

CONNECTICUT GENERAL ASSEMBLY

February Session, 2010

Raised Bill No. 154

**An Act Authorizing A Differential Response By The Department Of Children And Families
To Reports Of Child Abuse**
Select Committee on Children

REMARKS OF ATTY. MICHAEL H. AGRANOFF

Law Offices of M.H. Agranoff

99 Stafford Road

Ellington, CT 06029

Tel: 860-872-1024

Fax: 860-871-1015

EM: AttyMikeA@agranofflaw.com

Web Site: www.agranofflaw.com

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.

When DCF receives a referral report of suspected child abuse or neglect, it determines if an investigation is warranted. Investigation procedures are well known, and have been the subject of much legislation. In the course of its investigation, DCF may refer the family to various service providers. These include, but are not limited to: parenting counseling, domestic

violence counseling, substance abuse counseling, dual diagnosis, individual mental health counseling, etc.

This bill establishes a category in between a full DCF investigation and DCF's declining to investigate. It states that a referral report may be classified as "lower risk", and be referred for "family assessment and services". The bill leaves it to DCF to develop regulations for such referrals to community providers.

I believe that this bill is well-intentioned, but I must respectfully oppose its passage.

There are several reasons:

1. What the bill actually does is to mandate services for families without requiring DCF regular home visits. DCF will never support this, plain and simple. Therefore, time will be wasted on a bill that has virtually no chance of actually being implemented.
2. The bill assumes that a case can be transferred back and forth between full investigation and lower risk status. I believe that that assumes a precision that simply is not to be had in the vast majority of cases. This will cause a great deal of administrative difficulty for DCF, and I don't believe they will do it. Workers will be told to not recommend "lower risk status", and it will become a dead letter, much as "Youth in Crisis" became a dead letter due to its administrative unworkability.
3. The bill might not even be beneficial for parents. A DCF investigation is frustrating enough for many parents, but at least they have a social worker to deal with. In the "lower risk" scheme, parents will be obliged to attend community services (or risk removal of their children), and have to deal with service providers who might not even tell them why they are there, except that "DCF said so." The chance for frustration may multiply dramatically. Further, some parents today retain an attorney to help them through the DCF investigation

process. The "lower risk" providers might not accept the presence of an attorney, and there may be no recourse back to DCF to challenge the very services requested, as there is at present. In short, the benefits of the less-stringent investigation are outweighed by the increased potential for serious communication problems, and possibly due process problems.

4. The bill would facilitate transfer of confidential information between DCF and the service providers, without the parents having a meaningful understanding of the release forms that they are asked to sign. If parents objected to signing release forms, DCF would threaten them with a standard investigation. Thus, parents will be pressured into giving up their rights without fully understanding the legalities involved. It is not worth it.

As mentioned initially, I believe that the bill is well-intentioned. However, when a bill creates an unworkable administrative scheme, it will fall into disuse. That is exactly what happened with "youth in crisis." It was intended to fill the gaps in cases that were not quite delinquency and not quite abuse/neglect. The idea was to create a new type of case, but the law was passed in haste, and failed.

I should not wish to do the same here. Our current system, while it may be improved, does not need another type of investigation response. Rather, in my opinion, it needs certain rules as to the conduct of a proper investigation itself; and these have been addressed in other bills.

Respectfully Submitted,

MICHAEL H. AGRANOFF

Attorney At Law

mha.LOB.testimony.differential