

March 26, 2009
Before the Judiciary Committee

Testimony of Wendy Roberts In Support of SB 1157 Funding for Legal Services

My name is Wendy Roberts and I have been receiving services from CLS since 1994. At that time, I was in a marriage that reeked of domestic violence and I was trying desperately to save myself and protect my children who were ages 5 and 7. I didn't have a job or any money and I needed a divorce, protection, and resources to help me provide a safe home for my kids and myself. I contacted almost every attorney's office in the phone book, but without money I couldn't obtain a lawyer. It was during the process of a restraining order that the Victim's Advocate told me about Connecticut Legal Services. I called CLS knowing that they were my last resort. I spoke with and met Attorney Garrett Tuller. He was our first lifeline. He gave me hope and helped me obtain protective orders, food assistance, and after 2 long years and many court hearings, a divorce.

Then came the aftermath of all the violence. My five-year-old son, Joseph, needed extensive mental health treatment, which consisted of countless hospitalizations, and therapeutic treatment plans. Managed Care and not the treating physicians were controlling all of Joseph's medical treatments. This was doing great harm to Joseph's well being and costing the State of Ct an enormous amount of money. With the help of CLS and Attorney Royal Stark, this matter was taken to court. When all evidence was disclosed, Joseph received an exemption from managed care and the State of Ct dropped this insurance company as one of their Managed Care Providers. This was a huge victory for us and other families who were being denied necessary medical treatment. I could not have done this without CLS.

Next came Special Education issues. Joseph's emotional and mental health continued to decline. He was in the 2nd grade and the school was denying him Special Ed programs even though they could not educate him in a regular classroom setting. The school's solution was to continuously suspend him. I had a part time job in the Town Hall but after a short period of time, I had to quit because the school kept calling me to come get my son. That's when Attorney Doug Crockett from CLS stepped in. I say that with a smile because this man worked on our case even as he went into retirement and out of the country! Attorney Crockett knew the laws of Special Ed and he made sure that all required testing was done and that my son received the services deemed necessary and appropriate. Sadly, even with all the services that were being provided, in home and at school, Joseph's mental and emotional state continued to spin out of control. Joseph was now being arrested regularly due to behaviors caused by his mental illness. He was now part of the juvenile court system.

Joe's mental health status prevented him from being taught in a regular school setting and I was not capable of controlling his unstable, unpredictable and explosive outbursts. Our home was once again an unsafe place to live. DCF, the school system and Joseph's psychiatric treatment team all recommended that he be placed in a residential treatment facility. It took me quite a bit longer to come to that conclusion, but once I did, I found myself in another situation where my family desperately needed the support of CLS. It was at this time that I met Attorney Anne Blanchard.

DCF wanted me to give up my parental rights and guardianship; in return, they would place Joe. I love my son and there was no way I was going to give him up nor should I have to. DCF has never claimed that I was an unfit mother and they documented statements from therapists, doctors, and others involved with our family that I was anything but unfit. DCF's argument was

that because I was receiving "Voluntary Services" and Joseph was not committed, they were not required to provide him with this placement. They wanted to take my son away because of his illness, not because I had done anything wrong. In fact, one time my child was in the hospital and he couldn't lift his head off his pillow; he was drooling, and could barely talk. He had been given tranquilizers as a form of restraint. I insisted that they stop giving him these heavy-duty drugs. The doctor didn't like that and wrote a letter to the court stating, "mother is interfering with son's treatment and parental rights should be revoked." You revoke a driver's license, not a mother's responsibility for her child. Attorney Blanchard brought DCF and a Child Advocate to the hospital to see my son in that condition. When the doctor's letter was presented in court, Attorney Blanchard represented me. DCF and the Child Advocate were there to defend me; the doctor's request was denied. With the assistance of CLS, I was also able to have Joseph placed in a residential treatment facility without giving up guardianship or any of my rights.

While my son was in Residential, a discharge plan was implemented. This plan stated that Joseph needed to live in a community-based program; one in our community. It was also stated that there needed to be a 24-hour, 7 days a week support system in place for him in order to make this transition successful. But DCF had no place for him to go and they didn't attempt to provide such a place. Even after Probate Court ordered DCF to find or create a place for Joe, they still didn't do anything. For years, DCF dragged their feet in providing my son with the appropriate community-based program.

I was running out of time. My son was going to be 18 and he was legally going to be able to make his own decisions, and DCF was going to welcome, with open arms, Joseph's request to stop treatment and their involvement in his life. The problem with that was my son was not capable of making such decisions because of his mental illness and his lack of knowledge of the real world.

I asked Attorney Blanchard how I could make DCF help my son and all the other families who have the same issues. In 2002 we filed a lawsuit in Federal Court for Joseph and other children like him. We needed to do what most people are afraid of doing. We had to stand up to DCF and hold them accountable for their actions or lack of action to provide children with mental illnesses the appropriate placements and services deemed necessary for a healthy and safe environment. Attorney Blanchard worked on this lawsuit nonstop. Even when she was on vacation and DCF would try to badger me into something that I knew wasn't right or acceptable, she would take immediate action. If that weren't possible, Attorney Bet Gailor or someone else from CLS would. I have never witnessed such dedication, commitment, and hard work as I do with all the attorneys at Connecticut Legal Services. In 2007 we settled the W.R. v. Dunbar/DCF lawsuit and my son got the help he needed.

Today, my daughter has graduated college and is a Vet Tech at our local Animal Hospital. I am working full-time as an Assistant Town Clerk. Without the help of Connecticut Legal Services, I could not have taken on the Managed Care system and the Department of Children and Families and been successful. Also, I don't know where my children and I would be today if CLS had not taken on our case and rescued us from domestic violence.

Wendy L. Roberts