.

Furthermore, if we do not change the present system of payment for the attorneys, we are guaranteeing that they will need to maintain extremely high caseloads in order to make a living. This will inevitably come at the expense of the children and parents they represent.

The practice of child protection law is very specialized. Attorneys practicing in this area need to be experts in federal law, state law, state regulations, state departmental policies, medicine, psychology and education, at the very least. These lawyers are being asked to achieve this expertise at their own expense and with the promise of no financial gain. In addition we demand that not only do they know their child or parent, we ask that they talk to relatives, service providers and all who are involved with this child and their family. We expect that they attend all treatment planning conferences, administrative case reviews, school meetings and any and all meetings relating to this child and family. All of these efforts are made for \$500.00.

It is also important to recognize that the budget of the Department of Children and Families is over 900 million dollars. How do we hold this enormous bureaucracy accountable?

There is only one way to ensure the accountability of this huge agency. It is to provide poor and neglected children and their parents with attorneys who are given appropriate pay and resources. Only when the incredible imbalance of power is corrected will poor children and parents receive justice and Connecticut taxpayers receive the services they are paying for.

I am not only asking that you improve the pay for attorneys practicing in this area of law, I am asking that you improve the representation by providing the needed resources to attorneys practicing in this area.

The major imbalance in favor of the government can be corrected. By allowing attorneys who represent children and parents access to non-attorney professionals, the children and

parents will be given a modicum of equality. As it stands now all the professional expertise rests with the state.

So what does this say to the Connecticut child who has been ripped from his home and thrown into a strange house?

What we in Connecticut are saying to this child is that we will provide you with an attorney. However, the more he or she talks to you and gets to know you and your needs, the less we will pay this lawyer.

I think our present system makes a mockery of our state motto: "That which is transplanted is sustained."

Is this what we want for the most vulnerable members of our state?

Respectfully Submitted,

John Kelley, Esq.