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Committee on Appropriations
TESTIMONY REGARDING THE BUDGET OF THE COMMISSION ON
CHILD PROTECTION

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Members of the Appropriations Committee,

Thank you for the opportunity to speak to you about the budget of the Commission on Child Protection (CCP).

My name is Norman K. Janes. I am an attorney. For most of my 40 years as a lawyer I worked in legal aid, both as a staff attorney and for many years as Executive Director, first of Connecticut Legal Services and then Statewide Legal Services. I have also served as President of the Connecticut Bar Association and briefly as their Interim Executive Director.

Since my retirement from full time practice at the end of 2009 I have contracted with the CCP, working part time to provide representation to families involved in child protection matters in Juvenile Court. I have come here with a number of my colleagues to make sure that you as members of the Appropriations Committee know of the important work we do on behalf of the citizens of Connecticut. We have not come here to tell you how to solve the State's very difficult fiscal problems. Our hope is to make sure that you know a little bit about what goes on in the child protection cases in Juvenile Court and the role we play in that process so that you will be making informed decisions.

As a civilized society we believe that we have a collective responsibility to protect the health and safety of our children. In Connecticut, the responsibility of responding to concerns about child safety rests with the Department of Children and Families (DCF). In order to carry out that weighty task DCF has been given the authority to intervene in the lives of Connecticut families, including the authority to summarily remove children from an unsafe home and to initiate proceedings that will lead to the termination of a parent's rights to continue to be a parent.

Child protection cases thus occur at the intersection of two fundamental interests: the community's concern for the health and welfare of its children and the right of parents to raise their families as they see fit without interference from the government. We naturally look to the Courts to resolve this inherent conflict in a fair

and impartial way. And it is essential that **all** the parties, DCF, the parents and the children be represented by lawyers in these cases.

The function of the CCP is to contract with attorneys and non-profit law firms to provide representation to children and indigent parents in the child protection cases. The CCP was created by the General Assembly in 2005 to address concerns about the effectiveness of the legal services that had been provided when the contracting authority was the Judicial Branch. The CCP, whose contractors served over 11,000 clients in FY 2010 has been successful in improving the quality of legal representation. Among the steps taken have been the promulgation of standards of practice, setting case limits, requiring continuing legal education of contract attorneys, encouraging attorneys to become certified Child Protection specialists, and, with legislative approval, institution of hourly billing to encourage zealous advocacy by attorneys.

Legal representation provided by CCP contract attorneys are very cost effective. Experienced attorneys who have met the standards and passed an exam by a national accrediting agency, and thus certified as Child Welfare Specialists, are paid \$75 per hour; non-certified attorneys are paid \$40 per hour. These are fee for service hourly contracts, there are no additional benefits or reimbursement for overhead. At these rates contract attorneys are paid less than the Assistant Attorneys General who represent DCF in Juvenile Court. The average costs per case for CCP contract attorneys is less than those of equivalent attorneys in nearby Massachusetts.

Thus the work we do is a bargain, but still of high quality. The CCP contract attorneys are skilled, experienced and committed to serve their clients in this emotionally and intellectually challenging practice. We want to be absolutely clear, **we are not seeking any increase in our contract rates.** At the same time, however, we must caution that any funding decrease risks making it impossible for some attorneys to continue contracting with CCP which can lead to a diminution of the quality and effectiveness of the legal services provided to indigent families in child protection matters.

Thank you for the opportunity to appear at this hearing.

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