

Legal Assistance Resource Center

❖ of Connecticut, Inc. ❖

44 Capitol Avenue, Suite 301 ❖ Hartford, Connecticut 06106
(860) 278-5688 x203 ❖ FAX (860) 278-2957 ❖ Rpodolsky@LARCC.org

S.B. 839, S.B. 840, and H.B. 6373 -- Termination of specialized state resource and advocacy offices

Government Administration and Elections Committee public hearing -- March 16, 2009
Testimony of Raphael L. Podolsky

Recommended Committee action: REJECTION OF THE BILLS

S.B. 839 abolishes the Office of Child Advocate and converts it to a position within the Attorney General's Office. It also abolishes the Children's Trust Fund and the Children's Trust Fund Council and moves the Trust Fund into the Department of Children and Families (DCF). S.B. 840 abolishes the Office of Consumer Counsel and turns its functions over to the Attorney General. It also abolishes all legislative commissions, including the Permanent Commission on the Status of Women, the Commission on Children, the Commission on Aging, the Office of the Health Care Advocate, the African-American Affairs Commission, the Latino and Puerto Rican Affairs Commission, and the Asian Pacific American Affairs Commission. H.B. 6373 abolishes the Law Revision Commission.

We urge that you retain all of these offices, which perform functions that are not performed by any other agency and which operate with a degree of independence that is critical to their success. I mention as examples five of them with which I have worked over the years.

(a) Office of Consumer Counsel (OCC): The OCC was created in 1975 precisely because the DPUC could not adequately function as both the regulator of the utility companies and the advocate for consumers. What the OCC does is very different from providing consumer assistance. Its real role is to be a consumer voice in rate and other regulatory proceedings – proceedings which are highly complex and which require an extensive investment of time and expertise to respond to the technical, budget, and accounting issues at the heart of rate regulation. The Attorney General cannot substitute for the this role.

(b) Office of Child Advocate (OCA): The Attorney General is similarly not a substitute for an independent advocate on behalf of children. The Attorney General is inherently conflicted, since he must also represent DCF. OCA's reviews are independent of DCF, and OCA provides independent critiques of that agency. It is the separation of OCA from existing offices that has made its success possible.

(c) Children's Trust Fund (CTF): DCF's primary role is to investigate child neglect and abuse and to enforce the laws regarding neglect and abuse. The Children's Trust Fund, in contrast, is required to focus on services that will prevent neglect and abuse. Folding the Trust Fund into DCF will confuse the functions and result in less effective programming.

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(d) Permanent Commission on the Status of Women (PCSW): All of the specialized legislative commissions provide analysis and advocacy for particular constituencies or subject areas that have resulted in state policy changes with major lasting impacts on the people in Connecticut. The PCSW, as the oldest of those commissions (it was formed in 1973) has a long track record of successfully highlighting the interests of women and generating changes in state legislation and policy that have contributed to improvements in their lives.

(e) Law Revision Commission (LRC): It is almost an insult that the abolition of the Law Revision Commission is buried in H.B. 6373, concerning the repeal of "obsolete" statutes. There is nothing obsolete about the LRC, which has played a critical role in the drafting of complex legislation that requires more time than either the legislature or the Legislative Commissioner's Office can devote during a legislative session. The defunding of its staff in 2002 has prevented it from playing the role that it had played since 1974, but it has continued to function at a lower level and at no cost to the state. Without LRC staffing, the General Assembly has lost the ability to adapt national "uniform" laws to the needs and situations of Connecticut. That, however, is a reason for keeping the Commission, not for abolishing it. The LRC continues to function with limited staff help from LCO, and we hope that the day will come when separate staffing will be restored.