

CONNECTICUT GENERAL ASSEMBLY

February Session, 2008

R.B. No. 5699

An Act Improving Outcomes for Children Under the Custody, Care or Supervision of the

Commissioner of Children and Families

Judiciary Committee

REMARKS OF ATTY. MICHAEL H. AGRANOFF

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Thank you for the opportunity to present written testimony. I have been a DCF defense lawyer since 1991. At present, ours is the only law firm in the State of Connecticut devoted full-time to defending private-paying adults in DCF matters.

This Bill essentially mandates greater supervision of committed children by the Juvenile Court, and takes away much of DCF's discretion. Realizing that DCF is charged with grave and serious responsibilities, and is generally well-trained for its work, and fully realizing that the

Courts are often overburdened, I nevertheless support the Bill. The few suggested changes are intended to make the Bill stronger and more protective of children.

DCF frequently makes important and drastic changes in the lives of children committed to it. While these may be made in good faith, they may also be erroneous.

DCF frankly does not consider it part of its job to notify the child's attorney, let alone permit the attorney to have input into its decision. The result is that the child's lawyer, appointed by the Court to protect the child, is often a figurehead. This Bill goes a long way towards reversing that unfortunate trend.

It is of course true that the child's attorney already has the right to request an in-court review. However, many court-appointed lawyers, due to inadequate pay, are not able to fully keep up with all of the child's various contingencies. DCF takes advantage of that fact by simply not informing the lawyer, and hoping that he or she either does not find out, or does nothing about it if he does find out. And again, even the best of lawyers may find out problems only after the fact, when it may be too late.

My office can provide dozens of actual case examples, as could many other DCF defense lawyers. Suffice it to say that this Bill makes the lawyers truly be lawyers for the child, not merely afterthoughts.

Section 1(a) of the Bill mandates a hearing every 90 days, regardless of any other hearing or situation. This may be a little excessive, as lawyers can already file motions for in-court reviews if needed. I have no major objection, but once every 6 months seems adequate.

Section 1(b) of the Bill specifies nine events requiring a court hearing. I respectfully suggest adding a tenth event:

(10) The reduction or suspension of the child's visitation with a parent of the child. This includes not only a reduction in visitation time, but a lessening of visitation conditions, such as changing unsupervised visitation to supervised visitation.

The reason is that, to a child, reduction of visits with a parent is often a very traumatic and painful event. DCF often does properly reduce or suspend visitation for cause; but DCF also often reduces or suspends visitation as a device to punish the parent for a transgression, such as not adequately complying with a DCF treatment recommendation, or not being properly deferential to a DCF social worker, that has nothing to do with visitation as such. This should not be allowed to happen; however, most Juvenile Court judges will not hear visitation matters. It is true that the parent is allowed a DCF administrative appeal, but that is a long and cumbersome process; and most court-appointed lawyers at least will not handle it.

As a result, DCF is free to punish the parent with reduced or suspended visitation; and in my experience, it frequently does.

Therefore, while DCF often properly reduces or suspends visitation, the parent should be allowed a hearing on the matter, to ensure that DCF's discretion is not unduly arbitrary.

Section 1(c)(2) of the Bill gives the child's lawyer the opportunity to file for the hearing if DCF does not act. That is fine, but there is no logical reason why the parent or parents, through their attorney, cannot also file for the hearing if DCF does not act (and if the child's lawyer does not act). Parents, unlike children, may retain their own private attorneys. Whatever affects the child's rights also normally affects the parent's rights. *In Re Christina M.*, 280 Conn. 474, 483 (2006). **Therefore, the parents or their representative also deserves the opportunity to file for the hearing.**

Therefore, I strongly support the intent of this Bill. I pray that the suggestions made to strengthen the Bill will be considered, and I shall be glad to discuss any specific matters with any Committee member upon request.

The long and short of it is this: this Bill will protect children, and will protect DCF from the occasional bad judgment that a particular worker or supervisor might exercise on occasion. Most workers are good to very good, and this Bill only honors their performance.

Respectfully Submitted,

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