



Commission on Child Protection
State of Connecticut

JUDICIARY COMMITTEE
Public Hearing: April 9, 2007

RE: Senate Joint Resolution
NO. 32

Testimony of Carolyn Signorelli
Chief Child Protection Attorney

Senator McDonald, Representative Lawlor and Committee Members, I respectfully submit the following testimony in opposition to Senate Joint Resolution No. 32 Proposing an Amendment to the State Constitution which would require the legislature to establish the practices and procedures of the courts by statute.

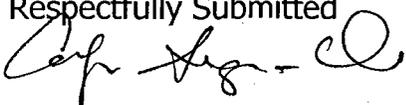
The Commission on Child Protection is responsible to provide and improve the system of legal representation for children and families in child protection matters in our juvenile courts. I consider the Commission's primary duty to be to protect the rights of the clients our system serves: children and parents subject to petitions of neglect, abuse, termination of parental rights, and Family with Service Needs Petitions, as well as alleged Juvenile Delinquents in need of guardian ad litem services. The independence of the Judicial Branch and the judges who render decisions regarding the cases of individual citizens facing legal conflict with the Executive Branch whose interests and rights rarely arouse concern and defense by the general public is absolutely essential to the fair administration of justice for these under-represented and often impoverished citizens.

This Constitutional Amendment goes entirely too far in usurping the doctrine of the separation of powers which is essential to guaranteeing that our three branches of government are co-equal and operate within a system of checks and balances that ensures our democratic government and way of life. The Legislature has incredibly powerful checks upon the Judicial Branch under our Constitution and laws. The constitutional ability to establish the laws to be enforced by the courts and to compose and structure the courts, along with the ability to set terms, to appoint judges and review their tenures are time tested mechanisms for ensuring a proper balance between our law making and law interpreting and enforcing branches. By adding to the legislature's existing powers the authority to establish the practices and procedures of the Judicial Branch, this amendment would effectively render that Branch a subordinate arm of the legislature. This is inconsistent with the intent of our federal and state constitutions to achieve a democratic form of government where the rights of individuals are properly protected and balanced against the will of the majority.

Concerns regarding openness and accountability of the Judicial Branch are being addressed in less radical ways such as referrals to the Judicial Review Council, promoting zealous and competent legal advocacy for the poor, cooperative agreements among the Branches regarding openness, and the exercise of the removal authority through the judicial reappointment process.

Therefore as a lawyer and as the Chief Child Protection Attorney for the State of Connecticut, I urge this Committee to not act on this Resolution.

Respectfully Submitted

A handwritten signature in black ink, appearing to be "C. J. ...", written over the typed name "Respectfully Submitted".