

# Center for **Children's** Advocacy

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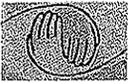
## TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF PROPOSED BILL NO. 6419, AN ACT CONCERNING TRANSPARENCY AND ACCOUNTABILITY OF THE DEPARTMENT OF CHILDREN AND FAMILIES

February 19, 2009

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy. Through our Child Abuse Project, the Center represents individual children in child abuse and neglect proceedings.

**We support the goals of Proposed Bill No. 6419, An Act Concerning Transparency and Accountability of the Department of Children and Families, but strongly believe the bill should be amended to facilitate immediate implementation of its substantive provisions, rather than delaying much needed reform through the creation of yet another task force.**

Over the past five years, DCF has been the subject of literally hundreds of legislative and investigative hearings, informational forums, and internal and external evaluations, investigations, and reports. The agency has undertaken at least fifteen internal evaluation and monitoring projects since 2002,<sup>1</sup> and has been the subject of numerous informational forums in front of this very committee,<sup>2</sup> all designed to assess the quality of the Department's performance and consider recommendations for improvement. Just two years ago, the Legislative Program Review and Investigations Committee completed a comprehensive evaluation of the Department, and offered thirty-seven recommendations to improve transparency and accountability in the agency.<sup>3</sup> The Office of the Child Advocate, the Office of the Attorney General, as many as ten DCF advisory groups, and close to twenty *Juan F. Court Monitor* quarterly reports have also carefully evaluated the Department's activities and uniformly recommended fundamental change.<sup>4</sup>



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The findings of these investigations are unequivocal, and their recommendations are sound: on critical dimensions of transparency and accountability, DCF is in desperate need of reform. Going forward, the answer is not another task force or committee report, but immediate legislative action. Meeting the urgency of those appeals demands disposing of the bill's task force requirement and implementing its substantive provisions—the very same provisions already recommended by the 2007 PRI report and the *Juan F. Court Monitor*.

<sup>1</sup> LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE, DEPARTMENT OF CHILDREN AND FAMILIES MONITORING AND EVALUATION 44 (Dec. 2007), available at [http://www.cga.ct.gov/2007/pridata/Studies/PDF/DCF\\_Final\\_Report.PDF](http://www.cga.ct.gov/2007/pridata/Studies/PDF/DCF_Final_Report.PDF).

<sup>2</sup> *Id.* at 84.

<sup>3</sup> LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE, *supra* note 1, at iii–viii.

<sup>4</sup> *Id.* at 5; see also *JUAN F. COURT MONITOR QUARTERLY REPORTS*, available at <http://www.ct.gov/dcf/cwp/view.asp?a=2569&Q=314492#data>.

In its present form, Proposed Bill No. 6419 establishes a *task force* to assess the necessity of instituting a pilot program that merges administrative case reviews (ACRs) with court-based case status conferences (CSCs). However, the need for such a program is hardly in doubt; indeed, it was explicitly recommended by the 2007 PRI committee's evaluation of the Department's treatment planning process.<sup>5</sup> Citing the quarterly reports filed by the *Juan F.* Court Monitor, the PRI evaluation noted that the treatment planning process was inadequate and ineffective, since ACRs were poorly attended and ill-equipped to develop clinically appropriate treatment plans.<sup>6</sup> According to the report, merging the two conferences would accomplish several important goals: fostering discussion and collaborative problem-solving among parents, children, providers, and attorneys; promoting the development of a single, more comprehensive treatment plan; and ensuring implementation of the treatment plan as a court order.<sup>7</sup>

Indeed, the recommendation that DCF reconfigure its treatment planning process to facilitate collaborative decision-making is just one of many provisions in Proposed Bill No. 6419 that stems directly from meticulous investigation, review, and evaluation by the *Juan F.* Court Monitor and the PRI report.

For instance, we already know that determining measurable outcomes for every child who receives services from a private provider and incorporating those outcomes in service contracts is necessary to a competent system of results-based accountability, since this is exactly what the PRI report recommended in 2007.<sup>8</sup> The report found that remedying the absence of "accountability in meeting contract expectations" required that DCF "compare actual and expected outcomes based on the performance-based contract" to hold providers accountable for failure.<sup>9</sup> Indeed, the continued absence of results-based accountability is both troubling and inexplicable—without it there is simply no way of ensuring that private providers meet contractual obligations, that performance expectations are achieved, and that problems are addressed before even one child falls through the cracks of a broken system.

We also know that establishing an open-court pilot program has substantial benefits, since Connecticut would not be the first state to open its child protection proceedings. Indeed, such proceedings are partially or completely open in over 15 states (with pilots in several others). Those states are following the lead of Minnesota, which contracted with the National Center for State Courts (NCSC) to evaluate the project over a three-year period. The NCSC concluded that open courts enhanced professional accountability for the principal actors in the child protection system, increased media and public attention to child protection issues, and increased participation by the extended family, foster parents and service providers in child protection proceedings.<sup>10</sup>

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<sup>5</sup> See recommendation 26 in the PRI report. LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE, *supra* note 1, at vii.

<sup>6</sup> *Id.* at 177–78.

<sup>7</sup> *Id.* at 178.

<sup>8</sup> See recommendations 3, 4, and 5 in the PRI report. *Id.* at iv.

<sup>9</sup> *Id.* at 160–61.

<sup>10</sup> KEY FINDINGS FROM THE EVALUATION OF OPEN HEARING AND COURT RECORDS IN JUVENILE PROTECTION MATTERS viii (Aug. 2001), *available at* [http://www.courts.state.mn.us/documents/0/Public/Court\\_Information\\_Office/Volume\\_2\\_-\\_NCSC\\_Key\\_Findings.doc](http://www.courts.state.mn.us/documents/0/Public/Court_Information_Office/Volume_2_-_NCSC_Key_Findings.doc).

In other instances, the bill's recommendations are guided not by a single evaluation of DCF, but rather by the cumulative experiences of independent agencies, state advisory councils, and child welfare practitioners who are committed to improving the system and the lives of our most vulnerable children. Such experiences demand that we immediately implement the long overdue substantive reforms of Proposed Bill No. 6419, including:

- Mandating that DCF report aggregate administrative case review data and the findings and recommendations of its own internal qualitative case reviews (known as the Connecticut Comprehensive Objective Reviews (CCORs)) directly to the General Assembly. Legislative oversight is particularly critical in this area because DCF has consistently failed to implement the recommendations of its own internal evaluations, and has persistently moved at an unacceptably slow pace when bringing much needed change to the agency.<sup>11</sup>
- Mandating that DCF workers who handle mental health, sexual abuse, or more complex child protection cases have a master's degree in a relevant field of study because the current formal and informal training requirements are not sufficient to effectively manage the unique needs of children and families affected by these difficult issues.
- Mandating that DCF notify every attorney in a child protection case when the Department seeks an out-of-state placement, since such notice comports with procedural due process and affords children a voice in where they will live.
- Mandating that DCF include certain critical information in its status reports and permanency plan studies, such as a description of the type and effectiveness of care provided by the Department to the child; the number of educational and foster care placements; the current visitation schedule between the child and her parents or siblings; and, the Department's efforts toward reunification and a proposed timetable for permanency. Such a provision, modeled after a successful Oregon child welfare statute, assists the court in its obligation to make findings regarding best interests, reunification, service planning, and reasonable efforts. The inclusion of such information also allows attorneys to have the most up-to-date information regarding their clients' current receipt of services and forces caseworkers to track required information which they may or may not know (e.g., information regarding the number of educational or foster care placements).

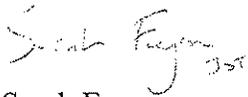
We believe that Proposed Bill No. 6419 has the potential to measurably improve the Department's internal systems for treatment planning, administrative review, and quality control as long as its substantive provisions are *immediately implemented* rather than unduly delayed by another evaluation and task force report. Our state's most vulnerable children deserve nothing less.

Thank you for your time and consideration.

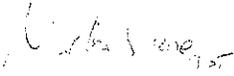
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<sup>11</sup> *Select Committee on Children, Human Services Committee Joint Investigative Hearing on the Department of Children and Families* (Oct. 20, 2008) (statement of Jeanne Milstein, Child Advocate).

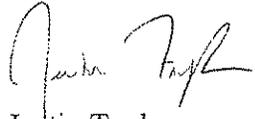
Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sarah Eagan".

Sarah Eagan  
Director of Child Abuse Project

A handwritten signature in cursive script, appearing to read "Martha Stone".

Martha Stone  
Executive Director

A handwritten signature in cursive script, appearing to read "Justin Taylor".

Justin Taylor  
Law Student Intern