

Center for *Children's* Advocacy

University of Connecticut School of Law
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TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF House Bill 5522

March 19, 2010

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University Of Connecticut School Of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy.

We strongly support Section One of Raised Bill 5522 which requires the Department of Children and Families (DCF) to report to the court within 30 days of an initial emergency custody hearing regarding the propriety of proposed relative placements. Additionally, Section Two will ensure that the attorney/guardian *ad litem* appointed to represent an abused or neglected child will have the right to access critical information related to the child's case.

Report regarding proposed kinship care

When a child is removed from their home due to allegations of abuse or neglect the state is obligated to work with the family and identify relatives who can provide a safe and caring environment for the child while the parent addresses the issues that led to DCF's involvement. Often the trauma a child suffers due to the removal from the family home, even one rife with neglect, can be eased if the child can be placed with a loving and familiar relative.

Child development experts emphasize that kinship care offers children the advantage of familiarity and connectedness to biological roots and identity. A relative home may offer improved opportunity for stability and permanency in the event that the parent cannot resolve the issues that led to the child's removal.



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State and federal law were recently enacted to underscore the public policy preference relative care. The federal "Fostering Connections to Success Act" PL 110-351, mandates that child welfare agencies provide notice within 30 days of the removal of any child from the custody of the child's parents, to all adult grandparents and other relatives of the child.¹ **The federal law also provides, for the first time, for federal reimbursement of state subsidized guardianship programs.** Connecticut General Statute § 46b-129 was amended last legislative session to emphasize the right of relatives to be heard regarding the child's placement and to require DCF to assess proposed relatives' home within 30 days of the initial temporary custody hearing. **Section One of HB5522 would require that DCF report to the court (and therefore to the parties) regarding its internal assessment of**

¹ The act allows for exceptions in situations of family or domestic violence.

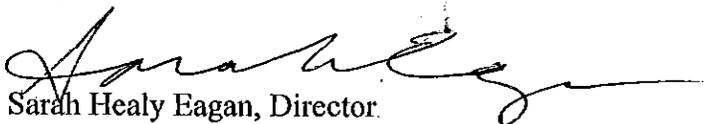
the proposed relatives' homes. This provision would ensure that such assessments are conducted in a timely and professional manner and in furtherance of the child's best interests. While DCF is currently taking steps to comply with the federal and state mandates regarding relative notification and placement, there is still much room for improvement. According to a recent report by the Juan F. Federal Court Monitor, DCF's current kinship care rate is just under 14%, well below the national average of 24%.² The reporting requirement would also assist child welfare attorneys with **ensuring that the legislative preference for relative care is being honored.**

Section Two: Providing access to health and education records for child welfare attorneys.

Section Two of HB5522 will permit counsel for abused and neglected children to assert or waive privilege on behalf of the child and therefore have access to the child's medical, dental, therapeutic and educational records. Children and youth are legal parties to juvenile court child protection proceedings and are entitled to counsel during all phases of the proceeding, including trials and appeals. Important issues related to the child's custody and well-being are discussed and resolved at various points in the life of a case and often need to be identified, addressed and resolved as quickly as possible. Such issues may include: ensuring appropriate mental health or medical assessments and services, advocating for necessary or interim educational services, identifying an appropriate therapeutic visitation plan or custody arrangement. In order for the child's attorney to be able to meaningfully investigate such matters and address in a manner consistent with the attorneys ethical and professional obligations, the attorney must have unfettered and timely access to important information about the child. Currently, the child's attorney has to make preliminary requests with DCF or other parties before being able to access critical records like medical reports, resulting in unnecessary and sometimes costly delays in accessing information. **We urge you to approve this bill so that child welfare attorneys will be better equipped to obtain information from critical service providers in a seamless and timely manner.**

Thank you for your time and consideration.

Respectfully submitted,



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² See Urban Institute Analysis of national kinship care trends, by state, found on the web at:
<http://www.urban.org/pubs/KinshipCare/chapter1.html>