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CONNECTICUT GENERAL ASSEMBLY

January Session, 2009

Proposed Bill No. 174

Referred to Select Committee on Children

An Act Concerning Child Support Obligations

After Parental Rights Are Terminated

Due to Abuse or Neglect

REMARKS OF ATTY. MICHAEL H. AGRANOFF

Thank you for the opportunity to testify. I have been a DCF defense lawyer since 1991. At present, ours is the only law firm in the State of Connecticut devoted to full-service DCF defense for private-paying adults on a full-time basis.

This bill would require that in a termination of parental rights (TPR), as a result of abuse or neglect, that the parents would be required to provide child support as if there had been no TPR. While the intent is laudable, in that parents should not financially profit from their own abuse or neglect, I am constrained to testify in opposition to the bill.

Practice Concentrated in DCF Defense Law

To begin with, all TPR petitions are filed based upon abuse or neglect. Therefore, the bill would require child support in all TPR situations. There is no practical or legal way to separate TPR's that are not ordered as a "result of the parent's abuse or neglect."

Another legal quagmire that would arise is the extent of support obligations for the adoptive parents. Would they now be relieved of support? Would the adopted child be entitled to double support? What if the parent whose rights were terminated had simply been unable to function as a parent, and did not maliciously injure the child? What if one of the parents terminated was an absentee father who did not even know of the existence of the child? Sorting out these questions would occupy the courts for years, and as a practical matter would accomplish very little, as most terminated parents have little means.

The bill is understandable in the following scenario: A person of means deliberately abuses or neglects his or her child. A neglect petition is filed, the parent does not rehabilitate, and the parental rights are terminated. The terminated parent is required to pay support as extra compensation for the child's injuries.

Unfortunately, few if any TPR's follow this scenario. In many cases, parents were terminated because they got involved with DCF, received inadequate legal counsel from lawyers paid below-market State rates of \$40.00 per hour, and could never communicate effectively with those lawyers. In other cases, parents were terminated because they simply gave up after years of battling with DCF, an agency which strongly prefers foster placement and adoption due to federal funding received thereby under the Adoption and Safe Families Act (ASFA) of 1997, as amended. Very few of these parents can afford to appeal their cases, and appeals are seldom successful in these fact-based cases in which DCF hearsay evidence is routinely admitted. The scenario in the above paragraph is rarely the actual case.

Additional details on actual TPR cases may be found on my web site, at:

http://www.agranofflaw.com/services_terminationofrights.htm.

The reality is that most TPR cases are tragedies for the parents and the children, and in many cases could have been avoided if the State of Connecticut had adequate child welfare measures present in the first place. Such measures include, but are not limited to:

1. Medical care for innocent children (and adults) who cannot afford it.
2. Dental care for innocent children (and adults) who cannot afford it.
3. Psychological care for innocent children (and adults) who cannot afford it.
4. Improved enforcement of child support orders, including finding and jailing offenders until they worked off their obligations, so that innocent children will receive their rightful funds.
5. Assistance for innocent children who need food and clothing, when their parents or guardians cannot or will not provide these.
6. An improved Big Brother/Big Sister program for innocent children who lack appropriate role models to have them develop into responsible adults.
7. Payments for legal services for innocent children (and indigent adults), that are above the lawyer-poverty level.
8. Improved child visitation facilities, so that parents would not be limited to 1-2 hours a week of supervised visitation when their innocent and frightened children have been temporarily taken.
9. Improved education for innocent kids who really want to learn, and not simply be taught to pass a multiple-choice test. Such kids would be less likely to have low self-esteem and to succumb to peer pressure.

10. Improved school offerings in art, music, physical education, drama, and the like, so that innocent kids might be exposed to the beauties of Western culture, and taught to live up to their potentials, rather than being taught to multiple-choice tests.

11. Meaningful substance abuse and gambling abuse prevention and education programs, so that innocent kids would have a better chance to succeed in life.

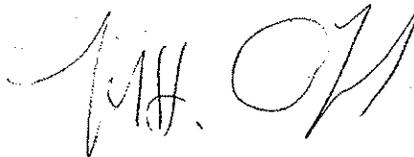
12. Removal of children from parents only when absolutely necessary, not simply because a DCF supervisor or manager is being super-cautious. In this regard, you might also refer to my web site article at:

http://www.agranofflaw.com/services_otc.htm.

In other words, this bill might assuage the guilt of DCF and the State Child Advocate, but will do little or nothing for parents and children who are caught in the system. And that, again, does not even consider the legal quagmires mentioned.

The undersigned will be glad to speak directly to any Members who have more detailed questions on this bill and its implications. EM: AttyMikeA@agranofflaw.com.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'M.H. Agranoff', written in a cursive style.

MICHAEL H. AGRANOFF

Attorney At Law

mha.LOB.testimony.TPR.child.support