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# Biennium Budget Report of the Chief Child Protection Attorney



Presented to the Governor and General Assembly

*March 2011*

***“What you have built in CT stands as a beacon to the rest of the nation when it comes to good child welfare representation. You are really doing this right.”\****

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\*Quote from Professor Don Duquette, *Director of the National Quality Improvement Center on the Representation of Children in the Child Welfare System* established by the U.S. Children's Bureau at the University of Michigan Law School after spending 2 days observing the work of CCPA and its attorneys in Connecticut.

## **Commission on Child Protection's Mission Statement**

It is the mission of the Commission on Child Protection to ensure that children and indigent parents who require legal services and guardians ad litem in child protection, child custody and child support cases heard before the Superior Courts for Juvenile Matters and Family Matters, receive high quality, competent and zealous representation from attorneys and guardians ad litem who are knowledgeable and trained in the substantive and procedural law applicable to these cases, capable of skilled advocacy and proficient in the subject areas that inform the issues these children and parents face.

As a state agency, COCP must achieve this mission in the most cost-efficient manner that does not compromise attorney services and is accountable to the state of Connecticut. The COCP is committed to ensuring that these children, Connecticut's most vulnerable and voiceless population in the courts, and their parents, receive the most competent legal representation possible.

## INTRODUCTION:

This report provides information about the Commission on Child Protection "COCP" and the Office of the Chief Child Protection Attorney's "CCPA" activities for the past two fiscal years and currently. The following is an overview of measures undertaken to meet the office's statutory mandate to provide quality legal representation for children and parents in child protection, custody and support matters in Connecticut; expenditures for that representation and CCPA's goals and needs for the upcoming biennium budget.

## I. ORGANIZATION

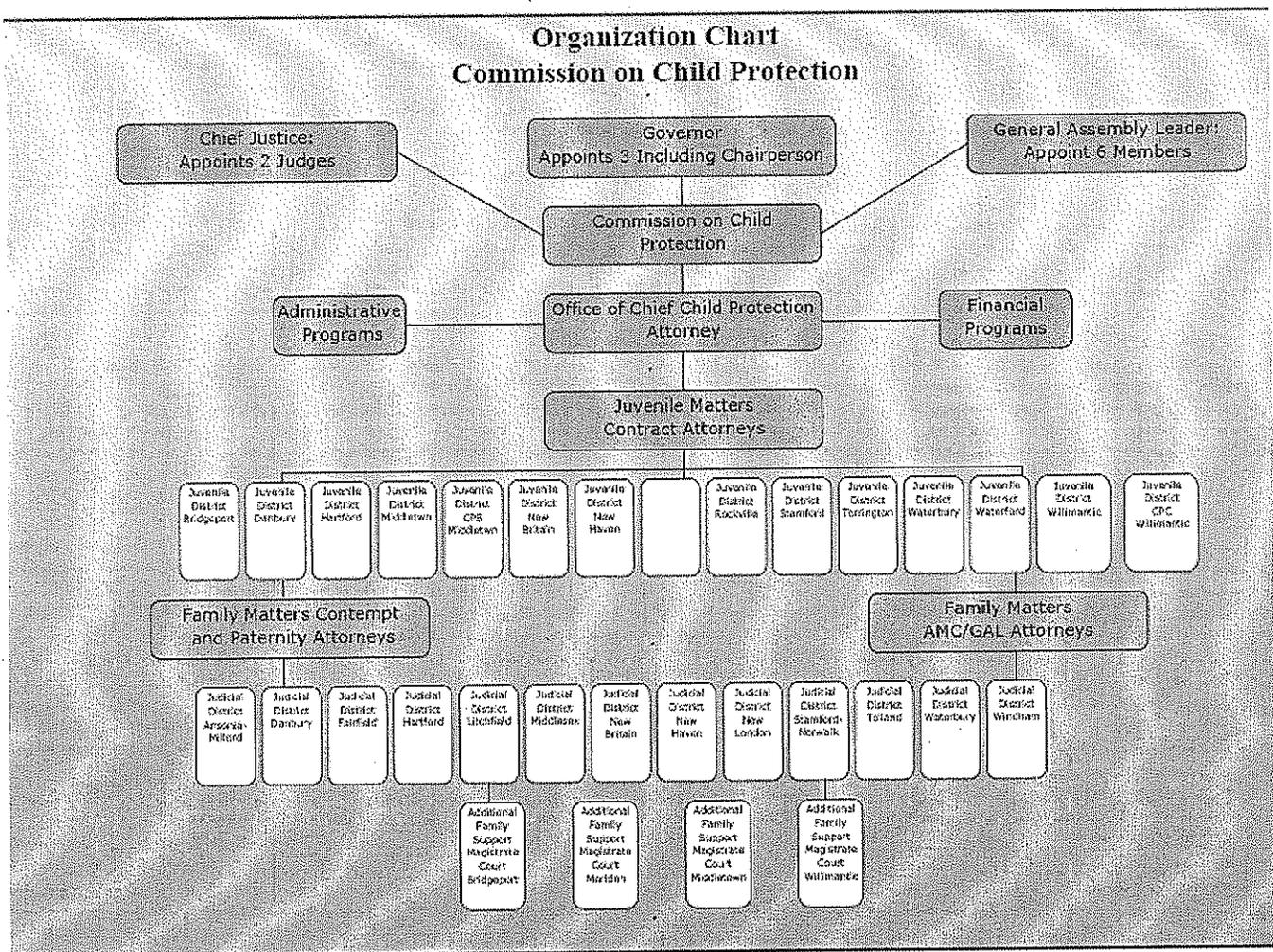
The General Assembly created the COCP during the 2005 legislative session through P.A. 05-3 Sections 44 through 46. Their intent was to create an independent agency to improve and monitor attorney services for children and indigent parents in child protection matters. C.G.S. § 46b-123c provides for the establishment of an 11 member Commission. Its function is to carry out the purposes of the legislation and to appoint the Chief Child Protection Attorney.

Commission Member	Appointed By
Anthony Lazzaro, Chair	Governor
Maria Kokiasmenos	Governor
Linda Sandiaes	Governor
Judge Carl Taylor	Chief Justice
Vacant	Chief Justice
Paul Chill	Speaker of House
Abigail Anderson	President Pro Temp
John Kelley	Senate Majority Leader
Vacant	Senate Minority Leader
Vacant	House Majority Leader
Vacant	House Minority Leader

The Chief Child Protection Attorney (CCPA) reports to the Commission at its bi-monthly public meeting at which time the Commission provides feedback regarding planned initiatives and direction regarding policies and expectations. The Commission considers and acts to approve key initiatives effecting program management.

The agency operated during FY 2009 and 2010 with a permanent staff of 9 and 2 per diem employees. In addition, the CCPA has contracted with one of the Child Welfare Law Specialists representing parents and children to serve as a liaison in the courts with the attorneys and court staff. Her duties include holding bi-monthly meetings with the attorneys to communicate about CCPA policies and procedures and to discuss systemic, court process and legal issues; observing attorneys in court proceedings and addressing any training issues; attending collaborative meetings on behalf of CCPA when there is a conflict.

CCPA is under the auspices of the Chief Public Defender for administrative services only. Since July 1, 2007, the agency has become almost completely independent. The Public Defender's Office provides Payroll, Human Resource and some IT support.



## II. ENABLING LEGISLATION:

Connecticut General Statute, § 46b-123c, et seq., is the specific legislation establishing the COCP and setting forth mandates that it must meet in order to create and maintain a consistent and high quality legal representation system for children and parents.<sup>1</sup>

The statute, as amended by P.A. 159, provides that the Chief Child Protection Attorney shall:

- A. Establish a system to provide legal services and guardians ad litem to children, youths and indigent respondents in family relations matters in which the state has been ordered to pay the cost of such legal services and guardians ad litem, provided legal services shall be provided to indigent respondents pursuant to this subparagraph only in paternity proceedings and contempt proceedings, and legal services and guardians ad litem to children, youths and indigent legal parties in proceedings before the superior court for juvenile matters, other than legal services for children in delinquency matters.
- B. Establish a system to ensure that attorneys providing legal services pursuant to this section are assigned to cases in a manner that will avoid conflicts of interest, as defined by the Rules of Professional Conduct; and
- C. Establish training programs and curriculum designed to ensure proficiency in the procedural and substantive law related to child protection matters and to establish a minimum level of proficiency in relevant subject areas, including, but not limited to, family violence, child development, behavioral health, educational disabilities and cultural competence.
- D. Establish Standards of Practice for the representation of children, youths, indigent respondents and indigent legal parties. Such standards shall be designed to ensure a high quality of legal representation.
- E. Establish caseload standards consistent with an attorney's ability to provide diligent and thorough representation for all child protection clients.
- F. Promote best practices through contracts that include terms encouraging or requiring the use of a multidisciplinary agency model of legal representation.
- G. Establish a list of qualified attorneys from which the judicial authority may appoint GAL's and AMC's in Family Matters custody cases.
- H. Administer a billing, monitoring and payment system for attorneys who provide representation to children and indigent parents.

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<sup>1</sup> Appendix II: C.G.S. § 46b-123c, d & e.

### **III. REFORM EFFORTS TO PROMOTE QUALITY LEGAL REPRESENTATION**

Connecticut is one of two states to receive A+/A- from First Star's national report card on legal representation for abused & neglected children.<sup>2</sup> The report gave Connecticut an A+ on its statutory framework for protecting children's legal rights and the measures CCPA has implemented to improve legal representation.

Connecticut received an A- in relation to its current requirement that attorneys assigned to represent children in child protection matters act in a dual capacity as attorney and Guardian ad Litem (GAL). This detracts from the important goal of ensuring that abused and neglected children have their right to be heard protected within the systems entrusted with their care. The CCPA has been working for the last three years to pass legislation eradicating the inherent conflict the dual roles creates between the duty of loyalty and zealous advocacy an attorney owes to a client and the GAL's responsibility to assess best interests and possibly advocate against the child's wishes. This year CCPA and the Connecticut Bar Association are working together on H.B. 6442 to achieve this important improvement to legal representation for children in child protection matters.

#### ***Shift to Hourly Rate Contracts:***

- In 2008 the legislature approved funding to offer hourly rate contracts to child protection attorneys in order to encourage more work on these cases and increase accountability by requiring the tracking and reporting of work performed on each case in order to receive payment.

#### ***Established Case Management Information System to Track & Assess Attorney and Program Performance:***

- Immediately upon being hired to create the Office of the Chief Child Protection Attorney, the CCPA began to explore designing a database to track the work of the attorneys and measure outcomes of the program. CCPA collaborated with Kidsvoice of Pittsburg, an established not-for-profit law office representing approximately 5000 abused and neglected children in Pittsburg County, to modify its database system designed for legal representation in the child protection field to fit the needs of Connecticut's system. Through this unique collaboration, including an infusion of foundation grants to keep costs low, CCPA has developed a data base (Kidsvoice Information Database System – K.I.D.S.©) that includes the case assignment function; electronic case management files for each client assigned to the attorneys; and a tracking mechanism for attorney activities, hearing and case outcomes and billing.

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<sup>2</sup>First Star is a national non-profit organization working to improve the lives of America's abused and neglected children by strengthening their rights, illuminating systemic failures, and igniting reform to correct those failures. We pursue our mission through research, public engagement, policy advocacy, and litigation.

- Through this system, including a recently deployed reporting capacity, CCPA will be able to measure results and ensure that state funds are utilized in the most effective and productive manner possible.

### ***Certified Child Welfare Legal Specialty Program:***

- In 2008 CCPA was funded \$75,000.00 to offer scholarships to experienced, quality attorneys to seek certification as legal specialists through the National Association of Counsel for Children. The Commission on Child Protection approved an hourly rate of \$75.00 per hour for Certified Child Welfare Law Specialists consistent with the hourly rate for special public defenders in felony cases. In this way experienced, knowledgeable and respected juvenile contract attorneys can receive a fair rate of pay for their work. In addition, a higher hourly rate for certified attorneys provides an incentive for competent attorneys interested in focusing on child welfare law to enter and remain in the field.
- As of July 1, 2010, 66 of the contract attorneys that provide representation to children and parents in child protection matters have earned their Certification as Child Welfare Law Specialists.

### ***Best Practice Model of Legal Representation in Child Protection Proceedings:***

- Research regarding the various models utilized to provide legal representation in the child protection field resulted in CCPA's conclusion that providing the necessary holistic representation these cases require is best achieved through an organizational model. In an organizational model attorneys providing the representation are employed, supervised and trained centrally and supported by a multi-disciplinary staff including paralegals, social service professionals, supervisors and consultants. A public defender's office is considered an ideal approach and would provide excellent representation because attorneys can focus in this field and receive the supervision, training and support they need to meet the Standards of Practice. A less costly method to achieve an organizational model involves independent not-for-profit law offices providing multi-disciplinary representation. Evaluations of programs employing a multi-disciplinary approach by attorneys focused in child protection demonstrate better outcomes and reduced placement costs for the children and families represented. This is the case whether the program is for child representation or parent representation<sup>3</sup>.

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<sup>3</sup>The Washington State model for parent representation provides annual contracts with social workers and paralegals to assist the attorneys and provides office space and supervision. Since its inception, the program has expanded to two-thirds of the state, covering an ongoing caseload of 7,000 cases. The most recent program evaluation concluded: "All else being equal, the exit rate to reunification is 11% higher when a child is living in a county where PRP (Parent Representation Project) is in operation than when a child lives in a county where PRP is not in operation, a difference that is marginally statistically significant at  $p < .05$  ( $p \approx .051$ ). The rate at which children are adopted is 83% higher, and the rate at which children enter guardianships is 102% higher ( $p < .001$ ). Although PRP's impact is greater on adoption and guardianship than on reunification, the decrease in time to reunification affects many more children because reunification is the most common outcome for children. Of children achieving permanency during the study period 68% reunified, 26% were adopted, and 6% exited to guardianship. Additionally, reunifications generally happen much more quickly than adoptions or guardianships, so

The CCPA collaborated with KidsVoice USA, LLC, a not-for-profit law practice providing this multi-disciplinary representation to approximately 5000 children in Pittsburg, PA. KidsVoice's team approach to advocacy with one attorney and one child advocate specialist (CAS) representing each child client informed the CCPA's RFP for a pilot Multi-Disciplinary Child Welfare Law Office issued on January 3, 2008.<sup>4</sup> On March 31, 2008, contracts were awarded to the South Eastern Connecticut Center for Juvenile Justice (SECCJJ) in Waterford and New Haven Legal Assistance in New Haven. In July of 2010 due to the inability to reduce the high attorney case loads in Hartford and the combining of the Norwalk Juvenile Court with Bridgeport, not-for-profit law offices received contracts in those courts to handle child clients. SECCJJ expanded to Hartford and Connecticut Legal Services opened a model office in Bridgeport.

Appendix IV relates case examples demonstrating how these model offices are executing a multi-disciplinary and comprehensive approach to legal representation of children that ensures the best outcomes for children and families.<sup>5</sup>

A random sampling of 4 days of receipt of assignment; activity data from the three not-for-profit offices, Certified and Non-Certified Attorneys was gathered on 60 child client cases with neglect petitions filed.

	Average # of Days Before First Visit	Average Number of Visits	Average Number of Non-Court Related Activities
Non-Profit Offices	31.4	3.1	3.0
\$75 Certified Attorney	91.5	2.3	1.6
Non-Certified Attorney	86.3	2.9	1.8

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there is less room to decrease days in care. 2010 Washington State OPD Parents Representation Program Study by Partners for Our Kids.

The Center for Family Representation in New York is a multi-disciplinary model with attorney caseloads under 65 reports systemic savings as well: Post-filing cases - children returned home safely in more than 30% of the cases within one year, compared to the 85% with pending cases still in care after a year not represented by CFR. Shorter foster care stays = less \$ spent on placement.

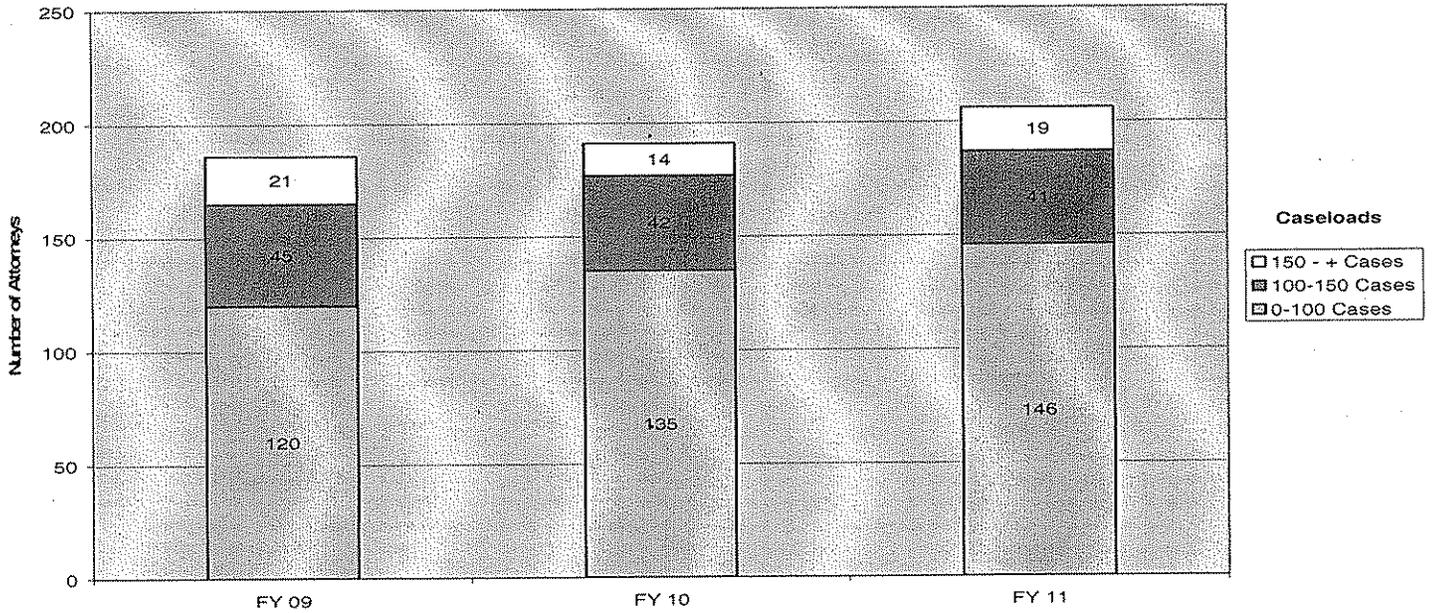
<sup>4</sup> Appendix III: Summary of Request for Proposal.

<sup>5</sup> Appendix V: MCWLO Success Stories

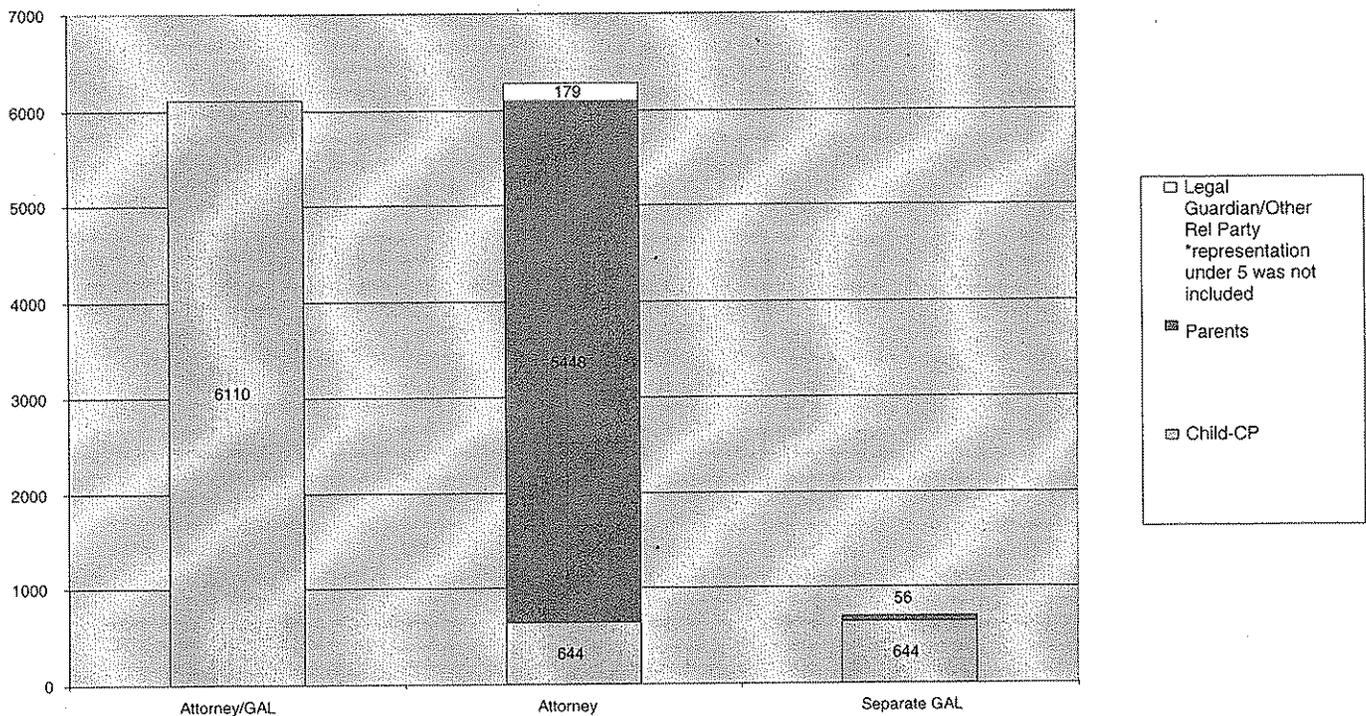
## Caseload Standards:

Since 2006 when the Commission took over the program of child protection attorneys, the number of attorneys has increased from 144 to 206, resulting in significantly reduced case loads. The vast majority of attorneys are carrying actual open caseloads within or close to standards recommended by the American Bar Association and National Association of Counsel for Children.

Caseload Standards by Client and Docket Number



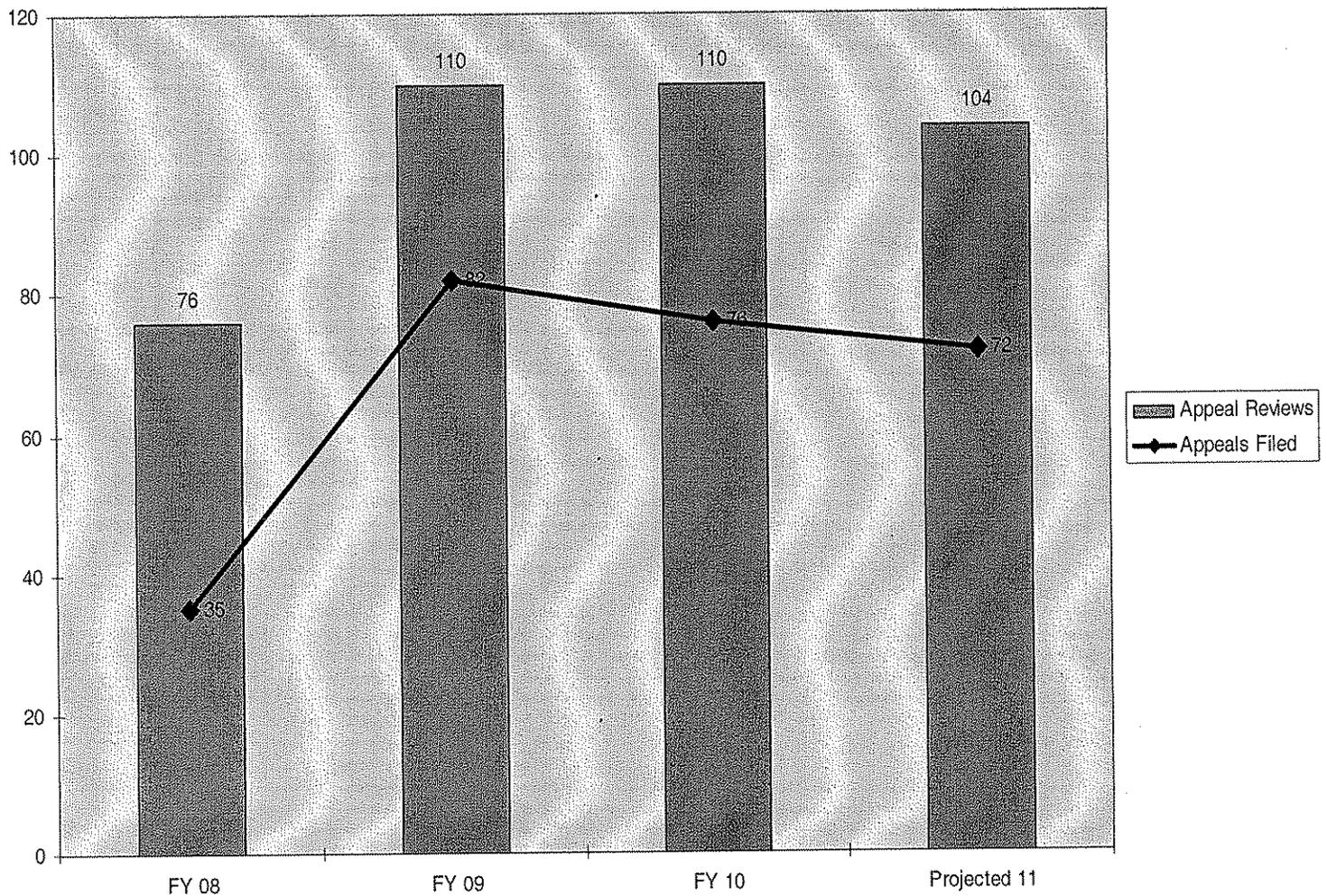
Child Protection Open Clients as of 12/1/10



**Appellate Advocacy Program:**

- As of 12-1-10 CCPA contracted with 11 appellate attorneys to provide timely reviews of child protection decisions for grounds to appeal.
- Procedures were established to ensure expedited transcripts for timely and complete review of record for accurate assessment of appellate grounds, increased prosecution of appeals by experienced appellate attorneys, and improved advocacy for children on appeals.
- Established Moot argument program to assist attorneys preparing for oral argument.
- CCPA serves on the Chief Justice's Committee for Expediting Child Protection Appeals in order to enhance permanency outcomes for children.

**Child Protection Appeal Reviews and Appeals Filed**



## ***Attorney Assessment/Application Review: FOR FY 09 & FY 10***

### **FY 09**

- CCPA reviewed renewal applications submitted by 162 attorneys, conducted reference checks, random case and billing audits, and in some cases interviews.
- 6 Attorneys who were investigated for complaints did not seek renewal.
- CCPA received 35 new applications, interviewed 33 and granted 25 new contracts.
- CCPA addressed approximately 188 complaints.
- CCPA rescinded or did not renew contracts for 8 attorneys who failed to meet contract standards.

### **FY 10**

- CCPA issued a contract to one of the juvenile contract attorneys to assist with field observation in the juvenile courts.
- CCPA reviewed renewal applications submitted by 152 attorneys, conducted reference checks, random case and billing audits, and in some cases interviews.
- 15 Attorneys who were investigated for complaints did not seek renewal.
- 1 Attorney contract was rescinded due to failure of audit.
- CCPA received 55 new applications, interviewed 41 and granted 28 new contracts.
- CCPA addressed approximately 160 complaints.
- CCPA rescinded or did not renew contracts for 1 attorney who failed to meet contract standards.

### ***Mentor Cabinet:***

- In collaboration with the Center for Children's Advocacy, the CCPA continues to utilize the Child Protection Attorney Mentor Cabinet with representatives from each Juvenile Court to facilitate dissemination of critical information for effective legal representation in child protection matters and enhance communication between contract attorneys and the CCPA.

### ***Training:***

- CCPA funded or collaborated on the following training programs;
  1. Third and Fourth annual Three Day Pre-Service Training attended by 57 New Attorneys.
  2. Mentor Support for each New Attorney which includes shadowing requirement, receipt of co-counsel support on first trial and consulting for minimum of one year.
  3. CCPA conducts in concert with the National Institute of Trial Advocacy an annual Three Day Child Protection Trial Advocacy Skills Workshop. CCPA provided scholarships for 88 contract attorneys to attend.

4. CCPA collaborated with the Judicial Branch, Quinnipiac School of Law and the Family Matters Academy to design and conduct Bi-Annual Training for Guardians Ad Litem and Attorneys for Minor Children in Family Matters. Two sessions of 6 Half Day trainings have occurred with 292 attorneys participating.
5. Six regional half day In-Service child protection trainings.
6. Collaborated with Judicial Branch, Attorney General's Office and DCF on Annual Child & Youth Law Forums which provide cross-training for child protection stakeholders including approximately 100 contract attorneys.
7. Provided Scholarships for 29 child protection attorneys to attend NACC's Annual Child Welfare and Family Law Conferences.
8. Funded and facilitated the following web-based video conference:
  - a. Powerful Appellate & Respondent Briefs: Strategies & Tactics That Work
  - b. Medical Records and HIPPA
9. DCF Training Academy and Provider Academy
  - a. DCF continues to offer relevant Training Academy social work courses to CCPA contract attorneys. The CCPA strives to maintain an updated Training Academy schedule on its website so that attorney can take advantage of this opportunity.
  - a. CCPA is currently collaborating with DCF to create cross-training curriculum for attorneys in non-legal subjects critical to adequate representation in child protection cases. The first topic to be addressed is Child Development and CCPA hopes to bring training on best practices in family engagement to the attorneys to promote productive attorney involvement in Family Conferences, ensuring their clients rights and interests are promoted, as well as their self-advocacy supported.

### ***Family Matters:***

- Established an application process for qualifying Attorneys for Minor Children (AMC's) and Guardians ad Litem (GAL's) to represent children in Family Custody and Support Matters and issued a Qualified List of AMC/GAL's. Over the course of the last two years CCPA has processed 152 applications, required pre-qualification training and approved 87 applicants.
- Collaborated with the Judicial Branch, Quinnipiac School of Law and the Family Matters Academy to train attorneys as GAL's and attorneys in divorce and custody matters.

### ***Magistrate Court and Support Enforcement***

The CCPA is also responsible for providing representation for indigent contemnors and putative fathers in family matters. This representation primarily occurs in support enforcement proceedings before the Magistrate Courts. The CCPA has amended the flat fee per case contract system for this representation that was established by the Judicial Branch to provide an

annual flat fee contract paid in quarterly installments to attorneys who commit to provide coverage during Family Magistrate Support dockets whenever an indigent client requires representation for a contempt or paternity matter. This system has ensured the presence of an attorney experienced in this type of representation during these dockets at a cost-savings of \$900,000. These same attorneys provide representation in the Judicial District family cases when necessary.

### ***CCPA Committee Involvement and Systemic Advocacy Efforts***

To effectively set policy, advocate for and serve the best interests of children, the CCPA must extend her activities and work beyond the prescribed list of statutory mandates. Successful advocacy for children requires collaboration and the sharing of resources among many state agencies, child advocate organizations and other interested professionals. There are many entities whose area of work impacts the mission of the COCP. As a result, the CCPA is an active participant on many state, Judicial, Legislative and Gubernatorial committees, boards and Task Forces. The following provides a sample of committees that the CCPA serves as a member:

- Children's Trust Fund: Vice-Chair of Council
- Governor's Task Force on Justice for Abused Children
- Chief Justice's Public Service and Trust Commission – Co-Chair Committee on Demographics
- Chief Justice's Committee to Expedite Child Protection Appeals
- Chief Justice's Advisory Board on Volunteer Advocates
- Executive Implementation Team on Juvenile Justice
- Juvenile Court Rules Task Force
- DCF Differential Response Steering Committee
- National Project for the Improvement of Parent Representation Steering Committee
- In-Depth Technical Assistance Technology Grant to Improve Delivery of Substance Abuse Treatment
- Educational Stability Task Force
- Recovery Specialist Voluntary Services Work Group
- Zero to Three Pilot Project
- Juvenile Access Pilot Program Advisory Board
- State Court Improvement Project Workgroups:
  - Information Technology Workgroup
  - Training Grant Workgroup
  - Concurrent Planning Training Workgroup
  - Children & Youth Law Forum Planning Committee
- Connecticut Bar Association Committees:
  - Children and the Law
  - Family Law Section
  - Continuing Legal Education Committee

By participating with these groups the CCPA ensures that the legal interests and perspectives of parents and children whose lives are impacted by policy changes and program initiatives are protected and respected. The CCPA and in

some instances members of the not-for-profit law offices or contract attorneys who are asked to volunteer contribute to decisions helping to ensure greater buy-in to new initiatives among attorneys and parents and thus greater success of the initiatives.

### ***Legislative Efforts to Ensure Zealous, Competent Legal Advocacy for Children in Child Protection Proceedings***

Pursuant to C.G.S. 46b-129a<sup>6</sup>, attorneys are appointed in Connecticut as both attorney and GAL for children. This means that they provide client-directed representation to the extent possible focused on legal rights, while simultaneously assessing their minor client's best interest as GAL and ensuring that steps are taken to protect their child client's well-being. This statutory framework has significant ethical and training implications for contract attorneys, as well as financial implications for the COCP due to the number of separate GAL's that are appointed whenever an attorney/GAL perceives a conflict between his or her child client's expressed or implied wishes and their client's best interest. On average 652 children are appointed separate GAL's per year for a cost of approximately \$543,768.

The CCPA has proposed legislation during the last 3 sessions to render the rules governing representation of children over 7 years of age parallel to Rule 1.14 of the Rules of Professional Conduct governing the representation of clients with potential "impairments." Senate Bill 325 was approved by the Senate but did not get to the floor in the House due to time constraints. The CCPA has worked with the newly revived Children and the Law Committee of the Connecticut Bar Association on this issue and as a result H.B. 6442 has been raised clarifying the role of counsel and GAL's and providing for a Permanent Guardianship as an alternative to termination of parental rights. By removing the inherent conflict that attorneys representing children currently face due to their dual role, permitting them to exercise a more client-directed approach to legal advocacy, and requiring more objective and serious potential harm if the client's directives were achieved before protective action can be taken, this legislation will enhance the ability of children to be heard and their perspectives to be considered regarding the decisions which profoundly impact their well-being, safety, goals and happiness. It will also reduce the need for separate GAL's in many cases, thus reducing costs of that representation to CCPA.

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<sup>6</sup> C.G.S. § 46b-129 reads in pertinent part as follows: "In proceedings in the Superior Court under section 46b-129 ... (2) a child shall be represented by counsel knowledgeable about representing such children who shall be appointed by the court to represent the child and to act as guardian ad litem for the child. The primary role of any counsel for the child including the counsel who also serves as guardian ad litem, shall be to advocate for the child in accordance with the Rules of Professional Conduct. When a conflict arises between the child's wishes or position and that which counsel for the child believes is in the best interest of the child, the court shall appoint another person as guardian ad litem for the child. The guardian ad litem shall speak on behalf of the best interest of the child and is not required to be an attorney-at-law but shall be knowledgeable about the needs and protection of children. In the event that a separate guardian ad litem is appointed, the person previously serving as both counsel and guardian ad litem for the child shall continue to serve as counsel for the child and a different person shall be appointed as guardian ad litem, unless the court for good cause also appoints a different person as counsel for the child. No person who has served as both counsel and guardian ad litem for a child shall thereafter serve solely as the child's guardian ad litem."

### **Systemic Improvements:**

Since FY2006, when the Office of the Chief Child Protection Attorney took over the program of legal representation from the Judicial Branch the rate of removals has decreased from 3250 children per year in 2005 to 2500 children in 2009. In addition, the time to reunification for those children who do return has decreased from 15 months to 12 months. The number of children in care has decreased from 5500 as of July 1, 2005 to approx. 3900 on July 1, 2010.

While it is difficult to account for all variables effecting these numbers, the rate of removal was on an upward trend prior to 2006 and those practicing in the system including Judges, Assistant Attorney Generals representing DCF and DCF employees have noted the significant improvement in the legal advocacy being provided to many families and the positive impact upon their cases.<sup>7</sup>

### **National Recognition:**

In addition to the high marks from First Star, the CCPA has been recognized by those advocating on the national level for improvements for parent and child representation. The CCPA has been asked to be a faculty member at the ABA's Children & the Law Conference, 2009; the NACC's Child Welfare Law Conference in 2008 and 2009; to provide technical assistance to the State of Michigan for their project to improve parents' representation; and to present at the ABA's Litigation Section, Children's Rights Committee's Summit on Children's Right to Legal Representation in Chicago during the Fall 2009.

In an article published by the ABA's Center on Children and the Law, the author noted:

***With a small full-time staff, the office has achieved remarkable improvements in child welfare representation.***

Don Duquette, Clinical Professor of Law and *Director of the National Quality Improvement Center on the Representation of Children in the Child Welfare System* established by the U.S. Children's Bureau at the University of Michigan Law School spent 2 days observing the work of CCPA in Connecticut and had this to say:

***"What you have built in CT stands as a beacon to the rest of the nation when it comes to good child welfare representation. You are really doing this right."***

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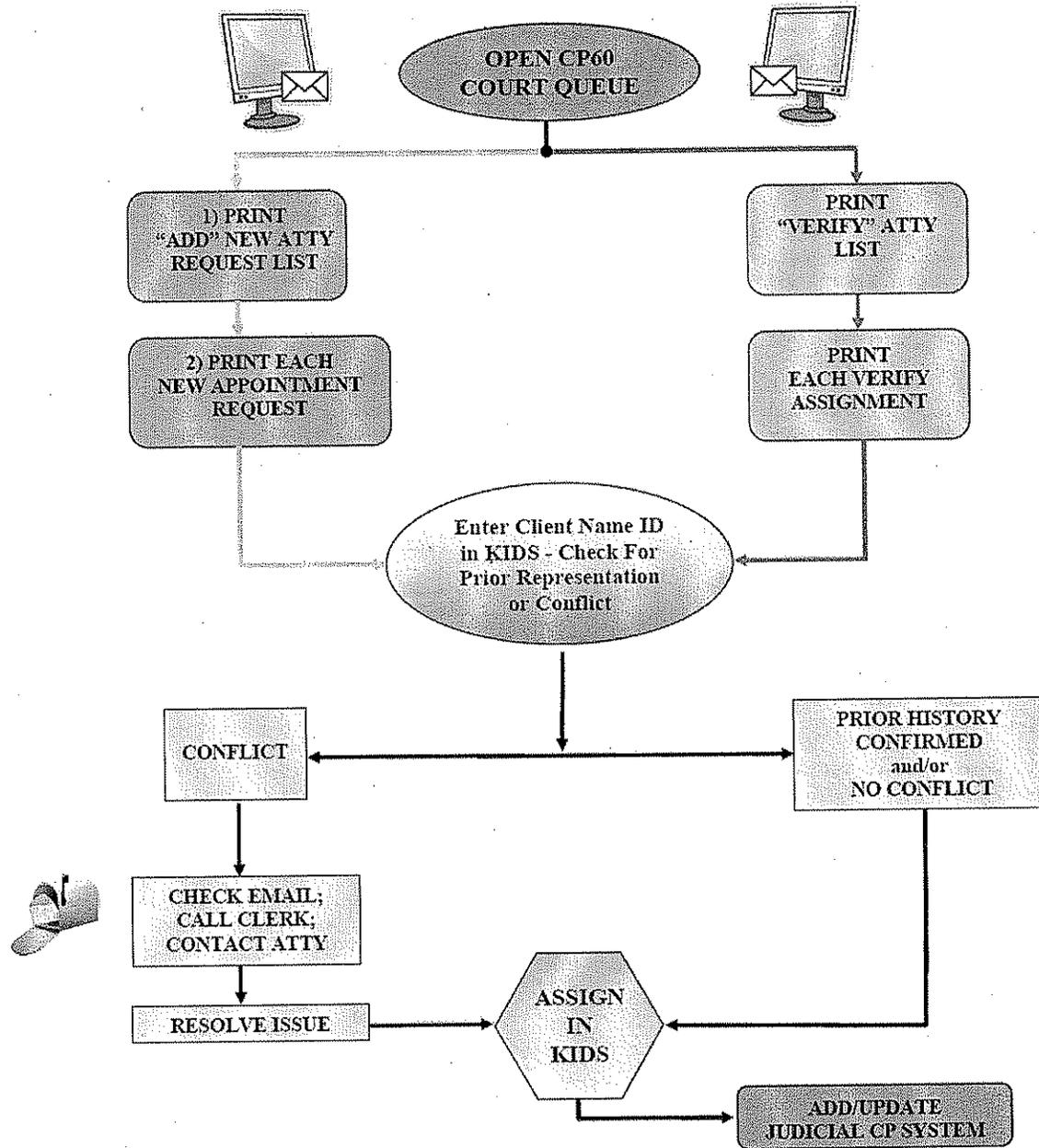
<sup>7</sup> Appendix VI: Examples of improved representation by independent contract attorneys.

#### **IV. PROGRAM MANAGEMENT:**

##### ***Establish A Conflict Free Appointment System in Child Protection Cases:***

- CCPA has developed its own case management database system called K.I.D.S© (Kidsvoice Information Database System) to assign child protection cases within 24 hours of notice from the Judicial Branch or sooner in emergencies, track attorney activities and case outcomes and process billing.
- Currently, CCPA has three paralegal positions to fulfill the task of assigning attorneys to all children and indigent parents and guardians statewide in order to ensure uninterrupted appointments during illness and vacation and reduce the instances where potential conflicts are missed on cases that have a history in the system. This assignment process was previously handled by Judicial staff in the 13 different juvenile courts. Due to the volume of assignments and time constraints, the 13 juvenile courts are divided among each of CCPA's 3 paralegals with each paralegal responsible for 4 to 5 courts. The additional paralegal has assisted in providing proper review of each assignment thus reducing the need to correct or reassign cases.
- CCPA sets specific goals for staff to ensure that each client is represented by counsel as quickly as possible. The goal from notification of the filing of a petition or a parent being found eligible for counsel is 24 hours. Assignment of an attorney prior to the first hearing date and within 24 hours has been achieved in 98% of the received requests. The 2% difference is due to parents and/or other legal parties submitting an application for counsel on the day of the hearing or the request was received with less than 24 hours notice prior to the hearing.

## Paralegal Workflow - Attorney Assignment



**GOAL:** Ensure all clients have counsel appointed prior to first hearing. Goal Achieved 98%

**STRATEGY:** Make all appointments within 24 hours of request from court.

*Daily Activities:*

- Two queue runs per day; per court.

*Weekly Backup:*

- Two queue runs per week of CCPA Juris # to ensure no request has been missed.

90% of each Paralegal's day focuses on making Attorney Appointments. The remaining 10% focuses on appointment related correspondence with attorneys, court staff & other CCPA staff

FY10 Generated 19,758 data entries. Note: Entries are comprised of New assignments, Conflict reassignments, additional petition assignments .

### ***Monitor Attorney Activities and Hourly Bill Submissions:***

The COCP accounting staff, in spite of their small numbers, goes to great lengths to ensure that billing and payments are accurate. The staff processes on average 700 bill submissions per day and handles numerous daily calls from attorneys regarding billing questions. Due to insufficient funding for the programs initiated by CCPA to ensure quality legal representation, the staff is now processing billing caps, which makes their work much more time consuming and complicated.

During FY's 2009 and 2010 and so far in 2011 they caught and avoided \$420,000 in potential overpayments due to billing errors on the part of attorneys. The turn-around time from receipt of bills to attorney receipt of payments where there are no errors or discrepancies is within three weeks. In addition to ensuring payments are accurate, the contractual deadlines for submittal of bills has been strictly enforced enabling staff to accurately verify services received and save the state funds in unverifiable activities.

The CCPA accounting staff reviews hourly billing statements provided by the attorneys who have hourly rate contracts in order to ensure that the work done on a case is adequate and that state dollars are used for only allowable expenditures. The accounting staff will often consult with the CCPA, the Court Liaison and our paralegal specialists on these issues. This is the most effective way to monitor services on any given case given current staffing and the resulting lack of presence in the local courts.

~4,000 Bills are pulled from KIDSVOICE/month

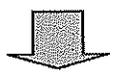


Hourly staff organizes all bills \*



Hourly staff checks for\*:  
6 hours/day

- 1) Activities entered on time
- 2) Calculates the amount of billing time for each attorney
- 3) Date stamps all of the bills as received (if it's a weekend or holiday –the next workday is the date stamped)
- 4) Attaches a CORE Invoice Card
- 5) Calculates standby payments and puts on invoice card.



FAA #1 (7,000 Invoices/Month)  
8 hours/day

Verifies every activity entry in Kids, checks for duplicates, capped cases  
Audits questionable activities, compare case activities with other attorneys on the case. Verifies child visits with DCF Liaisons and social workers.  
Enters all CCPA billing in CORE/CT.  
Enters purchase orders for office.

FAA #2 (7,000 Invoices/Month)  
8 hours/day

Verifies every activity entry in Kids, checks for duplicates, capped cases  
Audits questionable activities, compare case activities with other attorneys on the case. Verifies child visits with DCF Liaisons and social workers.  
Enters all CCPA billing in CORE/CT.  
Enters purchase orders for office.



Hourly staff:  
2 hours/day

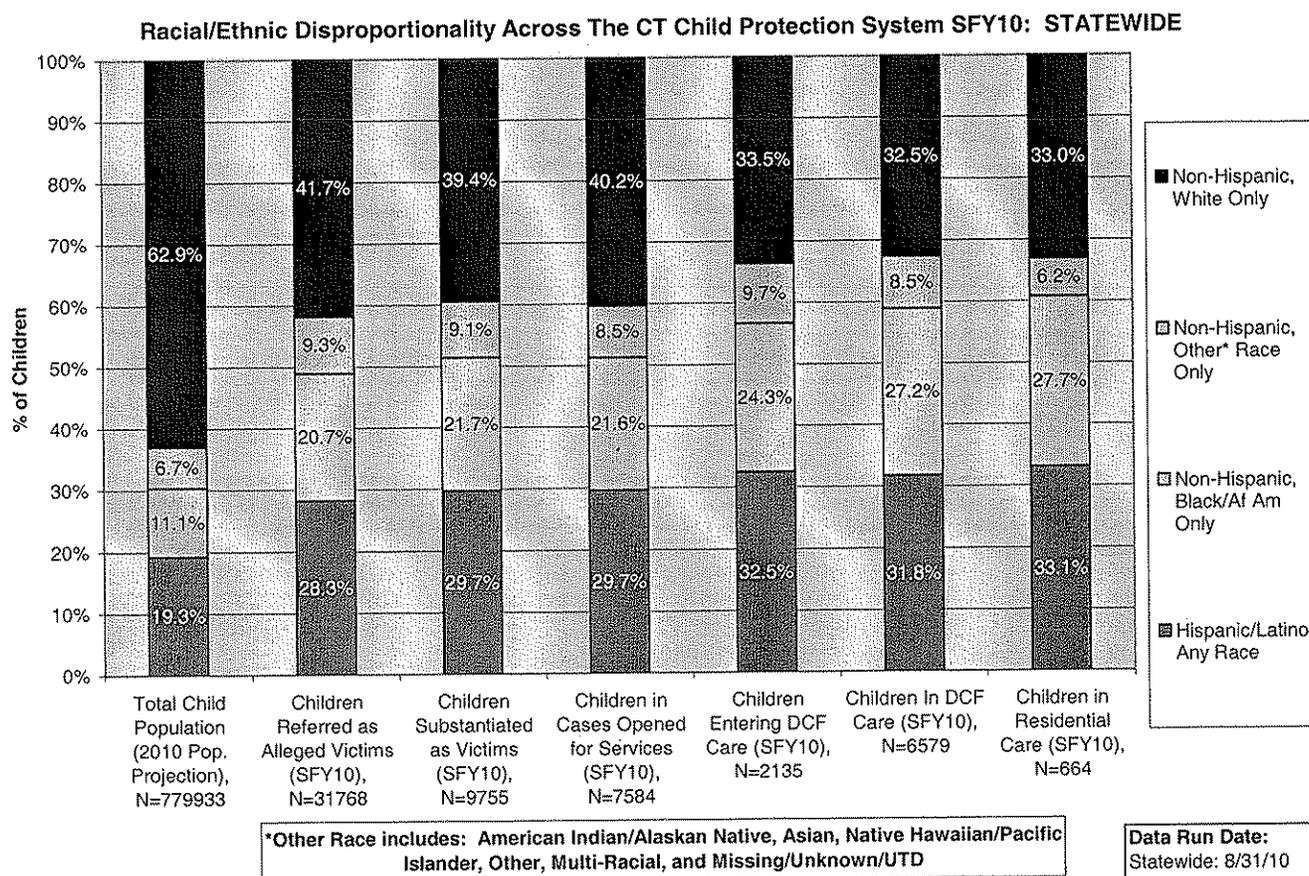
- Records payments in Kidsvoice
- Contacts attorneys about reductions
- Tracks reductions
- Invoices all AMC/GAL Payments (\$894,000)
- Invoices all Family Contempt Payments (\$895,000)
- Files all attorney records
- Tracks and prepares Marshal bills (\$20,000)
- Tracks court monitor payments (\$84,000)

\*Hourly staff is replacing a permanent position for our department

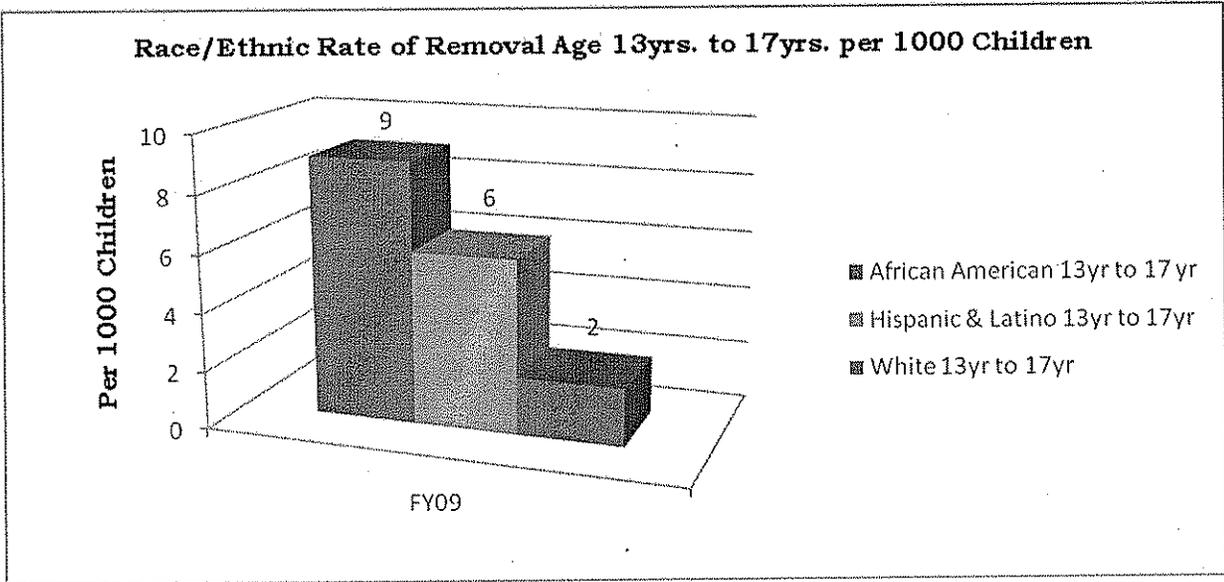
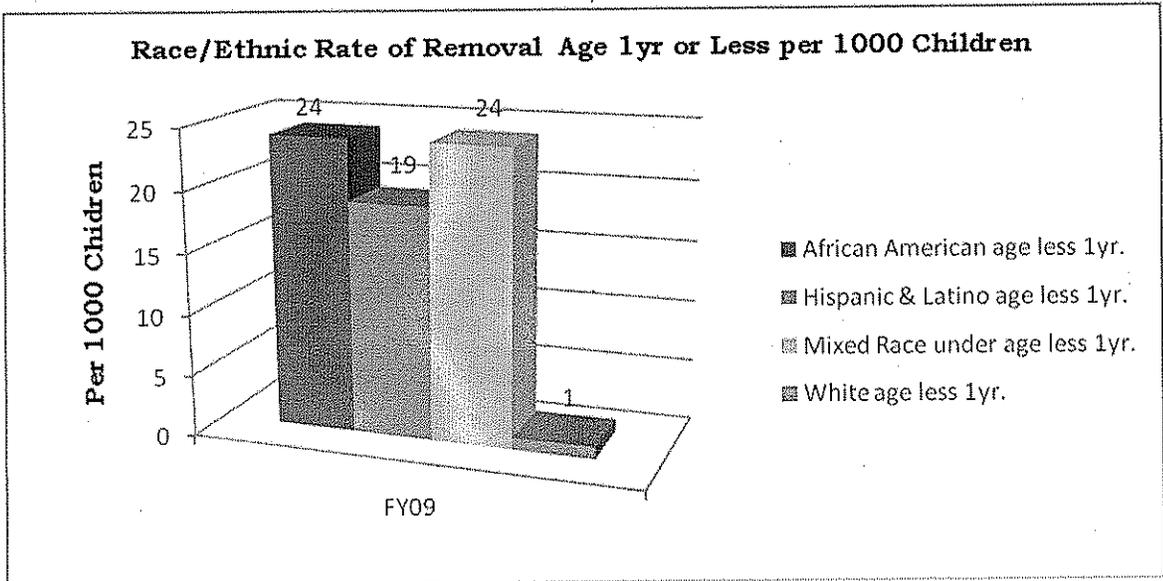
## V. CLIENTS SERVED BY CCPA:

### A. Child Protection

The majority of clients served in the child protection system are poor minorities. As a result, CCPA provides the representation for almost all the parents and guardians and all the children brought to Juvenile Court by DCF. The racial and ethnic composition of the children and families served by the COCP continues to be disproportionately African-American and Hispanic families.<sup>8</sup>



<sup>8</sup> Appendix I: FY07-08 Statewide Racial/Ethnic Disproportionality Report



**a. Representation in Juvenile Matters:**

Child Protection

- Attorney/Guardian ad Litem (GAL) representation for all children;
- Separate GAL representation for children in addition to Attorney representation upon a finding that a separate GAL is in the best interest of the child;
- Attorney representation for indigent parents;
- Separate GAL representation for indigent parents in addition to Attorney representation upon order of the court;
- Attorney representation for indigent legal guardians in Juvenile Matters child protection proceedings;
- Separate GAL representation for legal guardians in addition to Attorney representation upon order of the court;

### Family with Service Needs

- Attorneys and/or GALs for children subject to Family with Service Needs petitions.

### Delinquency Proceedings:

- GALs for children subject to juvenile delinquency proceedings.

### Interest of Justice and non-indigent appointments ordered by the Judicial Branch<sup>9</sup>:

- Attorney representation for Grandparents, Other Relatives and Other Parties in child protection proceedings;
- Attorneys for children subject to delinquency proceedings who do not qualify for Public Defender services, but are not being provided an attorney by their parent or legal guardian. There were approximately 280 new discretionary appointments made in delinquency proceedings during FY 10 for an approximate cost of \$233,520.

Total Petitions Filed Juvenile	FY 2008-2009	FY 2009-2010
Delinquency	10625	11507
Family With Service Needs	2586	2699
Youth In Crisis	1213	694
Child Protection <sup>1</sup>	10658	9415
Total Juvenile	25082	24315

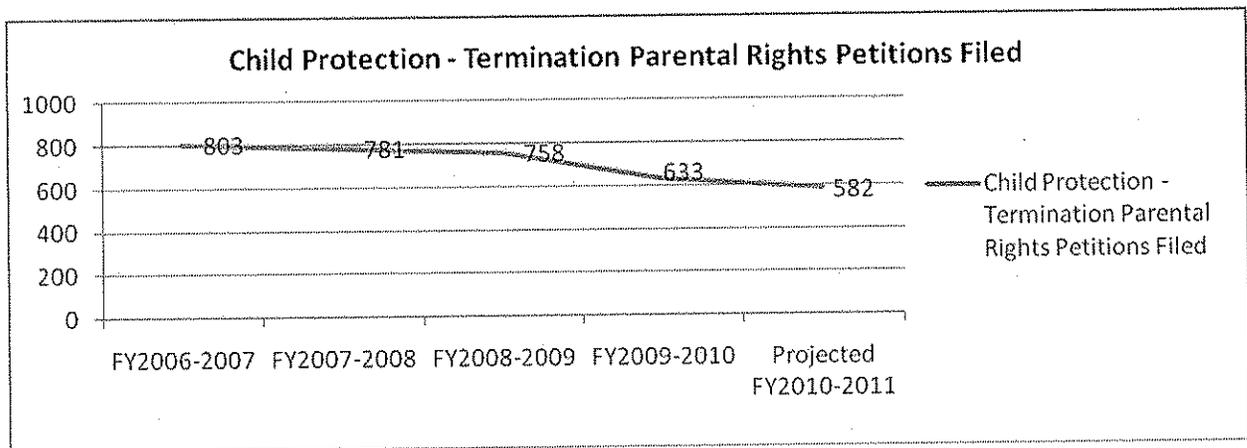
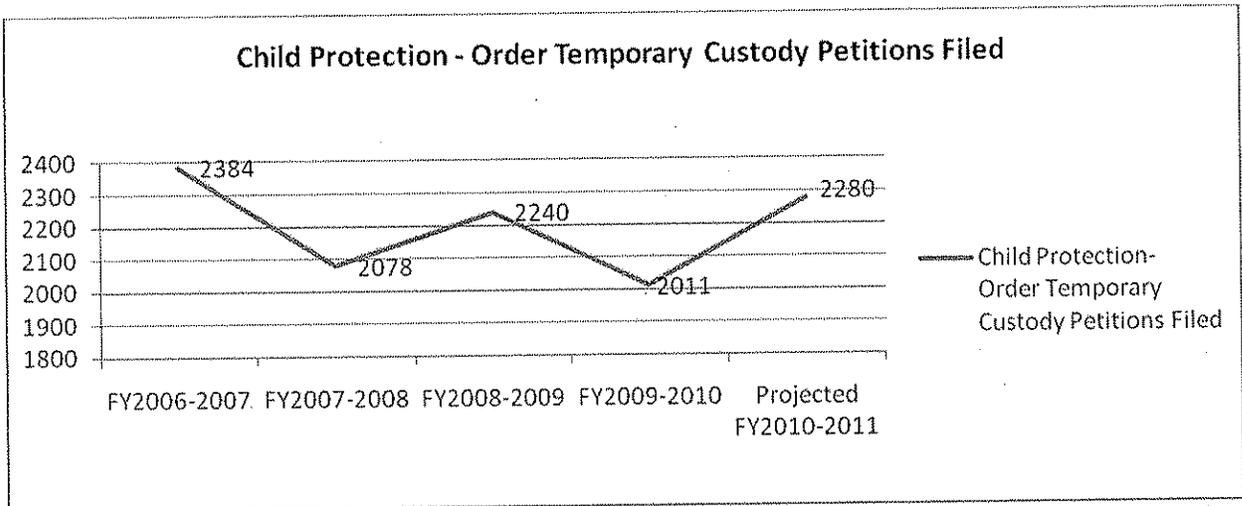
<sup>1</sup> Judicial counts child protection petitions by neglect, termination of parental rights, revocations and permanency plans filed per child.

### Pending Cases Since July 1, 2008 though December 31, 2010

Case Type	7/1/2008	6/30/2009	12/31/2009	6/30/2010	12/31/2010
CP	3503	3359	3235	2935	3281
FWSN	925	801		1002	
Delinquency	3114	2687	2581	3684	3436

While petitions filed were on a downtrend prior to FY 11, emergency removals increased during the first half of FY11 resulting in an increased pending case load in the courts as of 12/31/10.

<sup>9</sup> This legal representation is not expressly authorized by statute, but is granted by courts pursuant to the discretion provided in C.G.S. §46b-136 to make appointments "in the interest of justice." However, CCPA's legislation expressly excepts legal representation in delinquency matters, resulting in a conflict between the statutes.



## ***B. Family Matters***

### Magistrate Support Court

- CCPA provides representation to indigent respondents in child support proceedings who are in contempt of their child support orders and facing incarceration or who have a paternity finding pending. Sixteen attorneys with annual contracts to cover these cases handle approximately 667 proceedings per month.

### Custody Proceedings

- CCPA also pays for the representation of children of indigent parents in divorce and custody proceedings who are appointed an attorney or GAL by the court. There are approximately 1300 children represented under this program.

## VI. CCPA BUDGET AND AUDIT OVERVIEW

### A. Fiscal Year 2009 Audit

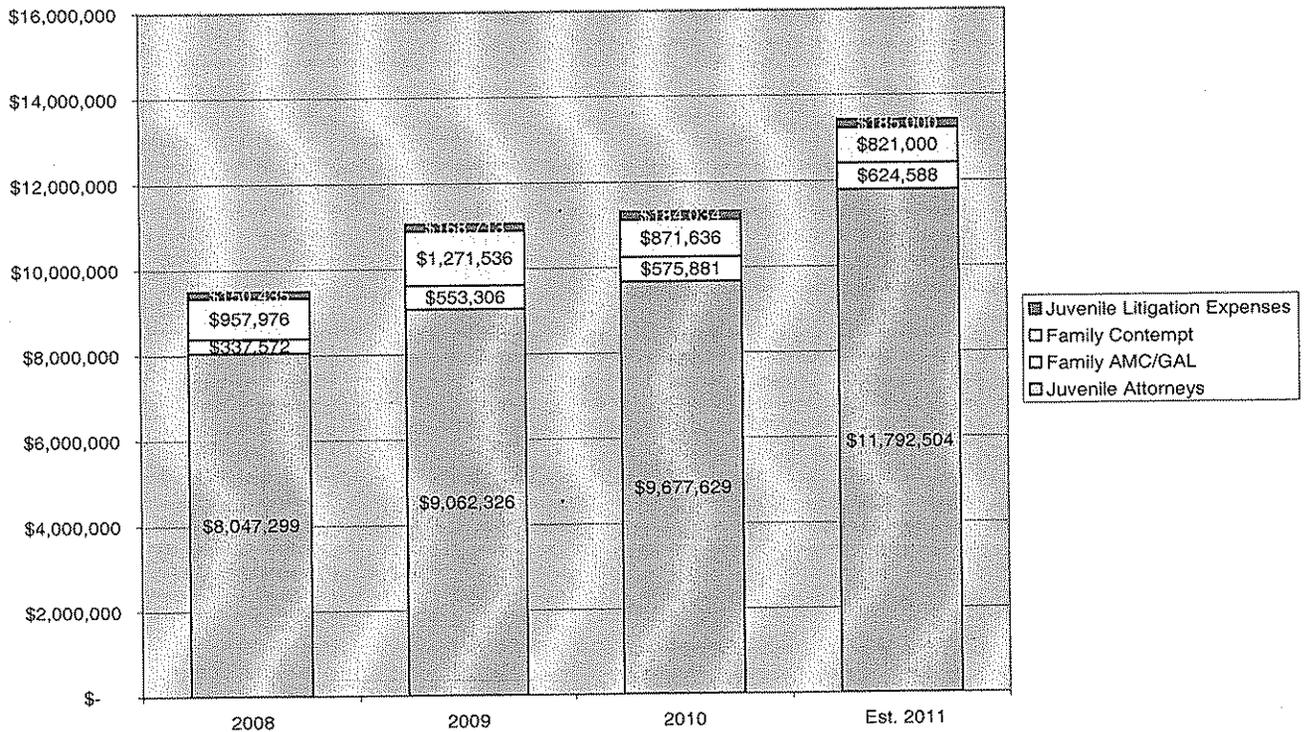
The COCP underwent its Audit by the State Auditor of Public Accounts and had minor recommendations. According to one of the auditors, the Commission had a minimal amount of conditions as compared to other agencies, especially for its initial audit.

### B. CCPA'S EXPENDITURES

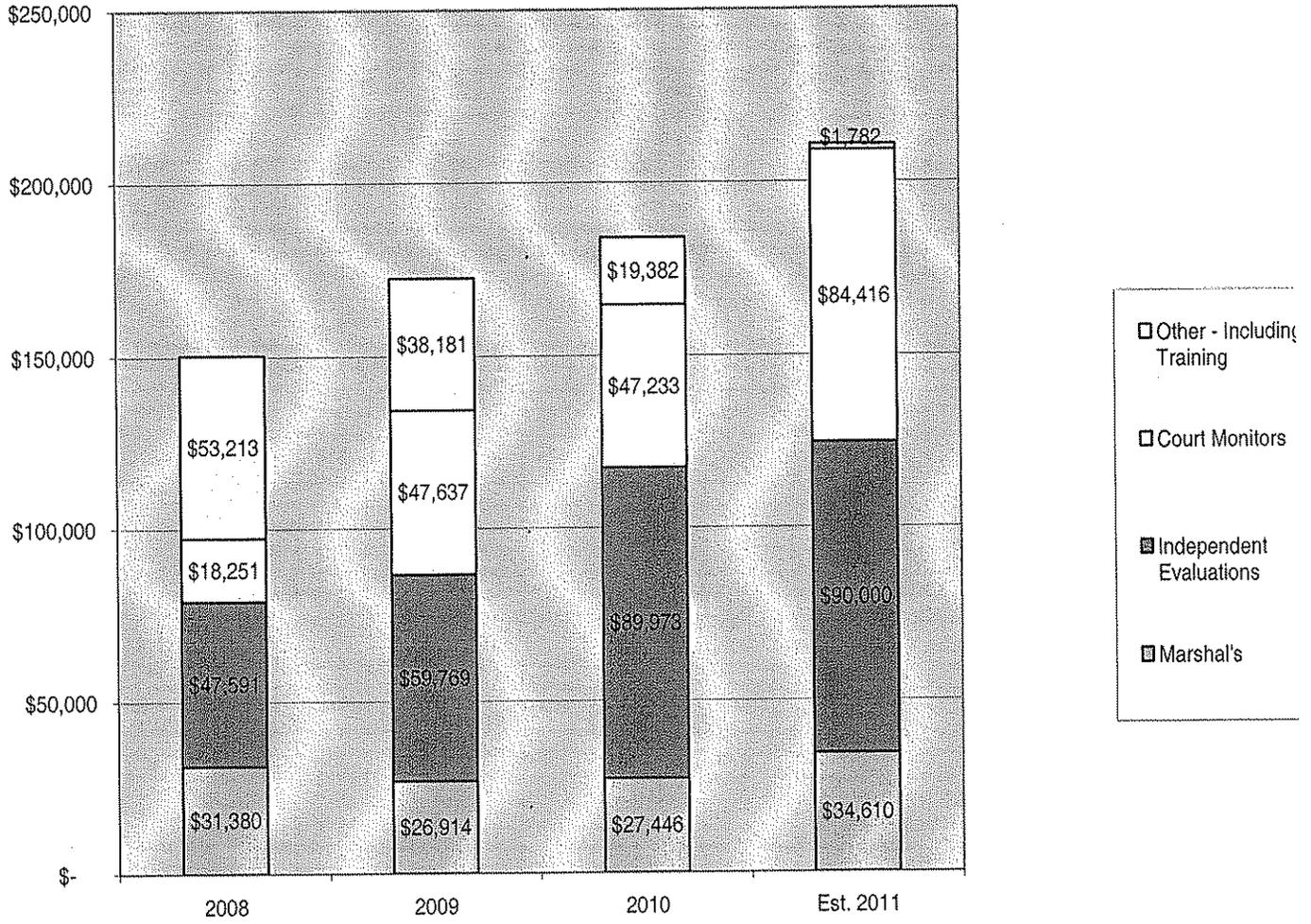
The following charts summarize the COCP's Fiscal Year 2008, 2009 and 2010 expenditures, as well as projections for FY 2011:

#### Attorney Services

FY 08-11 Attorney Expense Breakdown

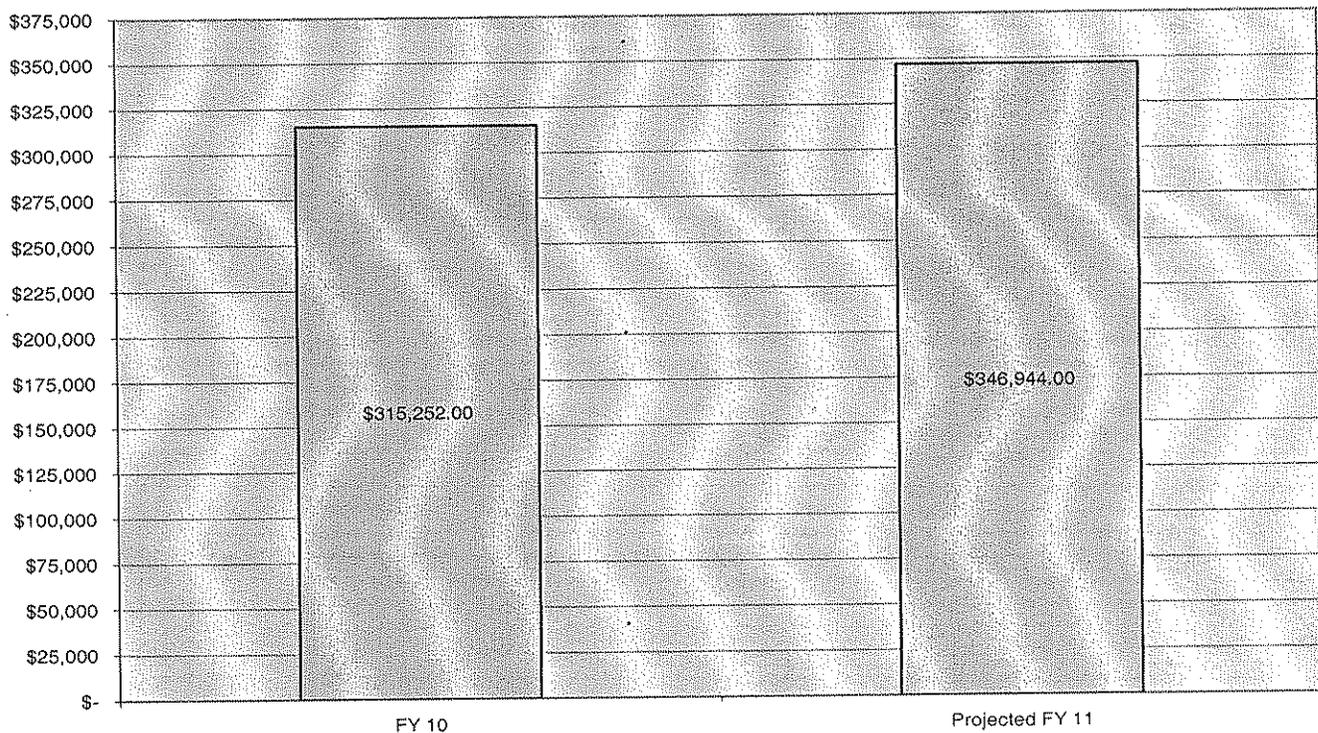


### FY 08-11 Attorney Litigation Expenses



## Non-Statutorily Required Representation:

Delinquency Interest of Justice and State Rate Cases



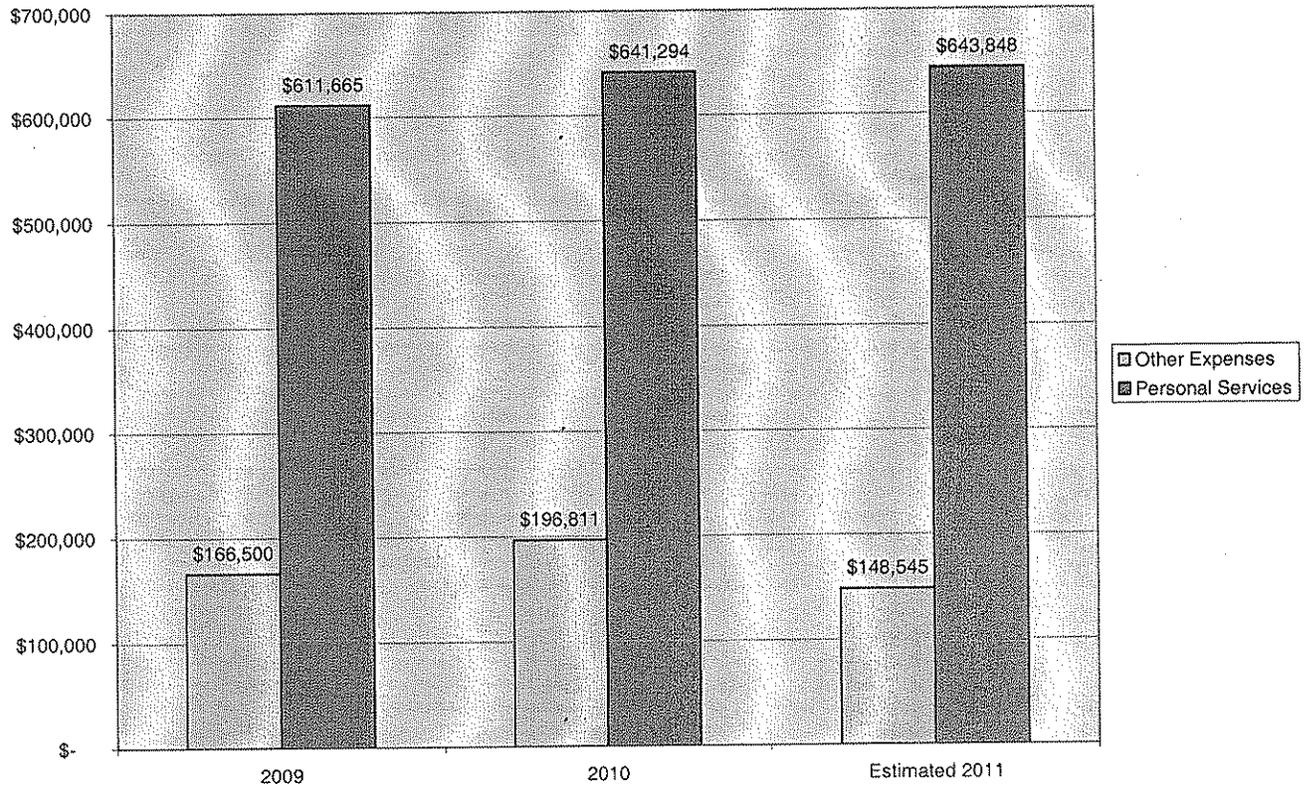
CCPA is working closely with the Chief Administrative Judge for Juvenile Matters to bring these discretionary costs under control. CCPA plans on submitting legislative amendments for the consideration of the Appropriations Committee in order to clarify its responsibility for indigent parties statutorily entitled to representation paid for by the state.<sup>10</sup>

The significant difference between CCPA's 2011 appropriation and projected expenditures is the result of a combination of factors, including not being funded for its requested amount based upon anticipated costs of improved programming including better trained attorneys, providing more thorough representation in both juvenile and family courts. In addition, expenditures in delinquency matters and for court work most likely connected to an unexpected increase in Orders of Temporary Custody being filed during the first half of FY 11 increased significantly. As a result attorneys are billing on average 4 more hours per case.

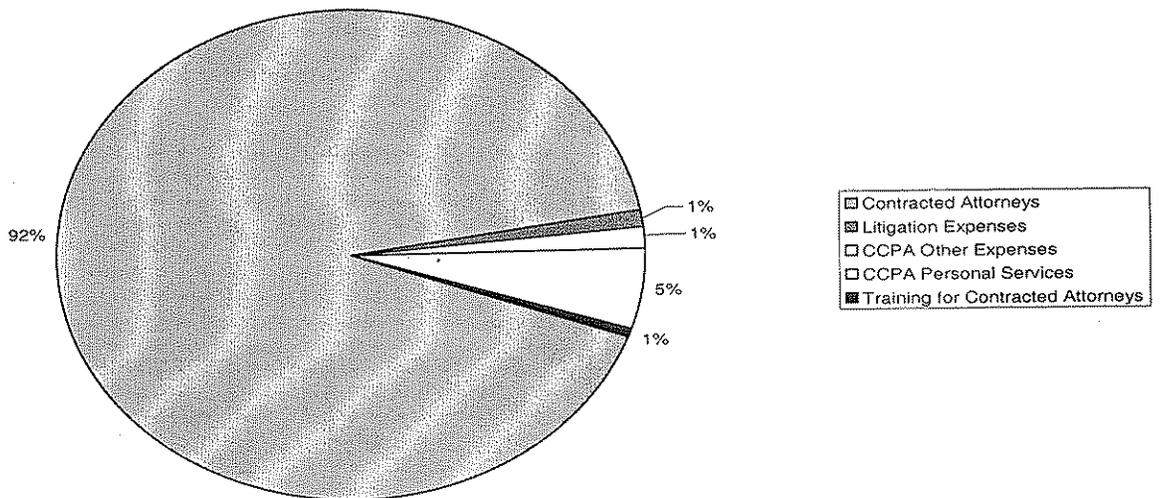
<sup>10</sup> See Appendix IV

# Administrative and Operating Costs

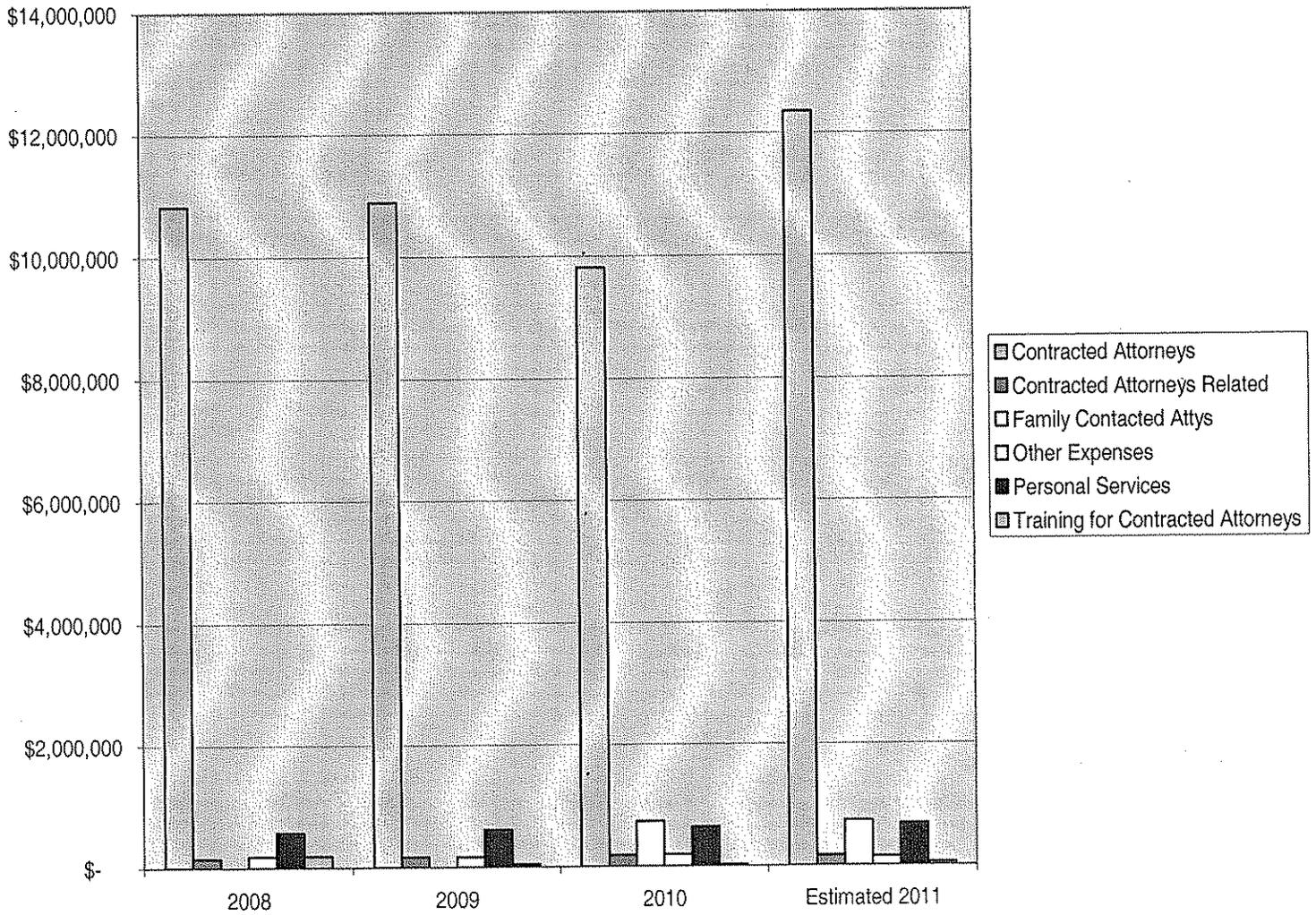
## FY 09-11 Administrative Costs For CCPA



## FY 08-11 Commission on Child Protection % Breakdown of Accounts

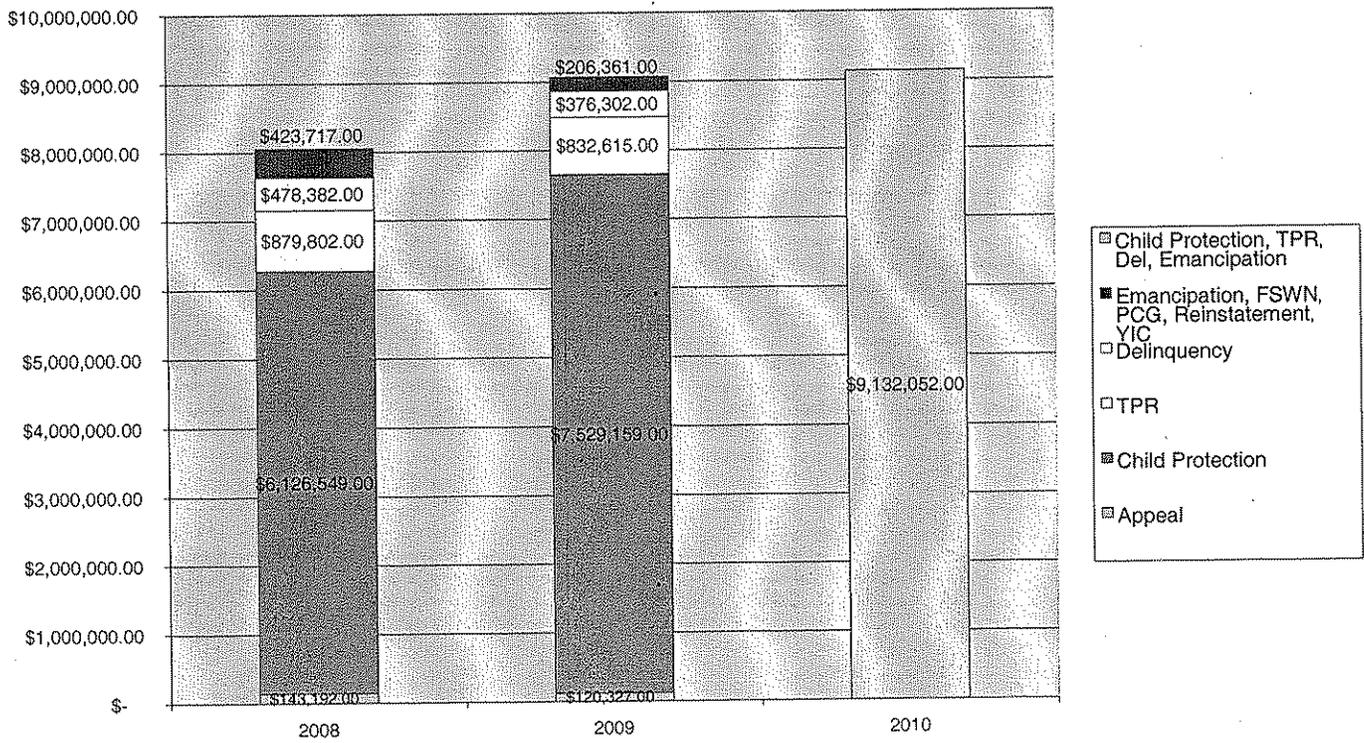


### FY 08-11 Commission on Child Protection Expenditure Breakdown

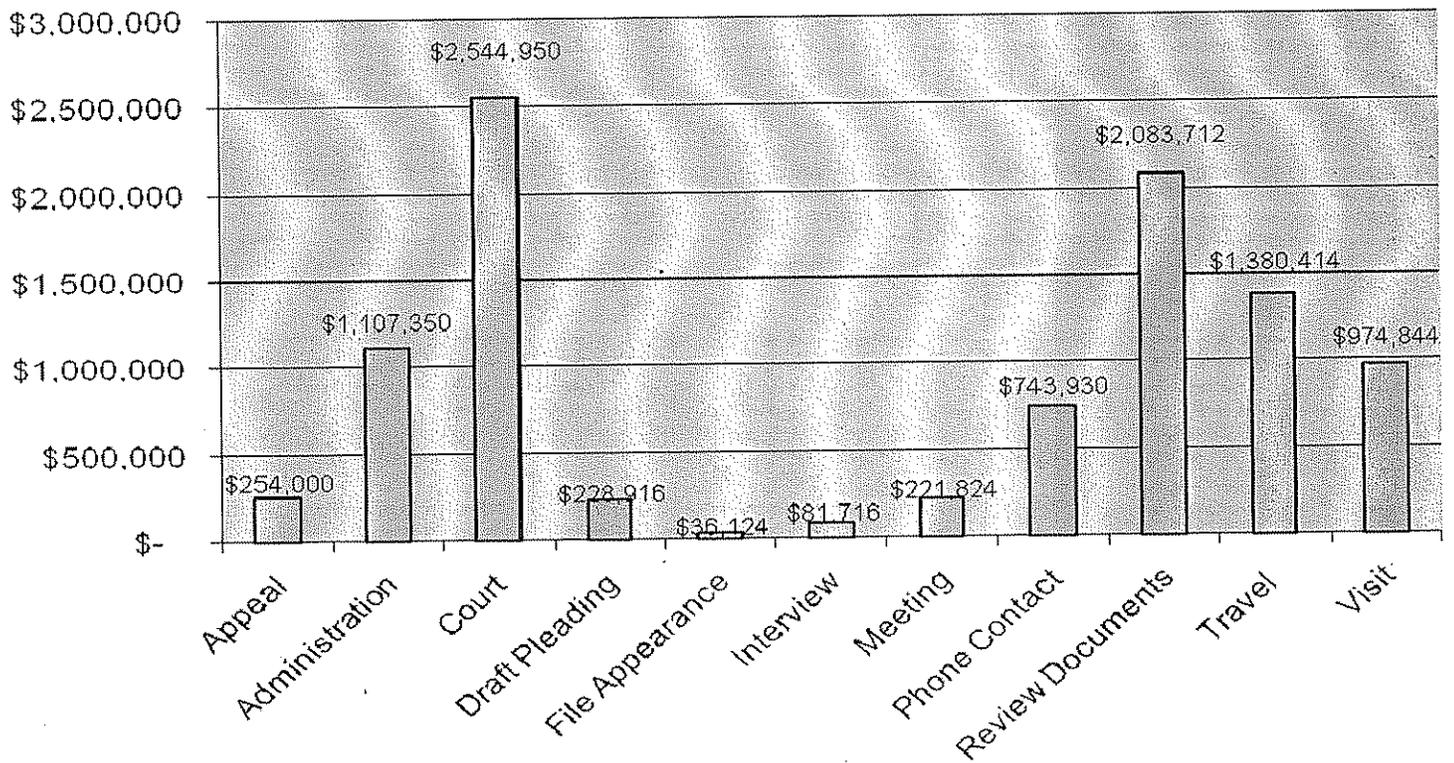


**CCPA Case Management Breakdown: (In FY 10 we began to track services by activity)**

**FY 08-10 Commission on Child Protection Attorney Case Type Expenditure Breakdown**



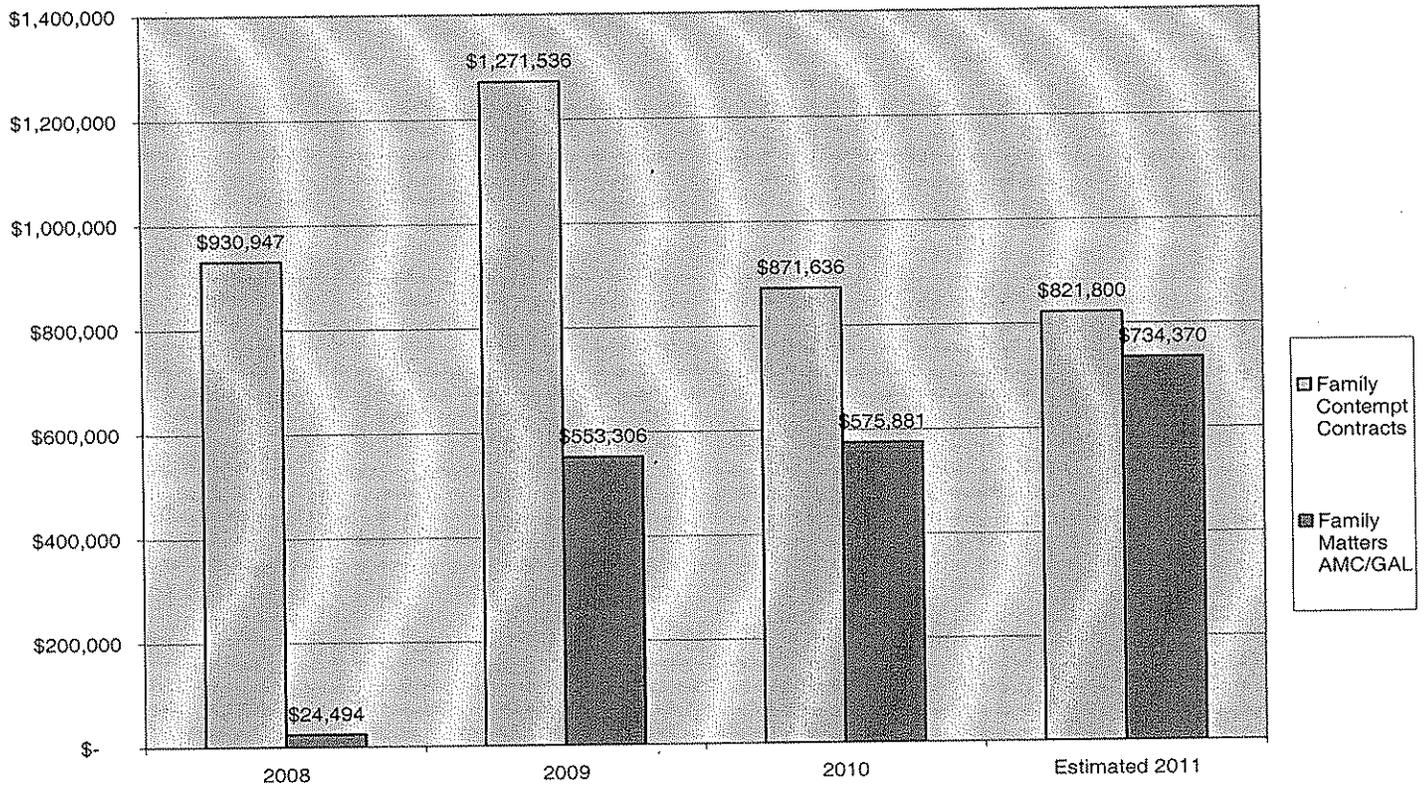
**FY 11 Estimated Commission on Child Protection Activity Type Expenditure Breakdown**



\*Admin includes correspondence; Review Documents includes trial preparation.

## Family Matters Breakdown:

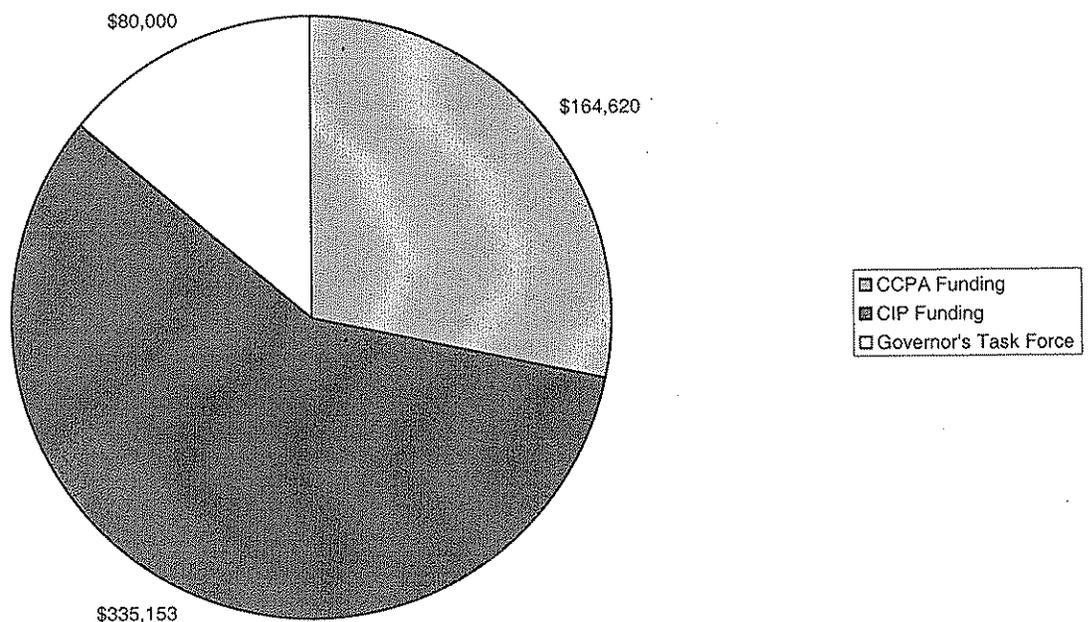
FY 08-11 Commission on Child Protection Family Matters Expenditure Breakdown



## Training

The COCP spent \$193,000 on providing pre-service training to all new attorneys, in service training to all juvenile contract attorneys, scholarships to national child welfare conferences and a three day in state Child Advocacy Trial Skills training presented by the National Institute of Trial Advocacy. The total amount paid from COCP's budget was \$93,000 of which \$75,000 was appropriated and the remaining \$18,000 was re-allocated from the attorney contract fund.

FY 08-11 Commission on Child Protection Training Expenditures and Sources of Funding



- CCPA has obtained federal funds in the past from the Governor's Task Force on Justice for Abused Children and has requested that funding be utilized to provide training for independent contract attorneys on representing and communicating with children who have been subjected to sexual or serious physical abuse.
- CCPA has secured \$155,153 in federal funding for training through the Court Improvement Project Grant administered by the Judicial Branch for FY 11.

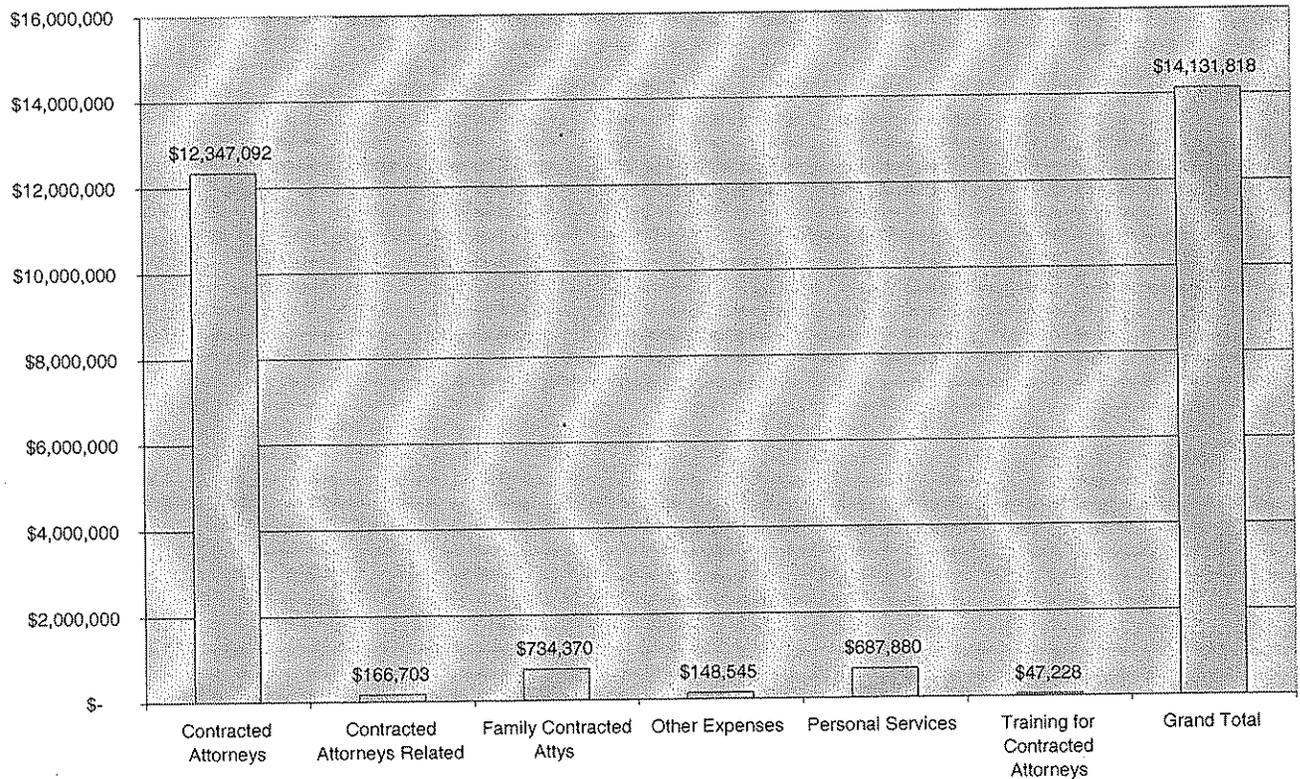
**Additional Efforts to obtain Outside Funding:**

The CCPA lobbied Connecticut's Congressional Delegation for \$350,000.00 in federal funding under the *Edward Byrne Discretionary Grants* to assist with its implementation of the best practice model of child protection representation and its case management information system known as K.I.D.S©. The request was approved and submitted by the delegation and recommended in Senate Report 111-229 - DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2011. The request with all other earmarks failed in the 2011 session, but CCPA will continue to seek other avenues to obtain these federal dollars.

**VII. GOALS AND NEEDS FY 11, 12 and 13**

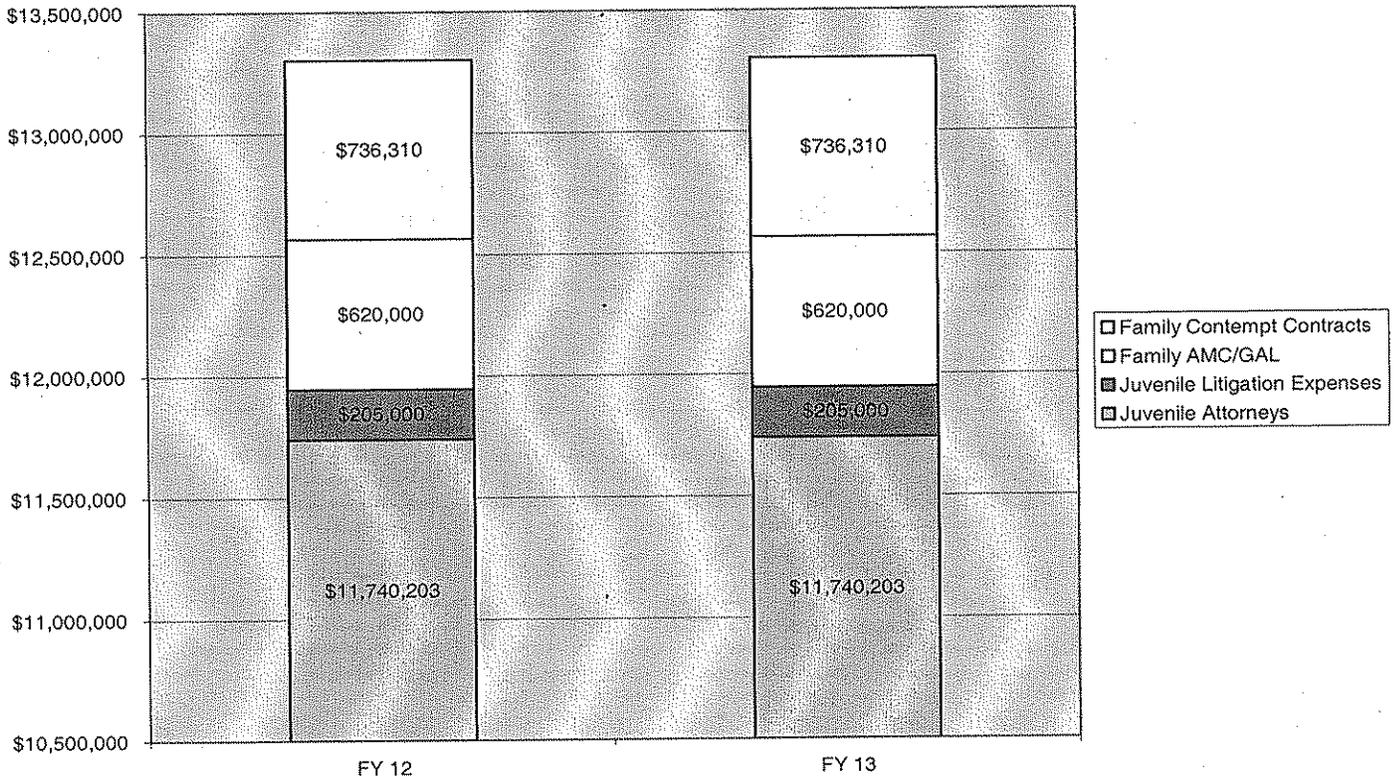
The COCP is pleased with the progress achieved during its first 4 years of operation and plans to take whatever steps necessary to maintain that progress and to ensure that Certified Child Welfare Law Specialists receive a reasonable rate of hourly compensation, and that the multi-disciplinary model of legal representation at its current level is maintained and evaluated.

**Estimated 2011 Expenditures**

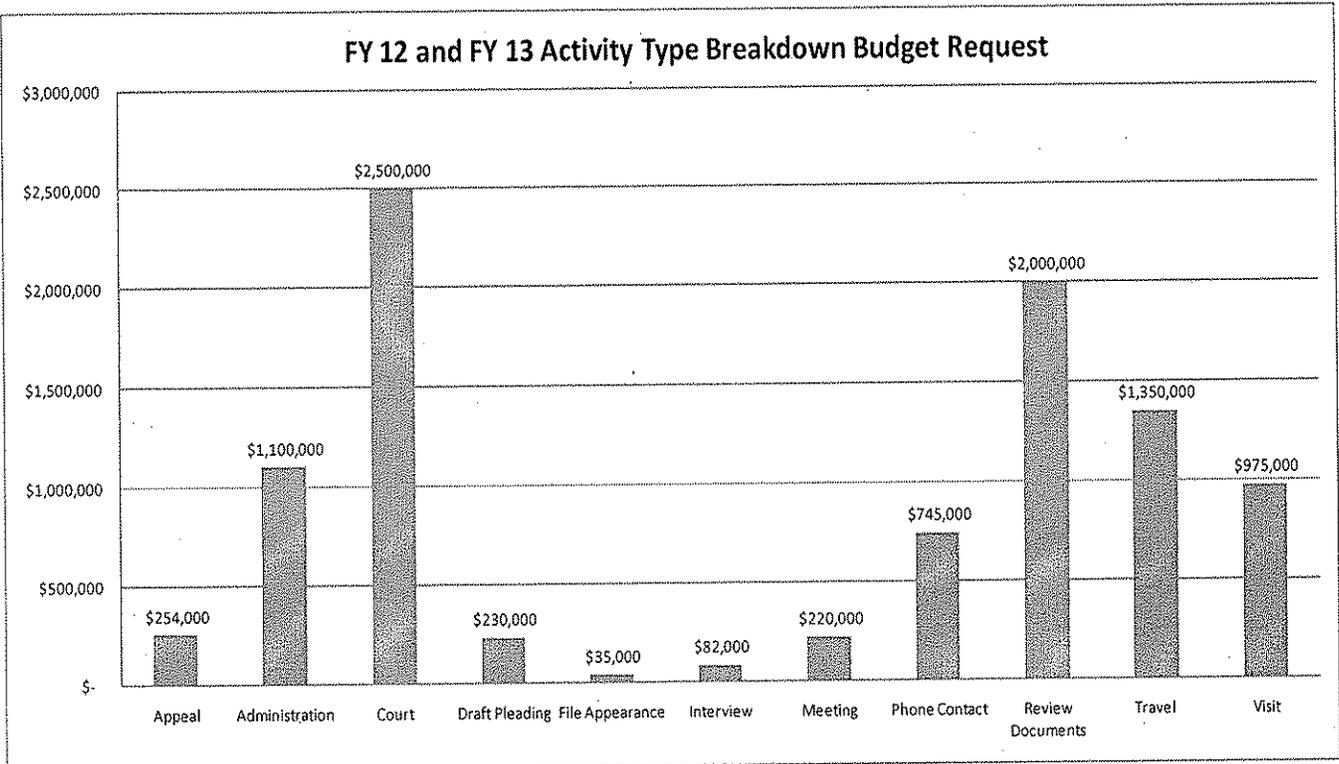


# FY 12 and 13 Budget Request Charts

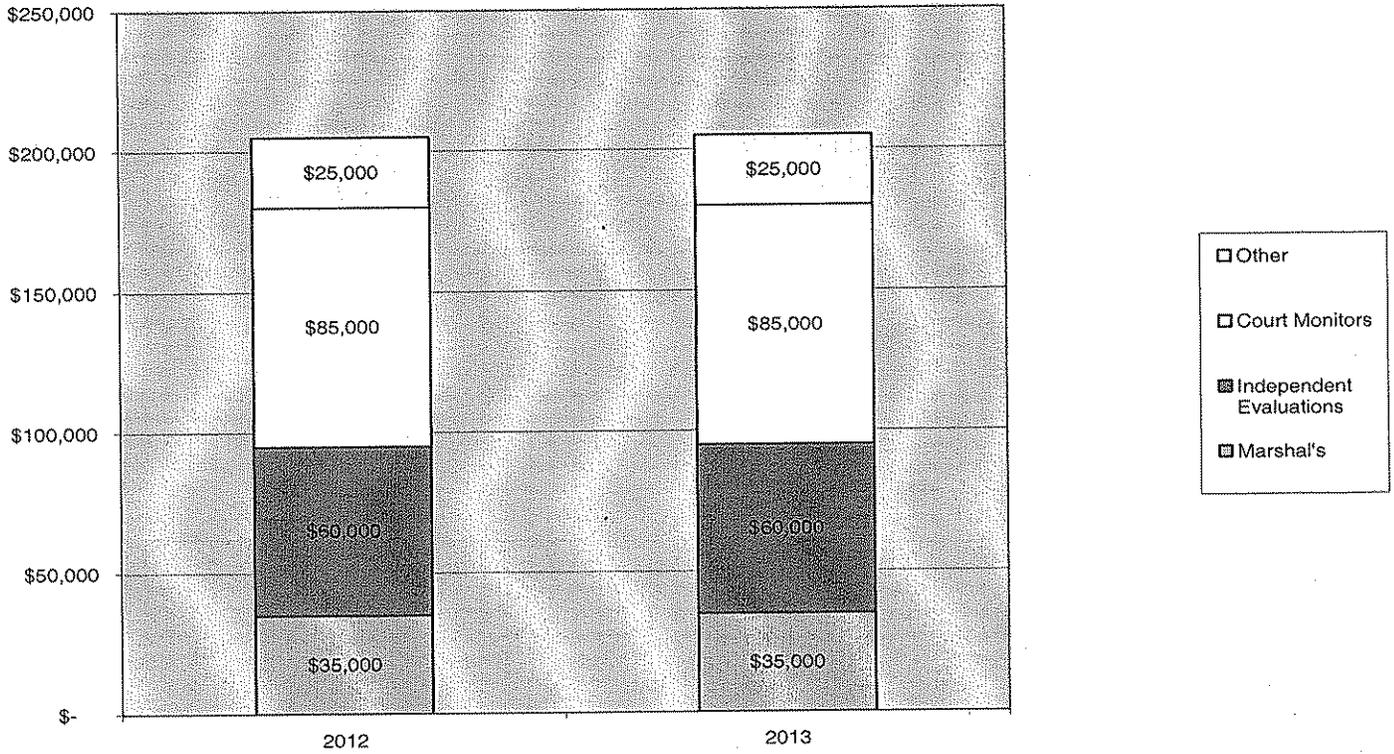
## Fy 12 and 13 Budget Request Breakdown of Juvenile and Family Matters



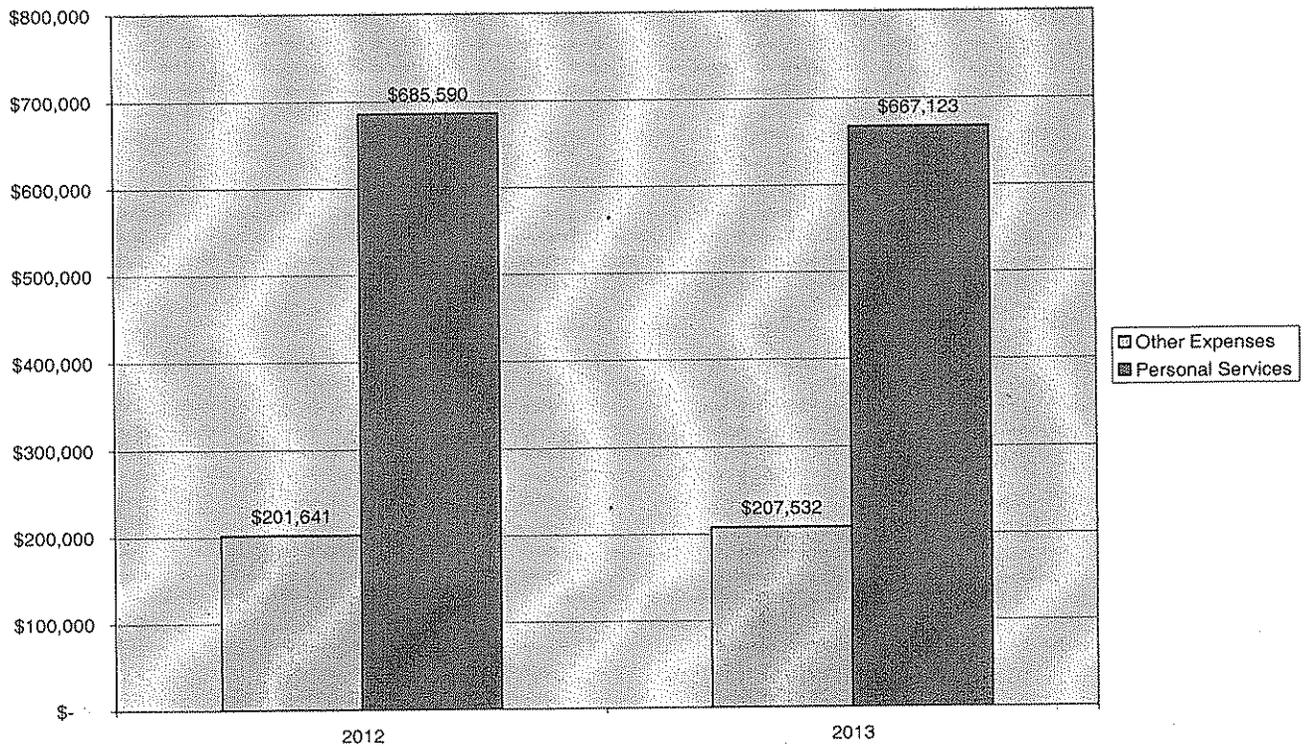
## FY 12 and FY 13 Activity Type Breakdown Budget Request



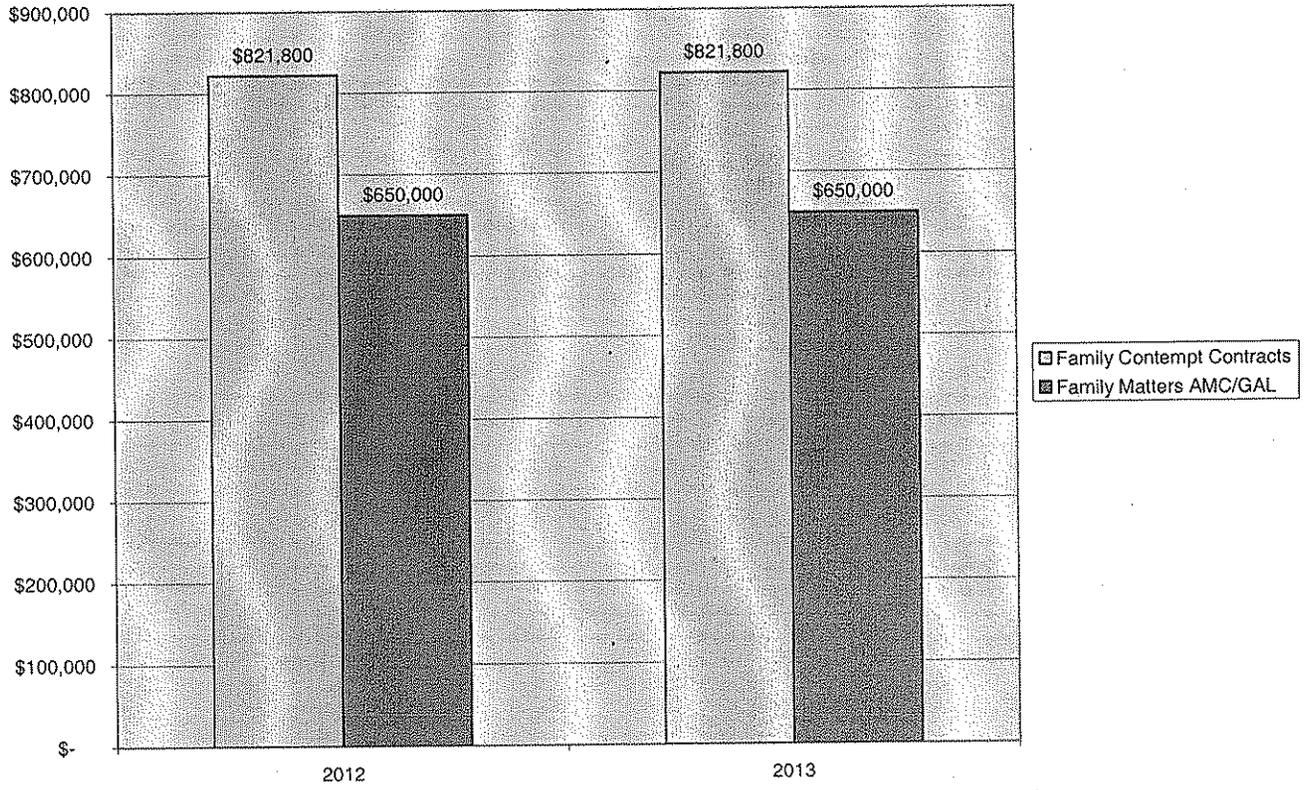
FY 12 and 13 Request Attorney Litigation Expenses



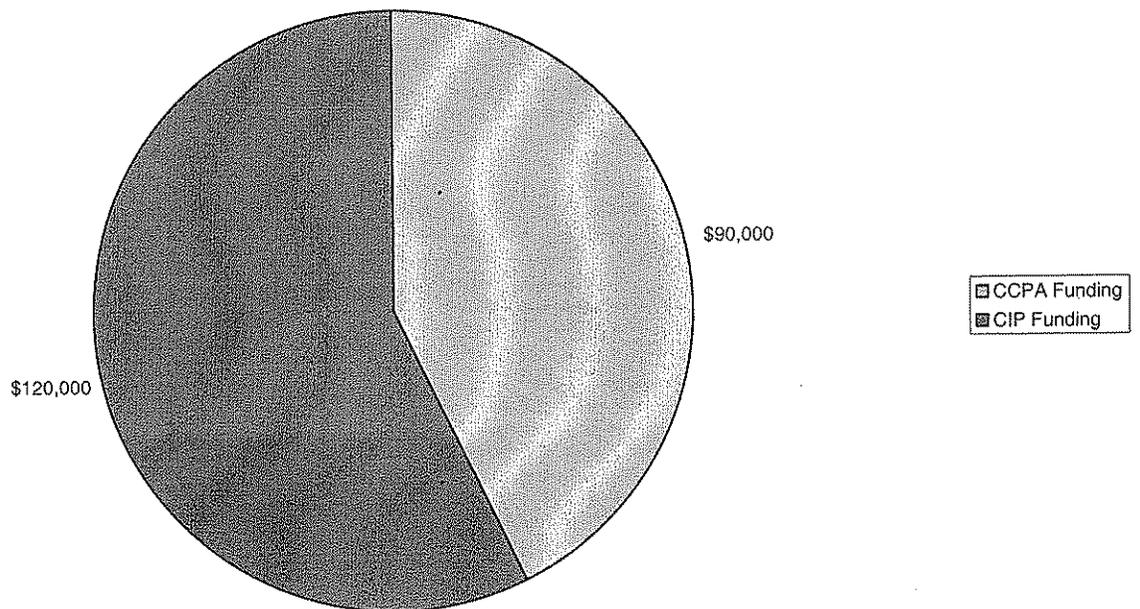
FY 12 and 13 Budget Request Administrative Costs for CCPA



FY 12 and 13 Commission on Child Protection Family Matters Budget Request



FY 12 and 13 Commission on Child Protection Training Budget Request



## VIII. COST CONTROL AND SAVINGS PROPOSALS

- Independent contracts to be capped by total hours per year based upon case loads. Estimated maximum billable: \$9,800,000.
- The new contract will be for 3 months in order to get the contracts on Federal FY and in sync with our appropriation.
- Propose legislative amendment eliminating incarceration of indigent contemnors in support cases. The most recent data regarding the effectiveness of contempt proceedings and threatening incarceration in obtaining increased contributions from indigent contemnors reveals little positive effect on collection rates for low income obligors. Instead we should expand the Problem Solving Pilot being conducted in New Haven statewide: The current pilot in New Haven boasts positive outcomes for contemnors referred as of September 2010: Looking at cases with a 6 month history in Problem Solving only, the average number of payments made 6 months prior to Problem Solving and 6 months after increased from an average of 6.3 payments to 9.3 payments. The total amount collected increased 43.7% per case, with a total net increase in collections for the cases reviewed of 34.2%. This would save CCPA \$821,800.00.(Appendix IV)
- Limit CCPA's responsibility solely to statutorily required representation by eliminating Interest of Justice appointments pursuant to C.G.S. §46b-136. Clarify CCPA's statute regarding representation for which it is responsible. This would save CCPA close to \$300,000.00 per year.
- Pass H.B. 6442 eliminating the dual role of attorneys for children and making the standard for appointment of a separate GAL consistent with the Rules of Professional Conduct. This will reduce the number of separate GAL's required. Currently there are at least 652 child clients being served by 2 separate attorneys, which should significantly reduce the current cost of approximately \$543,768 per year. Also, establishing an option of "permanent guardianships" will save litigation and attorney costs in termination of parental rights cases which are typically contested and result in the most appeals.
- Utilize CIP Volunteers for GAL work in child protection and delinquency cases.

### **Systemic:**

- Put prevention dollars into programs proven to prevent child abuse and neglect, such as the Children's Trust Fund's Nurturing Families Network program.
- Implement Differential Response statewide by transitioning funds allocated for foster care and court costs to community based services.
- Require Family Conferences prior to filing neglect petition or Orders of Temporary Custody to help prevent removals and petitions.
- Prevent DCF from placing children in Residential Treatment Facilities as there is insufficient support for long-term benefits of such programs to children. Children placed in residential typically remain in care longer, thus requiring ongoing legal representation, including payment by CCPA for out of state travel for attorneys to see their clients.

FISCAL YEAR 08-12 BUDGET CHANGE SUMMARY

COMMISSION ON CHILD PROTECTION

	FY 08	FY 09	FY 09	FY 10	FY 10	FY 11	FY 11	FY 11	FY 12
	Appropriated	Requested	Appropriated	Requested	Appropriated	Requested	Appropriated	Requested	Request
Salaries	\$ 546,362	\$ 580,031	\$ 591,029	\$ 705,656	\$ 661,554	\$ 729,728	\$ 643,848	\$ 685,590	
Attorney Expenses Family & Juvenile	\$ 11,522,697	\$ 11,612,135	\$ 10,931,528	\$ 11,224,898	\$ 9,826,498	\$ 11,651,155	\$ 9,692,169	\$ 12,500,000	
Attorney Related Expenses	\$ 114,435	\$ 114,435	\$ 168,713	\$ 158,600	\$ 184,034	\$ 158,600	\$ 154,208	\$ 205,000	
Other Expenses	\$ 185,314	\$ 184,674	\$ 175,440	\$ 379,204	\$ 199,749	\$ 278,904	\$ 150,722	\$ 201,641	
Equipment	\$ 5,500	\$ -	\$ -	\$ -	\$ 100	\$ -	\$ 1	\$ 1	
Training	\$ 75,000	\$ 45,000	\$ 42,750	\$ 183,500	\$ 23,068	\$ 183,500	\$ 23,802	\$ 45,000	
Family Contracted Attorneys	\$ -	\$ -	\$ -	\$ 802,800	\$ 736,310	\$ 802,800	\$ 736,310	\$ 736,310	
Total	\$ 12,449,308	\$ 12,536,275	\$ 11,909,460	\$ 13,454,658	\$ 11,631,313	\$ 13,804,687	\$ 11,401,060	\$ 14,373,542	

% Change

-5%

-14%

-17%

**PROGRAM DETAIL**

**COMMISSION ON CHILD PROTECTION**

	<b>Actual FY 10</b>	<b>Estimated FY 11</b>	<b>Requested FY 12</b>
<b>PERSONAL SERVICES</b>			
	\$		\$
Chief Child Protection Attorney	\$ 140,114	\$ 140,114	\$ 144,037
	\$		\$
Financial Program Manager	\$ 95,888	\$ 95,888	\$ 99,811
	\$		\$
Administrative Program Manager	\$ 82,992	\$ 82,992	\$ 86,915
	\$		\$
Administrative Assistant	\$ 43,290	\$ 48,672	\$ 51,349
	\$		\$
Paralegal Specialist 2	\$ 59,280	\$ 63,024	\$ 66,490
	\$		\$
Paralegal Specialist 1	\$ 89,674	\$ 104,208	\$ 109,939
	\$		\$
Fiscal Adm Assistant 2	\$ 52,520	\$ 55,536	\$ 58,590
	\$		\$
Fiscal Adm Assistant 1	\$ 51,792	\$ 54,756	\$ 57,768
	\$		\$
	\$ 615,550	\$ 645,190	\$ 674,900
	\$		
Temporary	\$ 7,233		\$
	\$		\$
Longevity Payments	\$ 6,497	\$ 10,537	\$ 10,537
	\$		
Overtime	\$ 2,189		\$
	\$		\$
<b>Total for Personal Services</b>	<b>\$ 622,783</b>	<b>\$ 645,190</b>	<b>\$ 685,437</b>
<b>OPERATION EXPENSES</b>			
	<b>Actual FY 10</b>	<b>Estimated FY 11</b>	<b>Requested FY 12</b>
	\$		\$
Advertising and Marketing	\$ 2,881	\$ 2,668	\$ 1,100
	\$		
Cellular Communication Services	\$ (152)	\$ (428)	
	\$		\$
Delivery Services	\$ 755		\$ 500
	\$		\$
Educ & Training For Employees	\$ 4,989	\$ 6,482	\$ 7,600
	\$		
Emp Allow & Reportable Pymnts	\$ 600		\$
	\$		\$
Express Postage	\$ 173	\$ 57	\$ 150
	\$		
Food And Beverages	\$ 746	\$ 226	
	\$		\$
General Office Supplies	\$ 20,736	\$ 12,006	\$ 13,000
	\$		\$
In-State Travel	\$ 534	\$ 803	\$ 450
	\$		\$
Internet Services	\$ 13,657	\$ 3,096	\$ 14,000
	\$		\$
IT Data Services	\$ 67,500	\$ 83,750	\$ 65,000
	\$		\$
IT Hardware Maint & Support	\$ 767	\$ 559	\$ 500
	\$		\$
IT Software Licenses/Rental	\$ 81		\$ 50
	\$		\$
IT Supplies	\$ 2,286	\$ 1,860	\$ 2,000
	\$		\$
Loc/Long Distance Telecomm Sv	\$ 16,594	\$ 33,802	\$ 17,000
	\$		\$
Mail Process Svcs-No Postage	\$ 1,258		\$ 1,100
	\$		
Management Consultant Services	\$		

	2,500			
	\$			\$
Membership Dues	700			650
	\$			\$
Mileage Reimbursement	1,206			500
	\$			\$
Motor Vehicle Accessories	157			100
	\$			\$
Motor Vehicle Fuel - Gasoline	2,850	\$	1,568	2,500
	\$			\$
Motor Vehicle Rental	4,008	\$	3,458	4,008
	\$			\$
Motor Vehicle Repairs	1,075			500
	\$			\$
Newsclip Service	1,520			1,500
	\$			\$
Out-Of-State Travel	6,402	\$	12,739	5,200
	\$			
Photocopying	103	\$	2,410	
	\$			\$
Premises Repair/Maint Supplies	20,938	\$	8,703	2,500
	\$			\$
Premises Waste/Trash Services	520	\$	640	500
	\$			
Printing & Binding	2,306	\$	3,003	
	\$			\$
Printing Supplies	1,049	\$	5,191	500
	\$			\$
Regular Postage	2,195	\$	3,276	2,000
	\$			
Reimbursements	15,082	\$	1,038	
	\$			
Service Of Process	29,956	\$	19,611	
	\$			\$
Storage Expenses	389	\$	562	500
	\$			\$
Subscriptions	984			900
	\$			\$
Temporary Services	48,294	\$	52,393	45,000
<b>TOTAL FOR OPERATING EXPENSES</b>	<b>275,637</b>	<b>\$</b>	<b>259,473</b>	<b>189,308</b>

	Actual FY 10		Estimated FY 11		Requested FY 12
<b>ATTORNEY EXPENSES</b>	\$				
Attorney Contracts > 30 Hours	321,291	\$	27,885		\$
	\$				\$
Attorney Fees	60,513	\$	109,334		100
	\$				\$
Client Services-General	50,613	\$	71,015		51,900
	\$				\$
Client Therapy Services	103,577	\$	63,076		67,000
	\$				\$
Contract Attorneys	8,902,300	\$	11,849,589		12,116,310
	\$				
Court Appointed Attorneys	163,727	\$	1,500		\$
	\$				\$
Drug & Alcohol Testing	630				100
	\$				\$
Fees Paid To Employees	47,234	\$	84,716		85,000
	\$				\$
Juvenile Standby Attorneys	314,679	\$	223,740		225,000
	\$				\$
Laboratory Services & Testing	711	\$	282		350
	\$				\$
Legal Briefs	8,870	\$	663		420

	\$			
Miscellaneous Litigation Costs	494			
	\$			
Non-Employee Reimbursements	3,642			
	\$			\$
Other Payments-Legal Services	611,289	\$	894,000	895,000
	\$			\$
Publications And Music	10,790			
	\$			\$
Training Costs Non-Employees	78,963	\$	178,203	45,000
	\$			\$
Translation & Interpretation	1,174	\$	435	130
	\$			\$
<b>TOTAL FOR ATTORNEY EXPENSES</b>	<b>10,680,497</b>	<b>\$</b>	<b>13,504,438</b>	<b>13,486,310</b>
	\$			\$
<b>GRAND TOTAL</b>	<b>11,578,917</b>	<b>\$</b>	<b>14,409,101</b>	<b>14,361,055</b>

Governor's proposed budget for CCPA includes a net reduction of \$497,000.00 to our requested budget.

## APPENDIX I

### EXPLANATION OF CHART SFY08 DISPROPORTIONALITY ACROSS THE CHILD WELFARE SYSTEM BY CT DCF AREA OFFICE

#### Reporting Methods and Definitions

##### Use and Interpretation:

The following collection of tables/charts show the racial/ethnic make-up of children served at various stages of involvement with the child welfare system contrasted to the general child population covered by each location, Statewide or individual Area Offices. The degree of divergence for each racial/ethnic group between the general child population and the children at each stage of child welfare involvement represents the extent that children are disproportionately represented in the system at each stage, for the location represented. Each of the bars represents the set of all children observed within that stage, unique to each location during SFY08. It is very possible that in reality children may experience multiple instances of certain events (such as referral, substantiation and entry to care) during the time period, but they are represented in these data only once within each bar on the chart. It is also possible that a single child may experience the same event multiple times within different locations, and in that instance they are included in the populations of each relevant location.

This data should help managers appreciate the degree to which children of various racial/ethnic groups are overrepresented or underrepresented at various points of intervention with DCF. Additional analysis will be provided in the near future that will help illuminate how to examine differences between racial/ethnic groups in a valid way.

The following definitions and methods further explain how each of the bars was developed.

##### Race/Ethnicity:

There are three fields in LINK where race/ethnicity data is specifically collected. Social Workers may choose up to three different Race codes, two different Ethnicity codes, and check/not check the Hispanic/Latino checkbox to document this information in LINK. For the purpose of this analysis, data collected on the race and ethnicity of children was combined into a single, consolidated and exclusive variable. So for this report, whenever a SW chose more than one Race, "Multi-Racial" is indicated for reporting. Regardless of Race however, whenever a SW chose EITHER to check the Hispanic/Latino checkbox OR selected "Hispanic/Latino Origin" or "Other Spanish OR Hispanic" as an Ethnicity, the child was counted solely as "Hispanic, Any Race." It should be noted that this method is different from that used in the Population Projections in that their methodology, following the OMB standard, also maps several other ethnicities as Hispanic/Latino as well, including: Cuban, Dominican Republican, Mexican/Chicano/Mexican American, and Puerto Rican. Therefore, the level of disproportionality for those of Hispanic/Latino origin shown in these analyses would be even larger if we had used the OMB method.

##### State Fiscal Year 2008 (SFY08)

State Fiscal Year 2008 is defined as the period between 7/1/07 and 6/30/08.

##### Projected Child Population for 2005

These figures were provided to DCF under contract by Orlando Rodriguez, Manager, CT State Data Center, University of Connecticut.

##### Children Referred As Alleged Victims (SFY08)

This bar is comprised of all children identified as alleged victims in reports accepted during SFY08.

**Children Substantiated As Victims (SFY08)**

This bar is comprised of all children identified as substantiated victims in reports accepted during SFY08.

**Children In Cases Opened for Services (SFY08)**

This bar is comprised of all alleged victims with reports accepted for investigation during SFY08 on cases that were not already open for services, and for which their case had an assignment to an ongoing services worker that began on/after the report was accepted.

**Children Entering DCF Care (SFY08)**

This bar is comprised of all children that were removed from their parent/guardian's home into DCF care for the first time in their lives, or are re-entering care following a legal discharge from a prior episode, during SFY08. The population includes only CPS episodes, but excludes episodes where children are identified as "Committed Delinquent" or are receiving Voluntary Services. The population also does not include youth age 18 and over that re-enter DCF care voluntarily to receive Adolescent Services because by definition they are not children, but are adults.

**Children In DCF Care (SFY08)**

This bar is comprised of all children that spent at least one day in a DCF placement during SFY08. The population includes only children in placement for CPS reasons, but excludes placements during episodes where children are identified as "Committed Delinquent" or are receiving Voluntary Services. The population also does not include youth age 18 and over that re-enter DCF care voluntarily to receive Adolescent Services because by definition they are not children, but are adults.

**Children In Residential Care (SFY08)**

This bar is comprised of all children that spent at least one day in a DCF placement with a Placement Type of "Residential" during SFY08. The population includes only children in placement for CPS reasons, but excludes placements during episodes where children are identified as "Committed Delinquent" or are receiving Voluntary Services. The population also does not include youth age 18 and over that re-enter DCF care voluntarily to receive Adolescent Services because by definition they are not children, but are adults.

**Run Date:**

The Statewide figures were run on 12/17/08, and the Area Office figures on 12/22/08.

## APPENDIX II

**Sec. 46b-123c. Commission on Child Protection. Membership. Duties.** (a) There is established a Commission on Child Protection that shall consist of eleven members appointed as follows: (1) The Chief Justice of the Supreme Court shall appoint two judges of the Superior Court, or a judge of the Superior Court and a retired judge of the Superior Court; (2) the speaker of the House of Representatives, the president pro tempore of the Senate, the majority leader of the House of Representatives, the majority leader of the Senate, the minority leader of the House of Representatives and the minority leader of the Senate shall each appoint one member; and (3) the Governor shall appoint three members, one of whom shall serve as chairperson.

(b) Each member of the commission shall serve for a term of three years and until the appointment and qualification of his or her successor. No more than three of the members, other than the chairperson, may be members of the same political party. Of the four nonjudicial members, other than the chairperson, at least two shall not be members of the bar of any state.

(c) If any vacancy occurs on the commission, the appointing authority having the power to make the initial appointment under this section shall appoint a person for the unexpired term in accordance with the provisions of this section.

(d) The members of the commission shall serve without compensation but shall be reimbursed for actual expenses incurred while engaged in the duties of the commission. The members of the commission shall not be employed in any other position under this section or section 46b-123d.

(e) The commission may adopt such rules as it deems necessary for the conduct of its internal affairs.

(f) The commission shall be responsible for carrying out the purposes of this section and section 46b-123d and shall appoint a Chief Child Protection Attorney, who shall serve at the pleasure of the commission and whose compensation shall be fixed by the commission.

(g) The commission shall be within the Division of Public Defender Services for administrative purposes only.

(h) The commission may accept funds from the federal government, other state agencies and private organizations.

(i) The commission may establish such requirements for the submission of billing statements, receipts and other documentation by not-for-profit legal services agencies, individual attorneys and private law firms as the commission deems necessary in furnishing compensation to such agencies, attorneys and law firms for providing legal services and serving as guardians ad litem pursuant to subdivision (1) of subsection (a) of section 46b-123d.

(June Sp. Sess. P.A. 05-3, S. 44; P.A. 07-159, S. 2.)

History: P.A. 07-159 made technical changes in Subsecs. (a) and (c) and added Subsecs. (h) re

acceptance of funds and (i) re establishment of documentation requirements, effective July 1, 2007.

See Sec. 4-38f for definition of "administrative purposes only".

**Sec. 46b-123d. Chief Child Protection Attorney. Duties. Contracts for legal services.** (a) The Chief Child Protection Attorney appointed under section 46b-123c shall:

(1) Establish a system to provide (A) legal services and guardians ad litem to children, youths and indigent respondents in family relations matters in which the state has been ordered to pay the cost of such legal services and guardians ad litem, provided legal services shall be provided to indigent respondents pursuant to this subparagraph only in paternity proceedings and contempt proceedings, and (B) legal services and guardians ad litem to children, youths and indigent legal parties in proceedings before the superior court for juvenile matters, other than legal services for children in delinquency matters. To carry out the requirements of this section, the Chief Child Protection Attorney may contract with (i) appropriate not-for-profit legal services agencies, and (ii) individual lawyers for the delivery of legal services to represent children and indigent legal parties in such proceedings;

(2) Establish a system to ensure that attorneys providing legal services pursuant to this section are assigned to cases in a manner that will avoid conflicts of interest, as defined by the Rules of Professional Conduct; and

(3) Establish training, practice and caseload standards for the representation of children, youths, indigent respondents and indigent legal parties pursuant to subdivision (1) of this subsection. Such standards shall apply to each attorney who represents children, youths, indigent respondents or indigent legal parties pursuant to this section and shall be designed to ensure a high quality of legal representation. The training standards for attorneys required by this subdivision shall be designed to ensure proficiency in the procedural and substantive law related to such matters and to establish a minimum level of proficiency in relevant subject areas, including, but not limited to, family violence, child development, behavioral health, educational disabilities and cultural competence.

(b) Any contract entered into pursuant to subdivision (1) of subsection (a) of this section may include terms encouraging or requiring the use of a multidisciplinary agency model of legal representation.

(June Sp. Sess. P.A. 05-3, S. 45; P.A. 06-187, S. 23; P.A. 07-159, S. 3.)

History: P.A. 06-187 added provisions re guardians ad litem, deleted references to contempt and paternity, replaced "parents" with "legal parties", added provision re matters in which state has been ordered to pay cost of legal services and replaced "representation of" with "legal services for" in Subdiv. (1), inserted provision re standards applicable to representation of indigent respondents in Subdiv. (3), and made technical changes; P.A. 07-159 designated existing provisions as Subsec. (a) and amended same by inserting references to youths in Subdivs. (1) and (3), adding provision re legal services provided to indigent respondents in paternity and contempt proceedings in Subdiv. (1), replacing "Ensure" with "Establish a system to ensure" in Subdiv. (2), deleting provision re initial and in-service

training and making conforming changes in Subdiv. (3) and making technical changes, and added Subsec. (b) re contract terms for multidisciplinary agency model of legal representation, effective July 1, 2007.

**Sec. 46b-123e. Eligibility for counsel in family relations or juvenile matters. Procedure for appointment or assignment.** (a) The judicial authority before whom a family relations matter described in subparagraph (A) of subdivision (1) of subsection (a) of section 46b-123d is pending shall determine eligibility for counsel for a child or youth and the parents or guardian of a child or youth if they are unable to afford counsel. Upon a finding that a party is unable to afford counsel, the judicial authority shall appoint an attorney to provide representation from a list of qualified attorneys provided by the Chief Child Protection Attorney.

(b) The judicial authority before whom a juvenile matter described in subparagraph (B) of subdivision (1) of subsection (a) of section 46b-123d is pending shall notify the Chief Child Protection Attorney who shall assign an attorney to represent the child or youth. The judicial authority shall determine eligibility for counsel for the parents or guardian of the child or youth if such parents or guardian is unable to afford counsel. Upon a finding that such parents or guardian is unable to afford counsel, the judicial authority shall notify the Chief Child Protection Attorney of such finding, and the Chief Child Protection Attorney shall assign an attorney to provide representation.

(c) For the purposes of determining eligibility for appointment of counsel pursuant to subsection (a) or (b) of this section, the judicial authority shall cause the parents or guardian of a child or youth to complete a written statement under oath or affirmation setting forth the parents' or guardian's liabilities and assets, income and sources thereof, and such other information as the Commission on Child Protection shall designate and require on forms adopted by said commission.

(d) The payment of any attorney who was appointed prior to July 1, 2006, to represent a child or indigent parent in any case described in subdivision (1) of subsection (a) of section 46b-123d, who continues to represent such child or parent after July 1, 2006, shall be processed through the Commission on Child Protection and paid at the rate that was in effect at the time of such appointment.

(June Sp. Sess. P.A. 05-3, S. 46; P.A. 06-187, S. 24; P.A. 07-159, S. 4.)

History: June Sp. Sess. P.A. 05-3 effective July 1, 2006; P.A. 06-187 amended Subsec. (a) by replacing "appointed under section 46b-123c" with "to provide representation", replacing provision re notice by judicial authority upon appointment of counsel with provision re appointment of Chief Child Protection Attorney pursuant to subsection, making a technical change and replacing reference to contract with Commission on Child Protection with reference to contract with Chief Child Protection Attorney; P.A. 07-159 amended Subsec. (a) by making provisions thereof applicable to family relations matters and replacing provisions re appointment of, and assignment of attorney by, Chief Child Protection Attorney with provisions re appointment of attorney from list provided by Chief Child Protection Attorney, added new Subsec. (b) re assignment of attorney in a juvenile matter, repositioned existing provisions of Subsec. (a) re completion of written financial statement as Subsec. (c), redesignated existing Subsec. (b) as Subsec. (d) and made technical changes, effective July 1, 2007.

## APPENDIX III

# SUMMARY REQUEST FOR PROPOSALS (RFP)

### *THE STATE OF CONNECTICUT COMMISSION ON CHILD PROTECTION*

## BACKGROUND

The State of Connecticut, Commission on Child Protection (COCP) is seeking proposals to establish one or more pilots of a Model Child Welfare Law Office in one or more of the Juvenile Courts located throughout the state.

The intent of this request is to identify private law practices and/or non-profit organizations with the necessary expertise and best strategy to become a Model Child Welfare Law Office. The successful proponent will be responsible for implementing a multi-disciplinary law practice committed solely to providing legal representation and guardian ad litem (GAL) services to children who are the subject of neglect, uncared for, termination, and Family with Service Needs and delinquency (as GAL's) proceedings in the Superior Court for Juvenile Matters and legal services to young adults who continue to receive services from the Department of Children and Families after attaining the age of 18 and who desire ongoing legal representation. The multi-disciplinary law practice is authorized in accordance with Sec. 46b-123d of the Connecticut General Statutes. The requested services will be awarded through a competitive procurement process and funded by State dollars.

### **Goals and Objectives:**

#### ***Overview:***

The Commission on Child Protection has established Standards of Practice for providing legal representation to children in child protection matters and wishes to pilot a law office that is devoted solely to the representation of children who are the subject of neglect, uncared for, FWSN or TPR petitions in Juvenile Matters of the Superior Court, as well as GAL services to children subject to delinquency proceedings and youth continuing to receive services from DCF after their 18<sup>th</sup> birthday.

COCP envisions that this law office will establish a multi-disciplinary team approach to representation, ensuring that their child client's legal interests, rights and entitlements as they relate to their child protection case and their overall welfare are protected and advanced. The multi-disciplinary approach is intended to provide holistic representation of the child client consistent with his or her wishes and/or best interest in relation to, but not limited to, advancing the appropriate adjudication and disposition of the underlying petition; securing the appropriate residential and educational placement; formulating and executing a permanency plan; ensuring appropriate mental health, substance abuse and medical treatment is provided; enhancing visitation, where appropriate, with parents, guardians, siblings and other visiting resources; and

assisting with transition planning if the child client will still be in care upon turning 18 years of age, including helping to secure a life long permanent family resource.

**Specific:**

To ensure children receive legal representation consistent with Connecticut's Standards of Practice for Representing Children in Child Protection Cases;

To ensure the use of a multi-disciplinary service model, including attorneys, social workers, other social service professionals, through the implementation of a team approach whereby children are represented by an attorney and social service professional;

To ensure that children receive traditional client directed representation in court whenever possible. To achieve this, the representation team, through visits, phone calls, and/or encouraging participation at court proceedings, shall establish a trusting and age-appropriate relationship with the child client.

To enhance accountability through supervision, training, case and file management, and data collection;

To ensure continuity of representation through final case resolution;

To provide holistic representation and respond to specific case needs for advocacy in venues outside of juvenile court, such as, but not limited to, special education hearings and meetings and DCF administrative meetings and hearings;

To increase the amount of out-of-court time spent on cases; and

To assess a different model for providing representation to children in juvenile matters in Connecticut.

**Agency Assumptions Regarding Contractor Approach:**

**Program Implementation:**

The Contractor may utilize KidsVoice consultants, as deemed appropriate by the COCP, for purposes of technical assistance in establishing and implementing the plan for the model office and the multi-disciplinary team approach to representation.

The Contractor will employ necessary staff for anticipated yearly case load over the course of the first three months of the contract in order to provide necessary training in child protection law, the multi-disciplinary team approach and the use of the Case Management and Information System provided at no cost to the contractor by the Commission on Child Protection.

**Attorney Experience:**

The Contractor will use attorneys licensed to practice and in good standing in the State of Connecticut.

The Contractor will employ at least 25% of attorney staff with experience in child protection litigation in juvenile court, including trial experience.

The Contractor will endeavor to employ attorneys with experience in other areas of family or social service advocacy, such as, but not limited to custody proceedings; educational advocacy; medical and welfare benefits; developmental disability and mental health entitlements; family violence, housing and delinquency matters.

The Contractor will provide extensive training, mentoring and supervision for staff without substantial child protection experience.

The Contractor will provide attorney supervisory staff at a level appropriate to case load and organizational size.

The Contractor will ensure that attorney supervisory staff has extensive experience in child protection litigation in juvenile court.

***Social Service Staff Experience:***

The Contractor will use professionals with substantial experience in the social service fields and/or with a master degree in social work.

The Contractor will ensure that the following areas of expertise are covered by staff members and/or consultants: child protection, child development, behavioral health, developmental disabilities, medical needs, substance abuse treatment, special education and family violence.

The Contractor will ensure that social service supervisory staff has extensive experience in child protection in juvenile court.

***Supervision:***

The Contractor will create a supervisory structure that ensures equitable case distribution and when possible case assignments based upon the area of staff expertise and issues identifiable in pleadings;

The Contractor will review inexperienced attorney or social service staff performance at least once every six months and experienced attorney or social service staff performance at least once each year.

The Contractor will establish a system of direct observation in court and other proceedings and for soliciting feedback from other attorneys, placement resources, agency social workers and court personnel in order to assess attorney and social service staff performance.

***Client Representation:***

The Contractor will ensure that representation is consistent with the Standards of Practice and the Professional Rules of Ethics, specifically Rule 1.14, and is client directed whenever possible.

The Contractor will ensure that a team approach to case management and formulation of case goals is adhered to; provide holistic representation ensuring that all legal rights and entitlements of client are protected and issues effecting the client's well-being are addressed through all appropriate proceedings.

The Contractor will ensure that Appellate representation includes preservation and preparation of record, briefing and arguing the case.

The Contractor will have the capacity to assist in identifying and advocating for appropriate resources and community based services to meet the child client's needs and improve case outcomes.

***Support Staff:***

The Contractor will have administrative staff sufficient to support the work of the representation teams and the model office.

The Contractor will employ bilingual staff consistent with community needs; and, if necessary, depending upon number of attorneys and proposed caseloads, paralegal staff.

***Reporting/Evaluation:***

The Contractor will use the Case Management and Information System (CMIS) database being developed and implemented by the Commission on Child Protection for the purpose of tracking and monitoring cases, measuring specified outcomes and providing reports. See Appendix A: Hearing Outcomes for a preview of data to be tracked by the CMIS.

The Contractor will cooperate with an independent evaluation of the model office which will entail review of the data on activities and outcomes collected in the CMIS, as well as the use of survey instruments and interviews. The evaluation will seek to assess compliance with the Standards of Practice, effective implementation of the multi-disciplinary team approach, and the provision of client-directed representation. Some of the key measurements will include consistency across cases and within cases of client contact, attendance at relevant meetings and proceedings, increased participation of clients in case events, as well as a review of nature and extent of activities on cases such as Motions filed, cases taken to trial, and experts consulted.

## APPENDIX IV

### ***PROPOSAL: AN ACT CONCERNING THE COMMISSION ON CHILD PROTECTION AND THE CHIEF CHILD PROTECTION ATTORNEY.***

Statement of Purpose: To clarify that the Commission on Child Protection is only responsible for the cost of indigent legal representation as provided in its enabling legislation. C.G.S. §46b-123c, d & e.

Section 46b-123d, as amended by Public Act 159, Sec. 3 (*Effective July 1, 2007*):

(a) The Chief Child Protection Attorney appointed under section 46b-123c, as amended by this act, shall: [, on or before July 1, 2006: ]

(1) Establish a system [for the provision of: (A) Legal] to provide (A) legal services and guardians ad litem to children and youths and indigent respondents in family relations matters [in which the state has been ordered to pay the cost of such legal services] and guardians ad litem, provided legal services shall be provided to indigent respondents pursuant to this subparagraph only in paternity proceedings and contempt proceedings and children of parents found indigent pursuant to Section 46b-123e(a)(5) as amended by this act, and (B) legal services and guardians ad litem to children, youths and indigent legal parties in proceedings before the superior court for juvenile matters, other than legal services for children in delinquency matters. To carry out the requirements of this section, the Chief Child Protection Attorney may contract with (i) appropriate not-for-profit legal services agencies, and (ii) individual lawyers or law firms for the delivery of legal services to represent children and indigent legal parties in such proceedings;

(2) [Ensure] Establish a system to ensure that attorneys providing legal services pursuant to this section are assigned to cases in a manner that will avoid conflicts of interest, as defined by the Rules of Professional Conduct and that all children subject to petitions of neglect, uncared for or for termination of parental rights receive independent legal counsel; and

(3) [Provide initial and in-service training for guardians ad litem provided pursuant to this section and for attorneys providing legal services pursuant to this section, and establish] Establish training, practice and caseload standards for the representation of [: (A) Indigent respondents in family matters, and (B) children and indigent legal parties in juvenile matters, other than representation of children in delinquency matters] children, youths, indigent respondents and indigent legal parties pursuant to subdivision (1) of this subsection. Such standards shall apply to [any] each attorney who represents children, [or] youths, indigent respondents or indigent legal parties [in such matters] pursuant to this section and shall be designed to ensure a high quality of legal representation. The training standards for attorneys required by this subdivision shall be designed to ensure proficiency in the procedural and substantive law related to such matters and to establish a minimum level of proficiency in relevant subject areas, including, but not limited to, family violence, child development, behavioral health, educational disabilities and cultural competence.

(b) Any contract entered into pursuant to subdivision (1) of subsection (a) of this section may include terms encouraging or requiring the use of a multidisciplinary agency model of legal representation and

(5) social workers or other professionals listed in C.G.S. § 17a-101(b) employed by attorneys providing representation to parents and children subject to investigations and petitions brought by the Department of Children and Families shall be subject to the attorney-client privilege and shall maintain confidential information subject to that privilege as provided in Rules of Professional Conduct 1.6 and 1.14. Said social workers and other professionals shall not be subject to the mandated reporter requirements contained in C.G.S. §§ 17a-101 and 17a-101a.

**Sec. 46b-123e. is repealed and substituted as follows: Eligibility for counsel in family relations or juvenile matters. Procedure for appointment or assignment.**

(a)The following legal parties are entitled to legal representation or guardian ad litem services paid for by the Commission on Child Protection:

(1) All children in neglect, abuse, uncared for and termination of parental rights proceedings in juvenile court; children seeking emancipation are not entitled to legal representation paid for by the Commission on Child Protection;

(2) all children in delinquency proceedings requiring a separate guardian ad litem;

(3) indigent parents and indigent legal guardians in neglect, abuse, uncared for and termination of parental rights proceedings in juvenile court, except those parents or legal guardians that are petitioners in matters transferred or appealed to juvenile court from probate court or those parents or former legal-guardians that file post-dispositional Motions for Reinstatement of Guardianship in juvenile court;

(4) indigent contemnors and putative fathers in family relations matters; and

(5) children subject to custody, visitation and support disputes in family relations matters who require guardians ad litem or legal representation and whose parents are indigent.

(b)Except for the representation of children referenced in sub-section (a)(1) and (2) above, the judicial authority shall make the determination of eligibility for representation to be paid for by the Commission on Child Protection according to the Income and Eligibility Guidelines adopted by the Commission. The judicial authority shall cause the parents or guardians of a child or youth who is the subject of a petition in juvenile court or a custody, visitation or support dispute in family relations or the respondent facing incarceration due to contempt or putative father in a paternity action seeking state paid representation to complete a written statement under oath or affirmation setting forth the parents', guardian's, respondent's or putative father's liabilities and assets, income and sources thereof, and such other information as the Commission on Child Protection shall designate and require on forms adopted by said commission.

(c) Upon a finding that the parents of a child requiring representation in a family relations matter are indigent, the judicial authority shall appoint an attorney or qualified GAL to provide representation from a list of qualified attorneys and GAL's provided by the Chief Child Protection Attorney.

(d) Upon a finding that a respondent facing incarceration due to contempt or a putative father is indigent in a family relations matter before the Magistrate Support Court and requires representation to be paid

by the Commission on Child Protection, the Magistrate shall appoint counsel designated by the Commission on Child Protection to provide said representation.

(e) The judicial authority before whom a juvenile matter described in subparagraph (B) of subdivision (1) of subsection (a) of section 46b-123d is pending shall notify the Chief Child Protection Attorney who shall assign an attorney to represent the child or youth. Upon a finding that a parent or legal guardian is eligible for state paid representation pursuant to sub-section (b) of this section, the judicial authority shall notify the Chief Child Protection Attorney of such finding, and the Chief Child Protection Attorney shall assign an attorney to provide representation.

[(d) The payment of any attorney who was appointed prior to July 1, 2006, to represent a child or indigent parent in any case described in subdivision (1) of subsection (a) of section 46b-123d, who continues to represent such child or parent after July 1, 2006, shall be processed through the Commission on Child Protection and paid at the rate that was in effect at the time of such appointment.]

(June Sp. Sess. P.A. 05-3, S. 46; P.A. 06-187, S. 24; P.A. 07-159, S. 4.)

History: June Sp. Sess. P.A. 05-3 effective July 1, 2006; P.A. 06-187 amended Subsec. (a) by replacing "appointed under section 46b-123c" with "to provide representation", replacing provision re notice by judicial authority upon appointment of counsel with provision re appointment of Chief Child Protection Attorney pursuant to subsection, making a technical change and replacing reference to contract with Commission on Child Protection with reference to contract with Chief Child Protection Attorney; P.A. 07-159 amended Subsec. (a) by making provisions thereof applicable to family relations matters and replacing provisions re appointment of, and assignment of attorney by, Chief Child Protection Attorney with provisions re appointment of attorney from list provided by Chief Child Protection Attorney, added new Subsec. (b) re assignment of attorney in a juvenile matter, repositioned existing provisions of Subsec. (a) re completion of written financial statement as Subsec. (c), redesignated existing Subsec. (b) as Subsec. (d) and made technical changes, effective July 1, 2007.

Sec. 46b-136. (Formerly Sec. 51-317). Appointment of attorney to represent child or youth and parent or guardian. In any proceeding in a juvenile matter, the judge before whom such proceeding is pending shall, even in the absence of a request to do so, provide an attorney to represent the child or youth, the child's or youth's parent or parents or guardian, or other person having control of the child or youth, if such judge determines that the interests of justice so require, and in any proceeding in which the custody of a child is at issue, such judge shall provide an attorney to represent the child and may authorize such attorney or appoint another attorney to represent such child or youth, parent, guardian or other person on an appeal from a decision in such proceeding. Where, under the provisions of this section, the court so appoints counsel for any such party who is found able to pay, in whole or in part, the cost thereof, the court shall assess as costs against such parents, guardian or custodian, including any agency vested with the legal custody of the child or youth, [the expense so incurred and paid by the Commission on Child Protection in providing such counsel,] to the extent of their financial ability to do so. [The Commission on Child Protection shall establish the rate at which counsel provided pursuant to this section shall be compensated.]

## **APPENDIX V**

### **MODEL CHILD WELFARE LAW OFFICE: SUCCESS STORIES<sup>11</sup>**

#### **South Eastern Connecticut Center for Juvenile Justice provides representation to 1050 children in Waterford, Willimantic and Hartford Juvenile Courts:**

These are examples of the kind of in-depth work that can be provided to clients because of the team approach of the Attorney and the Child Welfare Advocate (CWA).

#### **Case Example 1:**

Our client is a teenager who had been removed from his mother's care along with his much younger brother as a result of a serious altercation with his mother. While he agreed to live with his father so his younger brother could go home with his mother, the youth's goal was to reunify with mom as soon as possible. He also had a Family With Service Needs petition pending. His father was not cooperating with services, either Multi Systemic Therapy or individual therapy for Kyle. Kyle did not feel comfortable in his dad's home and asked about foster care, although he indicated that his first preference was to go home with mother. Our Child Welfare Advocate (CWA) did a couple of emergency visits, which the attorney would have had a difficult time doing, to check in with Kyle. When his father was arrested for assaulting Kyle, SECCJJ advocated for DCF to return the child to mother, and DCF agreed! He was reunified and after several months of services to improve the family's functioning, the protective supervision expired. Kyle is doing well with his mother and even made honor roll. (Note: There was an evaluation by DCF recommending residential placement for Kyle.)

#### **Case Example 2:**

We represent an infant client removed from a 16 year old mother because she was living with her mother (MGM) and DCF, at the last minute, decided that MGM's home wasn't appropriate because of MGM's health issues and failure to cooperate with DCF regarding past DCF involvement pertaining to the young mother. At the Order of Temporary Custody preliminary hearing, we advocated for placement of the mother and child together in a foster home. After some initial resistance, DCF agreed to the plan, but wanted the mother and child in a Mother-child residential program. After some strong advocacy by the SECCJJ team and mother and MGM's counsel, DCF agreed to find a foster home that would accept the mother and child. They did find a home that would enable the mother to continue in her same school and to have frequent visits with MGM. Everyone is happy with the result. The CWA was extremely helpful as she attended the Treatment Planning Conference and advocated

for placement of the mother and child together, she was also of invaluable assistance at the court hearing where the plan for reunification was reached. The mother's guardianship was restored, although she remained committed to DCF. The mother has since turned 18 and continues to receive services from DCF voluntarily.

**Case Example 3:**

This single parent family had a long history of DCF and court involvement. The issues were housing, mother's daily use of marijuana and mother's untreated mental health (depression) and anger management issues. The children were closely bonded to their mother and to each other. While under an order of Protective Supervision and while a Motion to Modify was pending in court, DCF removed the children although the affidavit in support of the Order of Temporary Custody contained few facts suggesting the children were in imminent physical danger, the mother agreed to commitment because she was unable to maintain stable housing for her children. The children were placed in 3 different foster homes. Mother presented a family member as a placement option, but DCF refused to consider her. An additional family member was also provided.

Instead of waiting for DCF to study and agree to a relative placement, the SECCJJ attorney filed a Motion to Transfer Guardianship. Finally, after conferencing the case a number of times with DCF, speaking with the children and relatives, we convinced DCF to look at the relatives again, and they agreed to take no position with regard to the children's motion to Transfer Guardianship. As such, the judge granted the motion to transfer guardianship without the necessity of an extensive trial and the children were placed with family that day. The children spent less than 3 months in foster care.

Having a Child Welfare Advocate (CWA) was extremely beneficial for these children because they all had difficulties being separated from their mother and each other and the CWA was able to have a great deal of contact with them and ascertain the importance of them being together and assess their relationship with the proposed family members. She was also instrumental in obtaining information with respect to the appropriateness of the relatives, which the attorney was able to use in negotiations with DCF.

**Case Example 4:**

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<sup>11</sup> Stories provided by model offices.

SECCJJ was appointed in July 2008 as a separate Guardian Ad Litem to represent the best interest of a sixteen year old male with developmental delays and mental health diagnoses following a motion by the youth's current Attorney and GAL to commence criminal and/or civil action against High Meadows ( a residential center where Jose was placed) because of an injury the child received from a therapeutic hold. The SECCJJ Attorney and Child Welfare Advocate did a placement visit with Jose and spoke with his clinician. DCF/High Meadows initially would not provide information to SECCJJ regarding the incident. The SECCJJ attorney sent letters and followed up with a motion for release of the records. The Child Welfare Advocate followed up by getting the records and learned that the incident was not as serious as originally alleged and the incident was not criminal in nature. The Child Welfare Advocate handled several telephone calls from client during which the information she had gathered was instrumental in counseling the client on where his focus needed to be and avoiding protracted criminal litigation that was unlikely to be successful. Our client began to feel more comfortable with his current placement and less insistent on pursuing charges.

SECCJJ advocated for placement in smaller group home with Department of Developmental Services (DDS). As of July 2008, High Meadows and DCF had no permanent placement identified and no permanent placement team meeting scheduled. As a result of our involvement, largely the Child Welfare Advocate's numerous contacts with DCF and attendance at a treatment conference at High Meadows, DCF, in conjunction with DDS, placed Jose in a smaller group home in November, 2008.

**Case Example 5:**

We were appointed to represent siblings ages 6 and 4. There was domestic violence in the home and mother was arrested for stabbing the father. The father eventually admitted to the police that he was the aggressor. The children were removed and put into a safe home. The children were doing extremely poorly in the safe home, which is a group home and not appropriate for such young children. SECCJJ made contact with the safe home and they reported DCF was not involved in monitoring or planning for these children. The children were not engaged in services or Saturday sports. Apparently, the DCF Social Worker (SW) was injured in a car accident and no one was assigned to take over her responsibilities. Meanwhile the mother was engaging in services and addressing the issues that lead to the removal. We filed a Motion for an In Court Review to discuss the 3 week lapse in the Department's attention to these children's care. The Mother's counsel filed a Motion to Vacate the OTC. On behalf of the children we supported the motion, but DCF objected and the matter was scheduled for trial. Our ability to advocate for a position consistent with

the mother's and bring information to the court regarding the mother's compliance, the lack of care by DCF and the harm the children were experiencing by being placed in a group home enabled the children to return home on the first day of trial.

**Case Example 6:**

We represent a 14 year old girl with mental health issues who was removed from her mother's care on 5/24/10 because of her mother's inability to control her behavior. She was placed in a foster home that specializes in adolescent girls. The Department immediately decided after an Area Resource Group (ARG) consult that Melissa needed residential placement and did a Child and Adolescent Needs and Strengths Assessment (CANS). An out of state residential facility was identified at the end of August. In the meantime Melissa had consistently attended and made progress in counseling. She also formed a strong attachment with the foster family. At the time of the hearing on SECCJJ's Objection to the State's Motion for Out of State placement, Melissa had just had her first psychiatric assessment (not thru any fault of hers) although she had been committed for 3 months. SECCJJ was successful in getting the Judge to sustain its objection and found that the child did not at this time have a need for residential treatment. The foster mother, as a result of the communication with the CWA, spoke at the hearing pursuant to her right to be heard and indicated her support of Melissa remaining in her home. As of this writing, approximately two months later, Melissa continues to do well in the foster home.

The Child Welfare Advocate (CWA) was instrumental in assisting the attorney prepare for the hearing as she gathered information at the Administrative Case Review, and had numerous contacts with the foster mother, child and social worker. She was also of invaluable assistance in reviewing mental health records and the case narrative. The SECCJJ attorney and CWA spent a lot of time with Melissa prior to the hearing. When the SECCJJ attorney called from court to let her know of the judge's decision, she cried she was so happy- and shocked, as she did not believe the judge would grant her wish to stay in the foster home.

**Case Example 7:**

This matter commenced as an OTC due to mother's substance abuse; dangerous living conditions in that other adults were using drugs in the home and no appropriate alternative placement for the children. None of the children's fathers were able to assume a responsible position in their child's life.

SECCJJ participated in all court hearings and ACRs. In addition, the attorney and CWA conducted 8 visits with their clients.

Mother was always very cooperative with children's counsel and she was represented by a very competent attorney who zealously advocated for her. It was apparent that mother was making slow but steady progress throughout the case. She demonstrated good insight into the causes that led to her children being removed from her care and was motivated to turn her life around. She completed everything that was asked of her by DCF. When Zaleer's father was released from incarceration, he moved back in the family home. He initially presented as being sincere in his efforts at reunification. Over time, he was not compliant with services and mother left him.

Mother also struggled with unstable housing. Eventually, she moved in with her mother and the children were returned under an order of Protective Supervision. It was becoming apparent to SECCJJ that there was a significant disconnect between mother and DCF when protective supervision was extended twice, culminating in DCF filing a motion seeking commitment and placement of the children back in foster care.

After conducting home visits and reviewing records from the children's and mother's providers, concluded that mother was being treated unfairly. Not only was mother complying with everything that was asked of her, she even agreed to an in-home service that was not originally requested.

SECCJJ felt that mother had her hands full parenting these three children and working full time, but that moving in with MGM was a significant positive factor. The children's needs were now being met by a responsible parent with the help of MGM and friends in her old neighborhood. DCF was no longer helping this family. SECCJJ learned that the front line social worker, who knew this family best, was having a significant problem in that she believed the case should end but her supervisors were "pushing" for commitment.

At a CSC on 10.14.10, SECCJJ strongly encouraged DCF to end Protective Supervision. Mother's counsel also strongly advocated for this as well.

Five weeks later, DCF marked off its motion to commit the children and requested Protective Supervision to end.

This thorough and proactive approach to advocacy prevented three children from reentering foster care.

**Child And Youth Advocacy Project, New Haven Legal Assistance Association, Inc. provides representation to 450 children in New Haven Juvenile Court.**

### **The "G" Children**

We represent a 6-year-old boy with serious emotional and behavioral issues and his 4-year-old sister, who has multiple medical conditions that require her to use a wheelchair. When the case began, DCF had obtained temporary custody because the children's parents were incarcerated. The children spent 4 months placed in a "safe home," which is an inappropriate institutional setting, especially for children so young.

Thanks to the resources we have as a multidisciplinary team, our social worker and attorney were able to visit the children multiple times in the safe home. Our attorney was able to intervene quickly and effectively, by filing emergency motions, when DCF proposed to place the siblings in separate foster homes. Our social worker facilitated an expedited intake for assessment and intensive therapy for the boy. Our social worker and attorney have also participated in the special education planning process for him.

The children's mother made enough progress to enable us to advocate for the children to return to the home that the mother shared with her mother. Our social worker was able to observe the family members together and to obtain reports from providers that gave us grounds to move to vacate the orders of temporary custody.

Tragically, the children's mother died suddenly, soon after the children returned home. The relationship our staff has established with the family meant that we had the information to advocate successfully for the children to remain with their grandmother and to receive the services they will need to cope with the many challenges that have arisen in their young lives.

### **"Belinda"**

"Belinda" came into DCF care as an infant, after she sustained a serious head injury that her parents could not explain. Initially, Belinda was placed in a non-relative foster home, but many members of her extended family came forward to offer to provide a home for her.

Our social worker visited Belinda on multiple occasions, observed visits between the child and the parents, and monitored Belinda's recovery from her injury. For this case, it was vitally important that our social worker was also able to meet with the various family members, to communicate with them in their primary language (Spanish), and to assess their respective capabilities to provide for this young child. It soon became apparent that an aunt was the most promising resource, but the aunt experienced great difficulty in communicating with the DCF foster care licensing unit. Over a number of months, our social worker facilitated the exchange of information and helped to ensure that any problems were addressed.

Once the child was placed with her aunt, our attorney successfully advocated for a plan of transfer of guardianship to the aunt, who has now been approved for a DCF subsidy. Belinda, who suffered a serious injury at a young age, will be able to grow up safe and healthy with her loving, extended family.

### **"Grace"**

Grace is a bright, sociable 13-year-old girl who has been in DCF care for nearly two years. She is estranged from her family, and so she depends on the child welfare system for all of her needs. She has had many crises while in DCF care: multiple changes in placement; being abused by adults during an incident when she ran away with an older foster child; being in a "temporary shelter" for a year; feeling that she had to be the "tough girl" in school and having multiple suspensions as a result. Her dream has always been to find a foster home where she would feel loved and nurtured.

For a child in these circumstances, it is extremely important for the adults in her life to build a relationship with her and to show her that her needs and wishes are respected. During the time Grace has been in DCF care, our attorney and our social worker have met with her a total of 21 times. If she is having a crisis, we are able to make it a priority to meet with her or to have an extended phone conversation. We have attended DCF case planning meetings, service provider meetings, and special education meetings. Our attorney has twice requested formal administrative hearings with DCF, to address delays in providing services.

Grace is now in a therapeutic group home, and DCF has contracted with an agency to develop a specialized foster home. Without the resources of the multidisciplinary team, we would not have been able to devote the time and attention necessary to ensure that Grace has a real opportunity for success.

### **"Nicki"**

We represent 7-year-old Nicki and her two younger sisters. The three girls each have different fathers. When DCF filed its petitions, which were based on the children's mother's substance abuse problems, Nicki was already living with her paternal grandmother, who is her primary psychological parent.

Our social worker visited with Nicki soon after we were appointed, and quickly learned about Nicki's strong desire to remain with her grandmother and her fear that her mother would try to keep her away from grandmother. Our social worker also determined that Nicki was in need of mental health treatment, a need that had never been addressed by Nicki's mother.

We became aware that the DCF social worker did not acknowledge Nicki's close bond with her grandmother. Nicki did not want her mother to know about her feelings, and so we needed to find a way to achieve our client's goal without putting our client on the spot. Our attorney negotiated with the mother's attorney for an agreement which would maintain joint guardianship between mother and grandmother but vest primary physical custody in grandmother. Our social worker's skill in interviewing the child client and determining her wishes was critical to reaching the best resolution for our client.

### **"Trevor"**

Trevor is 16 years old and was adjudicated "uncared-for" in that he has specialized mental health and medical needs which cannot be met in the home. He is currently placed in a residential treatment program, and his mother has been very co-operative with his treatment. Trevor was visiting regularly with his mother, each Saturday and Sunday, but not overnight. DCF took the position that he could not have overnight visits until his behavior improved.

Our social worker was able to determine that DCF's denial of overnight visits was actually hindering Trevor's progress in treatment. This was confirmed by Trevor's clinician. Our attorney therefore filed a formal request with DCF for an administrative hearing. Quickly, discussions ensued which resulted in an agreement for overnight visits with conditions that Trevor could meet. He is now doing well with the visits. Our social worker's expertise was critical in enabling us to understand the

importance of liberalizing visitation and it gave us the necessary information to advocate for what our client wanted and needed.

These are only a few of the many instances in which the collaboration of attorneys and social workers has enhanced the quality of our legal representation of our clients. We, and our clients, deeply appreciate the commitment of the Commission on Child Protection to encouraging this holistic approach to advocacy for children and youth.

**Connecticut Legal Services' Child & Youth Advocacy Project provides representation to 350 children in Bridgeport Juvenile Court:**

The members of the CLS Child and Youth Advocacy Team have met success in several cases since the program's inception in Bridgeport on August 1, 2010. Immediately when a referral is made to the team, the Attorney and the Child Welfare Advocate assigned to the case act quickly to collect records, meet with the child and connect with collateral providers. This urgency has resulted in the Team's ability to quickly assess the situation and advance the most immediate needs of the child.

**Case Example #1**

Perhaps one of the most notable successes so far is the case of sixteen-year-old-twin girls who were referred to CLS after a neglect petition was filed against their mother. While the petition alleged neglect due to sexual assault by the step father, DCF did not remove the girls from the home due to the stepfather's current absence from the home.

When meeting the girls in their home, a team of a CLS attorney and Child Welfare Advocate were successful in establishing trust. Initially, the girls were withdrawn and skeptical while in their mother's presence, but they were more forthcoming when the team met with them privately. They revealed years of physical and sexual abuse; the former inflicted on them by both their mother and stepfather and the latter at the hands of their stepfather, with the knowledge and passive approval of their mother. They complained that none of the adults who have been involved over the years have listened to them.

Based on the girls' disclosure and the team's own observations and impression of the mother's volatility, the team suspected that the home environment was unstable and potentially unsafe. The team counseled the girls about their legal options, discussed their feelings about leaving the home and gave the girls office and cell phone numbers to keep in touch. The girls called the Child Welfare Advocate daily after the initial visit. The girls revealed that, despite the fact that their step father was no longer in the home, they continued to live in fear —not knowing what their mother would do next – and asked the Team to help them go into DCF custody.

After the Team considered legal options and strategies, the Child Welfare Advocate spoke to the DCF case worker, but the caseworker did not believe there was enough information or recent incidents to support the filing of an application for an Order for Temporary Custody. The Child Welfare Advocate reached out to the girls' therapist to get a more complete picture. The girls' therapist shared that she too felt the girls were unsafe, and their conversation caused the therapist to contact the DCF hotline to report the abuse. At the same time, the CLS Attorney spoke to the Assistant Attorney General about these safety concerns and the girls' desire to go into

DCF care. Based on CLS' request and the therapist's hotline report, an emergency meeting was held with the girls' CLS team, the therapist, the DCF worker, the DCF supervisor, the investigative social workers and their supervisor, and the AAG handling the case. This resulted in a hotline investigation timed to enable DCF to invoke a 96-hour hold that afternoon while it prepared the paperwork to file a Motion for Order of Temporary Custody.

The Child Welfare Advocate contacted the girls at school to alert them that the DCF investigative worker would be meeting with them that afternoon and to encourage them to speak openly about their safety concerns and desire to go into DCF custody. Later that afternoon, DCF took the girls into custody so they would not have to return to the home where they have endured chronic and sustained abuse for most of their lives.

The Team's ability to connect with the clients and the providers and to enhance communication and collaboration with the provider and with DCF resulted in addressing these youths' immediate need for safety.

### **Case Example #2**

Communication is critical to providing youths with positive outcomes when they are involved in the child protection arena. Members of the CLS Child and Youth Advocacy Team recognize this and work diligently to "connect the dots" in their cases to the benefit of children referred to them.

Toward this end, when two children – ages 2 and 4—were referred to CLS after being placed in a Norwalk foster home on a 96-hour hold followed by a Motion for Order of Temporary Custody, we responded quickly to assess the situation. First, a team of an Attorney and a Child Welfare Advocate met with the children and their foster mother in the foster home. After ascertaining that the children were in a safe, nurturing environment and that the medical and physical needs were being met, the Child Welfare Advocate connected with the other providers in the case. Since the biological family had been residing in a homeless shelter prior to the children's removal, the team sought out support services to make it possible for the family to be reunited and to move to a more stable living situation. The Child Welfare Advocate identified support services specifically in the areas of substance abuse and housing.

Meanwhile, the parents contested the Motion for Order of Temporary Custody and the case was set down for a hearing on the OTC the following week. In preparing for the OTC hearing, the CLS attorney also worked with the Child Welfare Advocate to develop a list of crucial support services that should be part of any settlement agreement in the case. The Child Welfare Advocate investigated and recommended which support services should be in place for the family. As a result, when settlement discussions occurred, the CLS attorney was able to enumerate exactly which supports had to be in place and provided by DCF to ensure a successful return of the children to the parents' care and an improved outcome for the family. CLS' position was that if the proper supports were in place, the children could and should be returned to their parents' care.

CLS maintains ongoing communication with the providers, particularly regarding supportive housing, the DCF worker and the mother's attorney to ensure that permanent housing and other services for the children are secured.

## APPENDIX VI

### Letter from Assistant Attorney General

Carolyn,

I writing to praise the work of several CCPA attorneys with whom I have worked over the past several months.

1. Attorney Kathy Steadman. In the CPS case of In Re M.M., Attorney Steadman represents the child. On the child's behalf she filed a petition for termination of parental rights and, at the recent trial, took responsibility for presenting her case in chief as the petitioner. I can attest that her assessment of the case, her planning and preparation for the trial (such as the selection and preparation of witnesses, including DCF witnesses), and her representation in the course of the multi-day trial was exemplary. (As an aside, knowing that Attorney Steadman has participated in the annual CCPA/NITA trainings, it is apparent to me that she has integrated that training into her work and advocacy.) At the conclusion of the trial, the trial judge, Judge Elgo, praised counsel for the presentation of the trial; principal credit for such praise belongs to Attorney Steadman (and Attorney Dwyer (see below)). I cannot begin to estimate the amount of time that she put into this case; I can assure you that her effort was essential to ensuring the best outcome for her client. Attorney Steadman deserves great credit for her actions in this case.

2. Attorney Michael Dwyer. Attorney Dwyer also participated in the In Re M.M. case. It was my first case experience with Attorney Dwyer. I was thoroughly impressed with his extraordinary representation of his client, the respondent-mother. As was the case with Attorney Steadman, it was evident to me that Attorney Dwyer invested extraordinary time and effort to master the file (he was not the original attorney appointed to represent the respondent-mother) and to present the respondent-mother's case at the trial. Throughout, he was exceptionally professional in his representation. As noted (above), Judge Elgo, who presided over the trial, offered words of praise for the parties regarding the conduct of the trial. From my perspective, Attorney Dwyer certainly merited such recognition.

3. Attorney Robert Lewonka. In the CPS case of In Re D.G., Attorney Lewonka represented the child. This matter had been heavily litigated at CPS over the course of more than one year. Throughout, Attorney Lewonka was a vigilant and vigorous advocate for his client. He ultimately took the lead to file a petition for termination of parental rights, which successfully ended in January of this year with the best resolution for the child: an order granting the petition. Attorney Lewonka's work not only included the preparation of the petition, but extensive work regarding the development of evidence in support of the petition – in total, certainly an untold amount of hours and energy. The beneficial outcome for the child can be attributed to Attorney Lewonka's commitment and extraordinary work that he provided in the case.

Michael Besso

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