

CONNECTICUT GENERAL ASSEMBLY

February Session, 2010

Raised Bill No. 5066

**An Act Concerning Educational Stability For Children in the Care and Custody of the
Department of Children and Families**

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.

I support this bill, as it materially contributes to the wellbeing of children, even if it may cause an added burden for DCF and local departments of education. The gist of the bill is that a child who is taken by DCF and placed in a different school district may still have a legitimate need to continue attending the school that he or she had been attending. A major reason to

continue attendance is that the child was receiving special education that may be disrupted by attending a different school, no matter how well-intentioned the receiving school may be.

Another reason is that the child may be very emotionally fragile, and removal from his or her friends, and placement with possibly hostile children in a new school, could be damaging to the child.

DCF has always recognized this, and often does cooperate in trying to assist a child to remain in his school of origin. However, this requires extra work, and sometimes local school boards object. This bill would remove any objections, by statutorily mandating that the child remain in the school of origin in certain cases.

The bill guides DCF's decision in this area by stating a presumption that remaining in the school of origin is in the child's best interest. The presumption, of course, may be overcome; and in many cases will be. Most important is the fact that DCF must make a decision, and the parents or guardians have the right to challenge that decision expeditiously.

The parents' challenge to any school attendance decision will be made through the administrative appeal process, rather than via court motion. In practice, today, courts often order a child's continued attendance at his school of origin, and thus the bill may seem to be a regression for children's rights. However, given the fact that a child shall remain in the school of origin until the dispute is resolved (except for emergency matters), it is safe to say that the administrative process will not cause undue delay.

The presumption that continued placement in the school of origin is in the child's best interest is the heart of the bill. Speedy administrative resolution will allow justice to be done for all parties.

Respectfully Submitted,

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