

JUDICIARY COMMITTEE  
PUBLIC HEARING  
April 1, 2011

**HB 6312**  
**OPPOSE** as drafted

Testimony of Carolyn Signorelli  
Chief Child Protection Attorney



Commission on Child Protection  
State of Connecticut

Office of the Chief Child Protection Attorney  
330 Main Street, 2<sup>nd</sup> Floor  
Hartford, CT 06106  
860/566-1341

---

Senator Coleman, Representative Fox and esteemed Committee Members, for the record, my name is Carolyn Signorelli, Chief Child Protection Attorney for the State of Connecticut.

I respectfully submit the following testimony concerning **HB 6312, AN ACT CONCERNING THE RIGHTS OF A PARENT OR GUARDIAN IN AN INVESTIGATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES.**

As many of you are aware the Commission on Child Protection and my office are responsible for the system of legal representation for children and parents in cases of abuse, neglect and termination of parental rights brought by the Department of Children and Families in Juvenile Court. It is my responsibility to ensure that children and parents receive quality legal representation consistent with the Standards of Practice that the Commission on Child Protection has established pursuant to its enabling legislation.

While I certainly agree that it is vitally important that parents be aware of their rights when the Department of Children and Families (DCF) comes to their home and seeks to enter the premises, I cannot support this bill as currently drafted.

The Legislature has granted DCF, as the lead child protection agency in the state, with the power to investigate allegations of child neglect and abuse. If upon investigation, the Department has probable cause to believe that the child or any other child in the household is in imminent risk of physical harm from the child's surroundings and that immediate removal from such surroundings is necessary to ensure the child's safety, the Department has the authority and the responsibility to execute a 96 hour hold and remove the child or children from the dangerous situation. While this proposal does not delineate the standard or the allegations necessary for the granting of a

warrant to DCF to enter a home, it would be virtually impossible for DCF to allege sufficient facts to justify a court granting a warrant without having had the opportunity to even commence an investigation within the family home where the alleged neglect or abuse is occurring. Many, perhaps most, parents would choose to require a warrant be produced prior to allowing DCF in their home once informed of this right. The effect, perhaps unintended, of Section 1(a) of this bill seems to be the elimination of DCF's authority to commence an investigation and take emergency action on behalf of children in danger of imminent physical harm without a prior court order.

The bill is an attempt to analogize DCF investigations to police searches and seizures. However, the police do not need a warrant to commence an investigation and if during the course of their response to a complaint or during the investigation of a crime, exigent circumstances arise, they can conduct a search and make an arrest without a warrant. In the child protection context, most investigations need to begin in the home, since the location of the alleged abuse or neglect is typically within the home and the victims are children under the control of the parent. Requiring a warrant simply to commence a critical aspect of the investigation, observing the home environment, would prevent sufficient investigations and result in certain children remaining in danger.

The check and balance the legislature has established in the event DCF exercises its authority to take an emergency 96 hour hold is the requirement that an Order of Temporary Custody (OTC) be obtained from a court. In addition, if DCF wishes to mandate that a family to comply with its recommendations upon a substantiation of neglect or abuse, it must file a Petition with the court in order to enforce such recommendations.

It is also important to note that advising parents of a right to have an attorney present in the midst of a DCF investigation is a hollow and meaningless right for the vast majority of families who are investigated by DCF. Currently under our system of representation, indigent parents are not entitled to representation prior to a petition of neglect or abuse being filed. By stating that a parent is "entitled" to seek representation during the investigation, this proposal potentially creates an obligation to fulfill this entitlement through state paid counsel for those parents who do not have the resources to obtain counsel on short notice at all hours of the day and night and on week-ends. There is currently no funding available to provide legal counsel in these situations.

Thank you for this opportunity to be heard. If you have any questions, I would be happy to answer them.

Respectfully Submitted,

Carolyn Signorelli