



Commission on Child Protection
State of Connecticut

Office of the Chief Child Protection Attorney

330 MAIN STREET, 2ND FLOOR
HARTFORD, CT 06106
Tel: 860-566-1341 Fax: 860-566-1349
E-Mail: CCPA@jud.ct.gov

CAROLYN SIGNORELLI
CHIEF CHILD PROTECTION ATTORNEY

**TESTIMONY OF THE COMMISSION ON CHILD PROTECTION
REGARDING PROJECTED DEFICIENCIES
April 11, 2011**

Good afternoon Senator Harp, Representative Walker, esteemed members of the Appropriations Committee. I am Carolyn Signorelli, the Chief Child Protection Attorney for the Commission on Child Protection, and I am here today to discuss our projected deficiency \$2.6 Million.

ATTORNEY CONTRACT ACCOUNT:

In June 2005, the Commission on Child Protection was established to improve legal representation provided by the State in child protection, support and custody cases. The Judicial Branch transferred \$9.6 million to the Commission. It is not clear whether or not we were given the existing funding for the complete program even as it existed in its extremely underfunded state because the Judicial Department did not track all of its expenditures by program. The Commission was originally projecting a \$3.8 million deficit in November of 2010, but as a result of stringent cost cutting measures including capping payments to contract attorneys, the current projection is a \$2.6 million deficit. Please see the below reasons for this projected deficiency.

Family Matters Representation for Contemnors, Putative Fathers and Indigent Children in Custody cases:

- The Family Matters Contempt and GAL programs serving Magistrate Support and Divorce and Custody proceedings in the Judicial Districts were also transferred in 2007 without additional funding. This Family Matters representation costs our agency over \$2 million. While we modified the Contempt and Paternity program to fixed annual contracts to fewer attorneys, we did not obtain the total cost savings anticipated due to demands by the Family Magistrate Support Court and Family Matters Judicial Districts for greater attorney coverage and the need to issue additional contracts. In addition, the appointment of GAL's and Attorneys in family relations divorce and custody proceedings is purely within the discretion of Family Matters Judges. Due to the increased use of GAL's to help resolve these cases where indigent pro se litigants have increased, the cost of this representation was projected to rise from \$575,000 last fiscal year to \$894,000 this year.

Child Protection Matters in Juvenile Court:

- Per the Commission's enabling legislation, Standards of Practice were promulgated and issued on November 16, 2006. The Standards require more work on the cases.
- An increase of \$2.2 million was approved for each of the fiscal years FY 08 and FY 09 in order to implement hourly rate contracts to encourage more work on these cases by the independent contract attorneys. This increase has been reduced through lapses and rescissions by \$680,000 annually.
- The Governor approved funding in the amount of \$75,000 for the Certified Child Welfare Law Specialist (CWLS) program contained in 2008 Biennium Budget.
- CCPA recommended and the Commission approved \$75.00/hour rate for CWLS in November 2008 as a means to attract and keep attorneys committed to child protection.
- In FY10, 41 CWLS were certified and in FY11, an additional 40 attorneys became CWLS's resulting in an increase of \$1,806,000 in billing.
- The current average hours/case is 16.2; an increase of 4.8 hours over original projections due to improved compliance by a greater number of attorneys with the Standards of Practice.
- Appeal Reviews and Appeals Filed have doubled from 2009 to 2010. This has resulted in an increase expenditure of \$50,000.
- There has been an increase in attorney court time due to several systemic factors that has resulted in a projected 25% increase in hourly billing amounting to \$662,000 increase:
 1. The Federal Child & Family Service Review issues report finding CT out of compliance with ASFA's time requirements for approval of Permanency Plans. Courts can no longer consolidate hearing on plan with Termination of Parental Rights trial, which results in more separate permanency plan hearings. This has contributed to increase in attorney time in court.
 2. Neglect Petitions with OTC's are up by 18% from last quarter FY10 to 1st quarter FY11 and. These cases are more serious and require a greater amount of attorney time and litigation expenditures at the beginning of the case contributing to an increase in hourly billing and litigation costs for FY11.
 3. Termination of Parental Rights petitions are up by 32% from last half of 2009 to 1st half of 2010. These cases require more attorney time as they progress and get closer to potential trial, as well as increased litigation expenses.
- There is a 42% increase in litigation expenditures by attorneys since July 1, 2010 as compared to the last two quarters in FY 10 resulting in an increase of \$1.3M.

Delinquency Cases in Juvenile Court:

- Raise the Age went into effect on January 1, 2010, resulting in a 70% increase in appointments of attorneys as GAL's and for C.G.S. §46b-136 interest of justice appointments in delinquency cases. We estimate the additional cost at \$130,000 for FY11.

The Commission made efforts to forecast these increased expenditures due to its implementation of efforts to improve the system of legal representation. These projections included the phase in of the CWLS and model offices:

- In February 2008, we submitted a letter requesting a carry forward of our first \$600,000 which was lapsed.
- In 2007, through Bill 1269, Advocates for Connecticut's Children and Youth, a CT Voices program, along with several children's advocacy organizations, and the Commission on Child Protection sought an annual budget for the Commission in the amount of \$14,154,000 in order to properly fund the program and begin to implement an evidence based best practice model of legal representation in child protection cases. That bill did not pass.
- The Commission submitted a request for \$13.8 million for FY 11. The budget we were granted was \$11.4 million.
- The original request to improve the system over the course of the last 4 years equaled over \$56.5 million. We will actually spend \$50 million based upon current projections.
- The Commission reduced the amount of travel time allowed for attending court.

Financial Measures to lower the deficiency and outcomes for FY 11

- Caps in contract for certified attorneys to be compensated at \$40 for cases over 20 hours in 406 cases. Net a savings of \$32,000 in December. Projected \$200,000 savings for FY 11.
- Auditing bills has saved \$170,000 to date and last year \$259,000. This includes duplicate billing and over daily allowances.

Caps/Rescissions:

- Caps in contract for all attorneys over 50 hours in one year or 100 over the life of the case were instituted in November. There are 352 cases capped currently that 92 attorneys were billing on. Right now, when attorneys are on trial on these cases they are not receiving any compensation for their time in court.
- Effective 2/1/11 caps of \$1000/case on GAL cases in family matters. Currently, there are 1200 cases in the system. Last year expenditures were \$575,000 and we were projected to spend \$894,000 this year. This has been reduced by capping these cases at \$1000 per year.
- Certified attorney resigned after questions about his billing that didn't match phone records.
- Certified attorney failed audit and contract was rescinded.
- Rescinded contract of the highest billing firm that failed to comply with auditing procedures.
- 26 Attorneys have been put on notice for cases having an average of 30 hours or more.

Immediate Need for Assistance

As you are aware, we are a unique Agency where 94% of our budget is paid to the attorneys. With a deficit of \$2.6 million, we do not have the cash to statutorily pay all of the attorneys by the end of this month. At the suggestion of OPM, we contacted the Comptroller's Office who has agreed to set up a temporary accounts receivable account for us pending the outcome of this hearing. We are asking your assistance to help us in approving this account so we can pay our attorneys through June. If the attorneys are not paid within 45 days, they will all have the right to submit claims to the Claims Commission and we will have to pay interest beyond their hourly rates.

The Commission has made great strides in improving our system of legal representation in child protection, custody and support cases in spite of not receiving the funding necessary to implement a system that ensures quality legal representation:

Connecticut is One of Two states to receive A+/A- from First Star

- First Star's national report card on legal representation for abused & neglected children gives CT an A+ on its statutory framework for protecting children's legal rights.

Certification Program:

- As of July 1, 2010, 81 of the contract attorneys that provide representation to children and parents in child protection matters are Certified Child Welfare Law Specialists. Connecticut is the only state connecting attorney compensation to experience and skill measured by the certification process, which includes a rigorous exam.

Multi-Disciplinary Child Welfare Law Offices:

- Five of the 12 Juvenile Courts now have a Multi-Disciplinary Child Welfare Law Office representing children in child protection proceedings. This has helped bring best practice representation to over 1500 children per year and reduce the caseloads of the independent contract attorneys.

Case Management Information System

- All child protection attorneys are now utilizing a case management database system designed specifically for child protection practice called K.I.D.S.©, (KidsVoice Integrated Data System) for receiving case assignments, organizing files, and tracking activities and key case information. This database will enable the Commission to measure outcomes related to the provision of legal representation and comply with RBA.

U.S. Congressional Delegation Submits Request for Funding to Support Multi-Disciplinary Law Offices and K.I.D.S. ©

- The CCPA lobbied Connecticut's Congressional Delegation for \$350,000 in federal funding 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 and is Awaiting Action in the Senate.

Caseload Standards:

- Since 2006 when the Commission took over the program of child protection attorneys, the number of contract attorneys has increased from 144 to 191 and the Commission ceased issuing contracts for more than 75 new cases in a year, resulting in significantly reduced case loads. Due to the loss of attorneys as a result of our budget difficulties, we will not be able to maintain these lower case loads next fiscal year.

Training Standards:

- All new attorneys receive 3 days of pre-service training, 3 days of trial skills training, paid Mentors and all attorneys are required to do annual in service trainings.

Thank you for providing me with this opportunity to testify regarding the Commission on Child Protection's budget deficiency. If you have any questions, please do not hesitate to ask.

Commission on Child Protection Budget Summary FY 08-FY11

