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TESTIMONY JEANNE M. MILSTEIN, CHILD ADVOCATE  
GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE  
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Good morning Senator Slossberg, Representative Spallone, and members of the Government Administration & Elections Committee. Thank you for the opportunity to share my strong **opposition to Governor's Senate Bill No. 839, specifically Sections 19 to 23 regarding the Office of the Child Advocate (OCA).**

The Governor's bill would **eliminate the Office of the Child Advocate and eviscerate the statutory authority and responsibilities of the Child Advocate.** In so doing, the bill would **eliminate the independent oversight and accountability for state funded services to children provided by my office for more than a decade.** Connecticut's children, their families and all citizens who care deeply about their protection and well being, stand to lose the only autonomous authority to investigate and intervene on their behalf.

OCA was established in 1995 after the tragic death of an infant in state care. The child's death made clear that an independent agency with the power to investigate and issue public reports was necessary to ensure the well-being of children and provide transparency to government services otherwise shielded from public view by confidentiality laws intended to protect children and families.

The statutory authority of the office is broad. The Office of the Child Advocate is **mandated** to:

- Evaluate the delivery of services to children through state agencies or state-funded entities;
- Periodically review the procedures of state agencies and recommend revisions;
- Review and investigate complaints regarding services provided by state agencies or state-funded entities;
- Advocate on behalf of a child and take all possible action necessary to secure the legal, civil, and special rights of children, including legislative advocacy, making policy recommendations, and legal action;
- Periodically review facilities and procedures of facilities in which juveniles are placed and make recommendations for changes in policies and procedures; and
- Periodically review children with special health care needs in foster care or permanent care facilities and make recommendations for changes in policies and procedures.

The Child Fatality Review Panel, created within the same statutory framework in 1995, is mandated to review the circumstances of the death of a child placed in out- of-home care or whose death was due to unexpected or unexplained causes to facilitate development of

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prevention strategies to address identified trends and patterns of risk and to improve coordination of services for children and families in the state. In addition, the panel has the authority to conduct in-depth investigations and issue reports with recommendations. Those reports are provided to the Governor, the General Assembly, and the commissioner of any state agency cited in the report, and are available to the general public.

To carry out all of these extensive mandates, my office has access to information that is otherwise confidential, including the power to subpoena records and the testimony of individuals. It is this extraordinary access coupled with unquestioned independence, the multi-disciplinary expertise of staff, and the ability to take all possible action on behalf of children that makes the Office of the Child Advocate a national model of oversight for the delivery of services to children and child fatality review and prevention.

Sometimes our work sheds an awkward light on the inefficiencies and inadequacies of state government. At times we have uncovered and made public abuse by staff, lack of treatment in costly treatment programs, inadequate medical care, lack of quality assurance, and a host of other inadequacies that directly affect the health, safety, and well-being of children. It takes great courage for a state to be committed to this level of transparency.

## GOVERNOR'S PROPOSAL

The Governor's proposed amendments to the statutory authority of the OCA would be a dramatic departure from the state's current commitment to transparency and accountability in the delivery of services to children. When one reviews the proposed statutory amendments, there is no doubt that the revisions would eliminate the independence and authority of the office. Connecticut would no longer have meaningful oversight and accountability for services to children.

For the past decade, the Child Advocate has served independent from any other state agency and has relied on the specialized expertise of a multidisciplinary staff including master's level nurses, master's level social workers, policy analysts, a facilities specialist, and attorneys with extensive child welfare and juvenile justice experience.

- The Governor's bill would **eliminate the Office of the Child Advocate** and instead create a position called **Child Advocate to serve within the Office of the Attorney General (OAG)**. (See S.B. 839, Section 19, deleting portions of Connecticut General Statutes 46a-13k(a) and deleting Connecticut General Statutes 46a-13k(b)-(c)). This creates a number of problems. First, the Child Advocate is no longer independent and is, in essence, subservient to the Attorney General. Second, while the OAG has attorneys, the OAG does not have multidisciplinary staff or staff with expertise in maternal and child health, children with special health care needs, child fatality investigation, and child welfare policy. Third, while it is rare that my office takes legal action on behalf of a child, when it does, our opponent is the Attorney General. It is impossible for me to see how that work can continue from within the OAG.
- The bill would **eliminate the ability of the Child Advocate to appoint staff**. (See S.B. 839, Section 19, deleting Connecticut General Statutes 46a-13k(b)-(c)).

For the past decade, the Governor has appointed the Child Advocate from a list created by the statutorily created OCA Advisory Board and subject to approval by the General Assembly. The person selected must be qualified by training or experience to perform the duties of the office. This method ensures that the candidate selected is both independent and capable.

- While the Child Advocate would still require approval by the General Assembly, the Governor's bill would **eliminate the requirement that the Governor select the Child Advocate from a list of qualified candidates submitted by the Advisory Committee** and would **eliminate the requirement that the Child Advocate be qualified by training and experience** to perform the duties of the office. Instead, the Governor could select any person with knowledge of the child welfare and legal systems. Such broad discretion in the Executive places true independence at grave risk. (See S.B. 839, Section 19, deleting portions of Connecticut General Statutes 46a-13k(a)).
- The Governor's bill also **limits the term to two years** instead of four. (See S.B. 839, Section 19, amending Connecticut General Statutes 46a-13k(a)).

During the past decade, the OCA has been required to evaluate the delivery of state funded services to children and receive and investigate citizen complaints. The OCA has uncovered ineffective and harmful practices at Haddam Hills Academy, Connecticut Juvenile Training School, Lake Grove at Durham, Stonington Institute, Riverview Hospital, and programs serving Connecticut adolescent girls. These investigative findings culminated in public recommendations for programmatic, legislative and systemic reform. On a weekly basis, we evaluate the delivery of services to children at Riverview Hospital, the juvenile justice system, congregate care facilities, community programs and the adult prisons and convene meetings to share our concerns and urge improved care with state agency officials and their staff, community providers, judges and attorneys. In just the last three weeks, from February 16<sup>th</sup> through March 7<sup>th</sup>, OCA staff has received and responded to 101 citizen calls, reviewed 134 cases of individual children and reviewed 102 critical incidents and significant events from the Department of Children and Families.

- **The Governor's bill would permit, but no longer require, the Child Advocate to evaluate the delivery of services to children and investigate citizen complaints.** (See S.B. 839, Section 20, amending Connecticut General Statutes 46a-13l).
- **The Governor's bill would also eliminate the requirement that the Child Advocate periodically review the procedures of state agencies providing services to children and the institutions or residences where a juvenile has been placed by any agency or department.** (See S.B. 839, Section 20, deleting Connecticut General Statutes 46a-13l(a)(5)).

In the past, the Child Advocate has brought to the attention of the Governor and the Legislature instances where state funds are used ineffectively or out of compliance with state law and policy. These exchanges have often led to systemic and legislative reform including required visitation and monthly progress reporting of children placed by DCF in out-of-state residential treatment, reform in juvenile probation practices related to mental health screening, trauma and gender informed services across delivery systems, multidisciplinary case conferencing for children with significant mental health needs and increased collaboration among state agencies that serve children with developmental disabilities and young adults with mental health needs.

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- **The Governor now proposes to eliminate the requirement that the Child Advocate report to the General Assembly and the Governor annually about its work and findings.** (See S.B. 839, Section 19, deleting Connecticut General Statutes 46a-13k(f)).

The OCA also has been the catalyst for reviewing the number and care of children with special needs in out-of-home care and promoting the national trend for home and community-based programs and services. The Office developed a “Plan of Action” following a statewide summit on children with special health care needs that engaged a broad multidisciplinary and community-based partnership that has worked to promote legislative protections for families with children who have special needs.

- **The Governor’s bill eliminates the requirement that the Child Advocate periodically review the number of children placed outside their homes and communities.** (See S.B. 839, Section 19, deleting Connecticut General Statutes 46a-13l(a)(9)).

Since 1995, the OCA, through its staffing of the Connecticut Child Fatality Review Panel, has completed 11 independent child fatality reviews with recommendations for best practice prevention efforts and systemic reforms to reduce the risk of child and youth injury and suicide. In FY 2007-2008, the Panel, through staff of the Office of the Child Advocate, reviewed 172 cases. OCA’s broad authority to investigate under its current statute makes it uniquely positioned among public and private agencies to receive and review information from all domains of a child’s life, identify cross-agency issues and advance cross-agency reform after a child’s death. The Child Fatality Review Panel has been recognized nationally for its expertise in reporting.

- **The Governor’s bill would eliminate the statutory authority of the Child Fatality Review Panel to conduct in-depth investigations and issue a public report with recommendations.** (See S.B. 839, Section 20, deleting Connecticut General Statutes 46a-13l(e)).

## CONCLUSION

Since 1995, the OCA has been an effective watchdog over \$4 billion of state agency funds and state funds to private entities. We identify ineffective and sometimes harmful state expenditures for facilities, programs and services to Connecticut’s children. We evaluate and uncover where children languish in unnecessarily high levels of very costly care and advocate for the discharge of those children to more appropriate and often, more cost effective programs. We access information, investigate, and ensure confidentiality where necessary to speak for the children who have no voice but for whom the State bears great responsibility. We also speak for those children who no longer have a voice through our work on the Child Fatality Review Panel.

The State and its families face overwhelming fiscal stress that will certainly impact the need for state services and supports. Now, more than ever, Connecticut’s children and their families need an independent advocate who is required to take action to hold state government accountable for their state funded services to children. We cannot afford to go back to a time where children spent their childhoods or died in state care without a thorough investigation to understand what happened and what we need to do so it is different for the next child. No other

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state agency or private group can accomplish what OCA is charged to do under its current statute.

The statutory authority of the OCA was intended to ensure that Connecticut protect and care for its most vulnerable with oversight and accountability. I urge you to uphold this original intent at this time when our children and their families will need effective and efficient delivery of services more than ever before. I thank you for your support.

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