



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF THE CHIEF PUBLIC DEFENDER
30 TRINITY STREET
FOURTH FLOOR
HARTFORD, CONNECTICUT 06106

CHRISTINE PERRA RAPILLO
EXECUTIVE ASSISTANT PUBLIC DEFENDER
DIRECTOR OF JUVENILE DELINQUENCY DEFENSE
(860) 509-6472 TELEPHONE
(860) 509-6495 FAX

TESTIMONY OF CHRISTINE RAPILLO DIRECTOR OF JUVENILE DELINQUENCY DEFENSE OFFICE OF THE CHIEF PUBLIC DEFENDER

Raised Bill No. 284

An Act Creating a Division of Administrative Hearings
Committee on Government Administration and Elections
Public Hearing - March 1, 2010

The Office of the Chief Public Defender supports this legislation, which would create a *Division of Administrative Hearings* within the Commission on Human Rights and Opportunities. This proposed *Division* would adjudicate contested hearings involving the Departments of Children and Families (DCF), Transportation, Motor Vehicles, the Commission on Human Rights and Opportunities and the Board of Firearms Permit Examiners. The Office of Chief Public Defender is most regularly involved with the Department of Children and Families. Moving contested hearings to an independent agency will ensure that they are conducted in a fair and impartial manner.

In the cases litigated by the Office of Chief Public Defender, children's liberty interests are at stake. There are cases in which clients are removed from their communities on a claim that they have violated their parole status. DCF Hearing Officers determine whether the child will remain at the Connecticut Juvenile Training School or return home. DCF Hearing Officers also conduct Treatment Plan Hearings where issues relating to treatment needs and appropriateness of placements are being decided.

Hearings on these and other issues are litigated before a hearing officer who is also a DCF employee. Having a DCF employee as the hearing officer who presides over these hearings is a clear conflict of interest. As an employee, the hearing officer owes a duty of loyalty to DCF and not to the complainants at the hearing. While a complainant can appeal the decision by the hearing officer to the Superior Court, great deference is given to the hearing officer's decision. However, the appeal takes longer than most children are committed.

In the past, the Office of Chief Public Defender has proposed legislation to create an independent body to conduct these types of hearings. Creating an independent body to hear these cases will make the system fairer from the outset. Important issues are adjudicated by agency hearing officers every day. Their decisions affect the safety, finances and liberty of our citizens and should be conducted in the most impartial manner. The Office of Chief Public Defender supports this important proposed legislation and thanks the Committee for its consideration.