

HUMAN SERVICES COMMITTEE
PUBLIC HEARING
March 9, 2010

Testimony of Carolyn Signorelli
Chief Child Protection Attorney

RB No. 5443 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. Thank you for this opportunity to be heard regarding **An Act Concerning Parental Rights in Juvenile Matters**.

I am concerned regarding the consequences for children in need of protection if Bill No. 5443 becomes law. On behalf of the child clients my office serves, I cannot support the enactment of this bill, which requires that DCF "verify the truth, accuracy and sufficiency of the evidence to substantiate the reporter's belief that the child has been abused or neglected" prior to commencing an investigation.

DCF investigations essentially are the means to verify an allegation of abuse or neglect. The investigation is the first step taken to begin the process of obtaining documentation of neglect or abuse after the facts alleged in a report are deemed sufficient to constitute neglect if proven. In instances of allegations of abuse or maltreatment, it is often essential that an investigation commence with seeing the child to determine whether there are any injuries or the need to seek immediate medical intervention.

This bill appears to be an effort to prevent the unnecessary intrusion of the state into a family's life where the referral was based upon a false report or information from an individual who did not have an adequate basis to believe that a child was abused or neglected. There are already sanctions for false reports and the commencement of an investigation requires that the reporter have the ability to

provide sufficient identifying information regarding a family and his or her access to firsthand knowledge of the family or child. While the intent of the bill is laudable, the steps necessary to "substantiate the reporter's belief" are in most instances an essential part of an investigation and include speaking with the family and child. Without conducting family interviews or observing and interviewing the child, it would be very difficult in the vast majority of reports to verify or discount the reporter's belief. To require DCF to focus on substantiating the reporter's belief prior to commencing the investigation would often delay an assessment of the well-being of the child in question under circumstances where time may be of the essence.

Section 2(b) is equally problematic in that it mandates that parents be notified immediately upon the commencement of an investigation. While this requirement is generally appropriate, this section makes no exception for cases where the allegations concern sexual or serious physical abuse by a parent or guardian or the failure of a parent or guardian to protect a child from such abuse. While an exception to the requirement that consent of a parent or guardian be obtained prior to interviewing a child if the parent or guardian is the alleged perpetrator of abuse remains in Section 3(a), it is not clear from the way this bill is drafted that the same exception would permit delay in notification of the commencement of an investigation to a parent or guardian who is an alleged perpetrator.

Notifying a parent or guardian who may be seriously abusing a child that an investigation has commenced and the precise nature of the allegations before other efforts to determine if the child is in immediate need of protection are explored could in some circumstances place the child at further risk. The perpetrator's awareness of the investigation at such an early stage when a child may actually have injuries or be in imminent physical danger could result in the Department being unable to protect the child even if they would otherwise be able to substantiate the allegations and determine there is imminent physical danger without speaking with the parent or guardian.

While I prefer that DCF engage families in a more supportive and strength based manner in the vast majority of cases, there are those cases where DCF's primary function of keeping a child safe necessitate a different approach until that child's safety is secured. This bill ties DCF's hands to a certain extent in those cases and will limit its ability to protect certain children.

Because I believe that our child protection laws must reflect a balance between family integrity and the state's responsibility to protect children; between parents' custodial rights and children's rights to be safe and well-cared for and that state action must be based upon individualized assessments of the facts and risks in each case, it is important that our state's legislative efforts to hold DCF accountable and to uphold the value of family integrity and individual privacy rights do not tip the scales too far, resulting in less protection for vulnerable

children. It is my firm belief that DCF's practice and treatment of families will become more consistent and fair when its front line workers are held accountable on individual cases through zealous and competent legal advocacy for the parents and children. Such advocacy will not only prevent DCF from remaining in a family's life unnecessarily or escalating its intervention, but will ensure whenever necessary that DCF provides appropriate services and reasonable efforts to strengthen and reunify families.

I have no objection to the advisement of rights contained in this bill but respectfully request that the Committee not act favorably upon it in its present form.

Respectfully Submitted,

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