

## Testimony of Owen Murphy regarding the Commission on Child Protection

I am a contract attorney for the CCPA representing indigent parents and children in Superior Court Juvenile Matters at New Haven.

The committee may not be aware of it but parents and children are entitled by law in Connecticut to legal representation at all stages of a neglect and/or termination of parental rights case. In the termination cases the right to counsel comes from court decisions that can not be overturned by a state legislature.

The importance of having an independent and better funded agency performing this necessary and important public task cannot be over emphasized. Before this was done lawyers were appointed through the Judicial Branch. This resulted in blatant conflicts' of interest in that the main goal of Judicial is to efficiently dispose of cases. This goal often conflicts with the constitutional right of a parent or child to have a full hearing on their matter.

During Judicial's reign there was NO training for new attorneys. I and others were supposed to learn by doing. Attorneys who demanded too many hearings or made too many motions could be targeted by not having their contracts renewed.

The current regime under the CCPA has allowed more training to take place, both of new attorneys and veterans. The useful information has improved both the level of practice, the knowledge of the judges, and the quality of the cases bought forward by the Attorney General's office in behalf of their true client, DCF (not the child as they would have you believe).

Children are no longer removed from their homes because a DCF worker or supervisor has some "concerns" that are never articulated. Children now are only subject to the drastic and expensive remedy of removal to foster home on a showing of imminent risk of harm. This is because DCF faces the burden of proving their allegation in front of a better trained child protection bar. The better training is a direct result of the involvement of the CCPA.

DCF and the Attorney General's office can no longer push through family unfriendly rules of court without the interests of the parents and child being at least given a hearing through the CCPA.

People are entitled a fair and balanced hearing before their fundamental right to raise their family as they chose is interfered with by the state. The CCPA helps the lawyers in the trenches in courts throughout this state do just this. Attorneys can hire real experts to help with their cases if they need to.

DCF workers and the lawyers from the Attorney Generals office often have the best of intentions. But DCF as an organization often has interests that are not in accord with either someone's constitutional right to be secure in their family or the best interests of a child.

These are difficult cases for an attorney to litigate. This work often psychologically and spiritually draining. Connecticut is fortunate to have an experienced cadre of lawyers doing this important work. It is particularly important for the parents, in that even if they have a meritorious defense, have little sympathy from the public. Even non-profit organizations in this field who should know better usually focus their funds on time on the children and entirely overlook the parents.

Each year that I have done this work attorneys are forced to leave due to poor pay for their efforts. No one expects to get rich doing these cases but given the time and money expended to develop expertise justice would demand that the pay be greater than one could get working at your local gas station or a Wal-Mart.

The fact is the vast majority of people who enter the Juvenile system through a petition alleging neglect of their children either get their children back or never have them removed from the home at all. This is as it should and this is what the CCPA does everyday.

In my experience poverty, not bad character, is the main reason parents get involved in this system.

If there are lawyers involved reunification and the closing of the case happens much quicker because their attorney's push for it. This results in a significant savings in that foster care and adoption are very expensive propositions. Reunification and treatment in the home is much less expensive.

That is all I have to say and I hope this committee listens to me.

Sincerely  
Owen Murphy