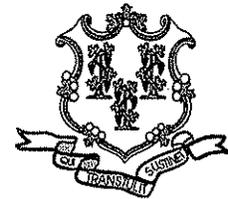




STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES



Public Hearing Testimony of
Commissioner Susan I. Hamilton, M.S.W., J.D.
Select Committee on Children
March 2, 2010

S. B. No. 292 - AN ACT CONCERNING HOMELESS YOUTH

The Department of Children and Families offers the following comments regarding S.B. No. 292 - AN ACT CONCERNING HOMELESS YOUTH.

The Department appreciates the motivation and spirit behind this bill to raise awareness and better coordinate services for homeless and runaway youth. As Committee members likely know, research estimates that between 5 and 7 percent of the teenage population annually experience homelessness, and that this added vulnerability increases their risk for physical abuse, sexual exploitation, mental health disabilities, chemical or alcohol dependency, and death.

Because of the impact of homelessness on the well-being of youth, and because youth in our care will at times runaway, the Department over the last several years has taken several steps to reduce the number of runaway episodes and improve our response when they occur. In addition, seeing ourselves as part of a larger response system for all youth who run or are homeless, we have also actively participating in a State-wide Task Force on Runaway and Homeless Youth, which has provided a critical means for service coordination and information gathering. The Department is represented on this group of providers, state agency staff and advocates, with staff from its Bureau of Child Welfare, Bureau of Continuous Quality Improvement, and Bureau of Behavioral Health and Medicine.

As we read the bill, in addition to acknowledging the importance of the issues raised and the validity of the need for an improved response system, we must express three concerns:

- 1) The proposal lacks the resources necessary to successfully implement the requirements of the legislation - done well this service system represents a significant expense;
- 2) As written the legislation makes DCF solely responsible for implementing a wide variety of new responsibilities, and there are a number of other state and private agencies that bring important resources and responsibilities to the table, particularly for youth over the age of 18; and
- 3) The legislation is not entirely clear about what is contemplated in terms of service models, but the use of the phrase "shelter system" raises some concern about the focus and appropriateness of the response system as considerable efforts have been made to move away from this type of intervention.

The Department remains committed to participating in the activities of the Task Force and advancing its internal initiatives to reduce the number of incidences of youth running and mitigate the length of time and affects when they do. And, we are available to meet with proponents of this bill and Committee members to discuss our interests and concerns in greater detail.

In closing, the Department would like to bring to your attention that last year, the Select Committee on Children introduced legislation regarding "stuck kids," which became Public Act 09-96 and was codified in section 17a-62 of the General Statutes. This act required DCF to report to the General Assembly regarding the number and age of children and youth who are runaways, the number of days that each child or youth has been a runaway, and an analysis of the trends relating to runaways. That report was issued last month and provided to each member of this Committee. We trust this will be an important reference for you as you consider this social and public policy issue further, as well as assess DCF experience with, and response to, youth in our care who runaway.

S. B. No. 294 - AN ACT CONCERNING DOCUMENTATION OF REASONABLE EFFORTS TO REUNITE A PARENT WITH A CHILD AND TO LOCATE RELATIVES

The Department of Children and Families **offers the following comments regarding S. B. No. 294 - AN ACT CONCERNING DOCUMENTATION OF REASONABLE EFFORTS TO REUNITE A PARENT WITH A CHILD AND TO LOCATE RELATIVES.**

The Department is generally supportive of this bill, but we offer the following comments to specific provisions.

We have three comments to the amendments in Section 1 of the bill. With respect to the documentation of efforts to achieve the permanency plan in the permanency study filed with the court, the Department routinely includes this information in the study as this is required by federal law for Title IV-E reimbursement. Similarly, pursuant to Public Act 09-185, the Department is now required to provide information to the juvenile court regarding all potential relative resources. Accordingly, this information is now provided in permanency plan studies, as well as at the time of the initial removal. Therefore, the language regarding these two amendments does not change current practice.

With respect to the documentation of efforts to prevent removal from the home, this information is already documented at the time of initial removal pursuant to federal law and as a condition precedent to Title IV-E reimbursement. The trial judge is required to make a finding that the Department has, in fact, made reasonable efforts to prevent removal from the home. Because this information has been provided to the parties and attorneys at the outset of the case, there is no reason to repeat this information a year later in a permanency plan study. Inclusion of this language merely duplicates existing documentation.

Finally, the Department must oppose the language in Section 2 calling for a separate hearing on whether the parent is unable or unwilling to benefit from reunification efforts. Again, as a requirement of federal law, as well as Conn. Gen. Stat. 17a-112(j), the juvenile court is required to make this finding as part of a termination of parental rights trial. Juvenile court judges carefully consider the evidence presented by all parties, just as they do for other elements of a termination proceeding. Parties can, and do, appeal these findings. Existing case law is clear that the Department must prove the "unable or unwilling" to benefit from reunification efforts element or the termination petition must be denied. The effect of the proposed language will be to require the Department, the attorneys for the parties, the parents and witnesses to unnecessarily appear in court on a separate occasion and to unnecessarily add to the juvenile court's already overburdened docket and unduly delay the disposition of the case. The existing procedure - by which the trial judge hears evidence on the "unable and unwilling" element at the

same time as all other elements of the termination petition is sufficient to protect all parties' rights and to preserve the quality of the evidence.

S. B. No. 295 - AN ACT REQUIRING A STUDY OF THE RESIDENTIAL TREATMENT OF JUVENILES

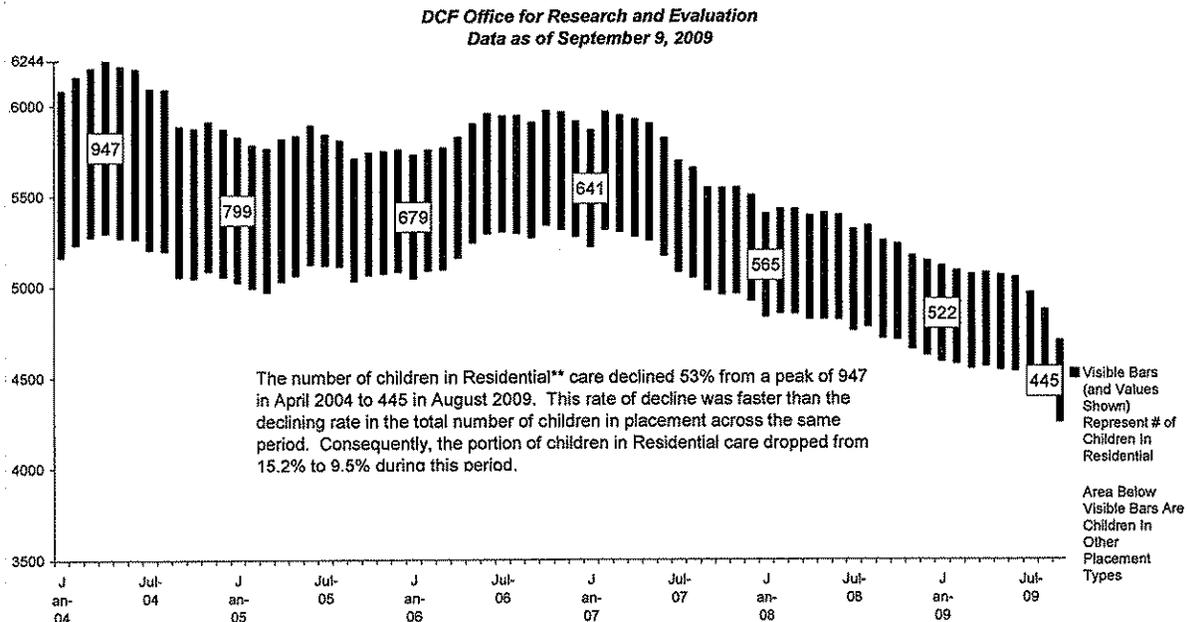
The Department of Children and Families offers the following comments regarding S. B. No. 295 - AN ACT REQUIRING A STUDY OF THE RESIDENTIAL TREATMENT OF JUVENILES.

This bill requires DCF to study the process of placement of children in residential facilities which would include, but not be limited to, information on the facilities where children are placed and case management, the costs of placement and the number of children placed in facilities outside the state.

While we appreciate the interest of many legislators in this area of residential placements, we believe that a formal study is unnecessary as this information is available through a variety of other means.

We would point out that placements in residential settings are down significantly over the last several years. One other important measure of this decline involves an explicit measure under the *Juan F.* Exit Plan. Reporting on the Outcome Measure dealing with Residential Care demonstrates a 33% decline in the percentage rate of DCF cases in residential care over the last 4 years. DCF has met and/or been below the 11% goal/threshold since the 2nd quarter of 2006. The following chart offers further perspective on this by demonstrating the overall decline in the number of children in care in relation to placement type and in particular residential level of care.

**Number of Juan F. Children* in DCF Care On First Day of Each Month
By Placement Type**, January 2004 - August 2009**



* Includes all Juan F. children in open DCF placements on the first day of each month; Excludes Committed Delinquent, Age >18, Voluntary, Probate and Interstate Compac. On any given day DCF is responsible for an average of 5.7% additional children who have left open placement, but for which DCF is still legally responsible.
** Residential includes children in any residential treatment center or DCF facility, except Riverview Hospital.

Also, recent data compiled by the Behavioral Health Partnership shows that not only is there a decline in the percentage of DCF children in residential care, but there has also been a decline in the number of admissions to residential treatment. Below is a chart depicting this trend and indicating whether the placement is in an in-state or out-of-state facility.

Admission Totals

	Admits	In-State	OOS
2008	731	516	215
2009	621	392	229

As for residential placements out-of-state, below is an assessment as of January 1, 2010, which includes all DCF involved children (Child Protective Services, Juvenile Services, Dual Commitment, Voluntary, etc.) placed in out-of-state congregate care facilities.

- There's a total of 341 children placed out-of-state as of this month, which reflects an increase of seven children out-of-state relative to the December 2009 census of 334. Compared to a year ago, in January of 2009 there were a total of 342 children placed out-of-state.
- As of this month 246 children (72%) are in New England States.
- As of this month 90% of the children are placed in five states as follows: Approximately 52% of the children placed out-of-state are in Massachusetts (176 children), 19% are in Pennsylvania (66 children), 10% are in Vermont (33 children), 5% are in Rhode Island (17 children), and 4% are in Maine (14 children).
- Of the 341 children placed out-of-state as of this month, 259 had only a CPS status, 70 had only a Juvenile Services status, and 12 had a Dual Commitment status.

Among those receiving treatment in out of state facilities, the following is a breakdown of their primary diagnosis:

Out of State Admissions by Diagnostic Category

Diagnostic Category	2008 OOS Admits	2009 OOS Admits
Fire Setters/ Sex Offenders	65	44
MR/PDD	32	42
Conduct Dx/ JJ	43	70
Substance Abuse	8	11
Psychiatric	67	62
Total Out of State Admissions	215	229

In an effort to build more in-state capacity and minimize out-of-state placements, DCF has two major initiatives underway. First, the Department is posting fee-for-service program specifications to encourage providers to develop services in Connecticut for those special population cohorts which are currently being served primarily out-of-state. Second, the Department is providing data and technical assistance to in-state residential providers with available unused capacity to assist them in re-tooling their programs to serve a broader spectrum of youth, again mitigating the need for new out-of-state placements.

S. B. No. 296 - AN ACT CONCERNING VISITATION BETWEEN A PARENT AND A CHILD IN CASES INVOLVING THE DEPARTMENT OF CHILDREN AND FAMILIES

The Department of Children and Families **offers the following comments regarding S. B. No. 296 - AN ACT CONCERNING VISITATION BETWEEN A PARENT AND A CHILD IN CASES INVOLVING THE DEPARTMENT OF CHILDREN AND FAMILIES.**

The Department appreciates the intent of this bill which requires weekly visitation between parents and children when reunification is the goal and a hearing if visitation is suspended in non-emergency situations. In fact, virtually every reunification case includes at least weekly visitation (and often more) as such visitation is critical to successfully reuniting the family. Further, parents and children always have access to hearings either in court or under the administrative hearing procedures of the Uniform Administrative Procedures Act. Therefore, we believe that the proposal merely codifies existing rights and case practice.

S. B. No. 299 - AN ACT CONCERNING A PARENT'S OBLIGATION TO MAKE REIMBURSEMENT TO THE DEPARTMENT OF CHILDREN AND FAMILIES

The Department of Children and Families **expresses concern regarding S. B. No. 299 - AN ACT CONCERNING A PARENT'S OBLIGATION TO MAKE REIMBURSEMENT TO THE DEPARTMENT OF CHILDREN AND FAMILIES.** We concur with the testimony of the Department of Administrative Services that this legislation, as drafted, is too broad in its application and could potential negatively impact the collection process in unintended areas.

The Department is currently clarifying the responsibilities of the Department of Children and Families regarding referrals to the Department of Social Services (DSS) or the Department of Administrative Services (DAS) for child support enforcement, where appropriate, in accordance with Section 471(a) (17) of the Federal Social Security Act.

When children come into the care and custody of the Department of Children and Families, parents can be assessed for contribution to the financial support of their children. The department maintains flexibility regarding the circumstances under which such assessments will be made and forwarded to DSS or DAS for enforcement. The assigned social worker and social work supervisor determine if a case is appropriate for referral to the Title IV-D agency (DSS) on an individual basis, considering the best interest of the child and the circumstances of the family

**H. B. No. 5310 - AN ACT CONCERNING PLACEMENT OF CHILDREN AND YOUTH
WHEN THERE IS SERIOUS RISK OF DANGER TO HEALTH AND SAFETY**

The Department of Children and Families offers the following comments on H. B. No. 5310 - AN ACT CONCERNING PLACEMENT OF CHILDREN AND YOUTH WHEN THERE IS SERIOUS RISK OF DANGER TO HEALTH AND SAFETY.

Under existing court procedure, the Department always considers the safety of the child as the paramount concern in its dispositional recommendation. In cases in which we believe that there is a serious risk of danger to the health or safety of the child who is being returned home, we have the opportunity to object and present evidence prior to the court issuing its order. Therefore, there is no need to allow the judge 24 hours to reconsider his or her decision because all of the evidence (from all parties) has already been presented and taken into consideration. The Department believes that even a short delay in reunification is unnecessary when the court has determined that the evidence supports returning the child to the parents' home.