

CONNECTICUT GENERAL ASSEMBLY

February Session, 2010

Raised Bill No. 5443

An Act Concerning Parental Rights in Juvenile Matters

Committee on Human Services

REMARKS OF ATTY. MICHAEL H. AGRANOFF

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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 providing full-service DCF defense to private-paying adults on a full-time basis.

The proposed bill is excellent, as it purports to ensure that DCF verifies the truth, accuracy and sufficiency of allegations of abuse or neglect. However, the bill does not go far enough to ensure that DCF actually does so. Even though DCF policies currently require that DCF thoroughly investigate all allegations, and that investigators present exculpatory evidence, or relevant information favorable to the parent or guardian, in practice DCF seldom does so.

Investigations are conducted by overworked social workers who are under pressure to substantiate a parent if at all possible.

My web site, www.agranofflaw.com, contains numerous examples of this practice, as I have witnessed over the past 19 years.

In that regard, I respectfully offer the following amendments to the bill at hand.

Section 2. Proposed C.G.S. Sec. 17a-101g(c). Add at the end of the section:

In making its determination, the Commissioner is obligated to consider all exculpatory evidence, as well as relevant information favorable to the parent or guardian. The Commissioner is not relieved of this responsibility, which is currently mandated by DCF Policy, due to the fact of insufficiency of investigatory resources.

Section 3. Proposed C.G.S. Sec. 17a-101h. This section has never been followed by DCF. DCF regularly interviews children who are merely suspected of being neglected, not abused. I propose that C.G.S. Sec. 17a-101h read as follows:

Notwithstanding any provision of the general statutes to the contrary, any person authorized to conduct an investigation of abuse or neglect shall coordinate investigatory activities in order to minimize the number of interviews of any child and share information with other persons authorized to conduct an investigation of child abuse or neglect, as appropriate. The [commissioner] Commissioner of Children and Families shall obtain the consent of parents or guardians or other persons responsible for the care of the child prior to any interview with a child,

except that such consent shall not be required when the department reasonably has [reason] good cause to believe such parent or guardian of other person responsible for the care of the child or member of the child's household is the perpetrator of the alleged abuse[.] and not merely the perpetrator of alleged neglect. In that event, the department is required to include in its file a sworn affidavit stating the basis of its reasonable belief in the circumstances of alleged abuse, and not merely of neglect, to justify the non-consensual interview. If consent is not required to conduct the interview, such interview shall be conducted in the presence of a disinterested adult unless immediate access to the child is necessary to protect the child from imminent risk of physical harm and a disinterested adult is not available after reasonable search. In that event, the department is required to include in its file a sworn affidavit stating the reason that a disinterested adult was not available, and the circumstances of the reasonable search for such person. Any information obtained from a child in an interview conducted not in compliance with this section shall be inadmissible in any juvenile court or DCF administrative proceeding. At the time the commissioner or the commissioner's designee makes initial contact with the parent or guardian to obtain consent to interview the child, the commissioner or the commissioner's designee shall (1) disclose the report of neglect or abuse to the parent or guardian, and (2) provide notice of the parent's or guardian's rights as shall be provided by law in the case of DCF investigations.

Note that the final clause allows for the adoption of current legislation known as the "Mini-Miranda Bill" for parents or guardians involved in DCF investigations.

Respectfully Submitted,

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