

HUMAN SERVICES COMMITTEE
PUBLIC HEARING
February 23, 2010

Testimony of Carolyn Signorelli
Chief Child Protection Attorney

RB No. 5146 Opposed



Commission on Child Protection
State of Connecticut

Office of the Chief Child Protection Attorney

Senator Doyle, Representative Walker and esteemed Committee Members, my name is Carolyn Signorelli, Chief Child Protection Attorney for the State of Connecticut. I head the Commission on Child Protection, the agency responsible for the system of legal representation for children and parents in cases of abuse, neglect and termination of parental rights brought by DCF

I respectfully submit that Raised Bill No. 5146, ***AN ACT CONCERNING VISITATION OF CHILDREN COMMITTED TO THE DEPARTMENT OF CHILDREN AND FAMILIES.***, should not be passed.

While I recognize that the goal of this proposal is salutary and in all likelihood designed to combat intransigence by DCF around relative visitation and placement issues, I believe it goes too far in granting relatives access to court proceedings without an opportunity for parents and children to be heard on the propriety of considering the requests of various relatives. It usurps the rights of parents and children, the legal parties to the proceedings, by mandating non-parties access to the court regardless of the position of the children and parents. It also threatens to delay the efficient resolution of the primary issues before the court by filling the court docket with litigation over non-party visitation issues and intra-family disputes.

The proposal provides: "In awarding any visitation or modifying any placement, the court shall be guided by the best interests of all related persons, including, but not limited to, siblings, affected by such determination." The Juvenile Court should only be guided by the child's best interest in each and every decision concerning a child over whom it has jurisdiction. A relative should never have his or her interests considered in tandem with or over and above that

of the child whose interests the court is responsible to protect. This bill threatens to minimize a child's wishes, needs and interests at the expense of those asserted by relatives. It may also have the tendency to turn the juvenile court into a family court where relatives have equal or greater rights than the legal parties to the case and can gain access to the court and the right to litigation against the wishes of the parents and children.

If a relative wishes to be either a visitation or placement resource for a child who is in the care and custody of DCF there are already sufficient statutory procedures in place to ensure that they are considered by the Department or the court and have the ability to intervene in the court proceedings if necessary. The legislature has already established a comprehensive statutory scheme to ensure that family resources are given a priority in placement decisions in C.G.S. § 46b-129. The Juvenile Practice Book Rules also provide for intervention by grandparents and other third parties.

Competent and diligent parents' and children's counsel serve as the best means to ensure that any relative resources are properly considered consistent with DCF policies, statutory mandates and the rules of court. Broad brush rules without consideration of the different factual scenarios and family dynamics that present themselves to the Juvenile Court can only serve to complicate and delay the process in many cases. Rather, a statute that makes it clear that the parents and children who are subject to the proceedings can bring visitation and relative placement issues directly to the juvenile court without having to go through DCF's administrative procedures, would be a much better way to promote the continued connection between children in DCF custody and their families. Such a statute would serve as a tool for counsel to act swiftly on behalf of their clients when DCF fails to facilitate placement with relatives or foster continued connections with their families.

I therefore request that the committee vote against this proposal. I would be happy to work on language that addresses problems with DCF's handling of relatives by strengthening procedural protections for parents and children. Thank you for this opportunity to be heard.

Respectfully Submitted,

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