

Select Committee on Children

Public Hearing

February 3, 2011

**Testimony of Carolyn Signorelli
Chief Child Protection Attorney**

**R.B. 844
Opposed**

Good Afternoon, Senator Musto, Representative Urban and esteemed Committee Members, thank you for this opportunity to provide testimony regarding Raised Bill 844, a Foster Parents Bill of Rights.

While I agree with the vast majority of the principles and requirements contained in this bill and recognize that although most are part of DCF policy they are not always honored or enforced, I have serious concerns about the consequences of Subsection (a)(11) and Subsection (b), which provide:

(11) Provide the foster parent with notice of the right to petition the Superior Court as described in subsection (b) of this section; and

(b) Any licensed foster parent aggrieved by any violation of this section may petition the superior court for the venue district provided in section 46b-142 of the general statutes within which the foster parent resides for appropriate relief, including temporary and permanent injunctive relief. Such petition shall be treated as a juvenile matter.

I do not intend through this testimony to detract from the role of foster parents as important partners in the child protection system. Without their willingness to open their homes to children in need, the system could not meet its obligation to protect neglected and abused children. Ensuring the active and positive participation of foster parents in reunification efforts, enabling them to meet the emotional and physical needs of children in their care and supporting them if they become the permanent placement for children that cannot return home, are critical to the mission of the child protection system. However, that mission concerns first and foremost the best interest of the children it serves. Foster parents are agents of the Department within that system, serving the system's goals. Their role is to support the case plan for the child. They of course should be an important voice in the planning process and should be consulted and respected throughout. But as far as the foster parent's individual rights and interests to information and to be treated a certain way, these should be administrative issues between them and the Department.

The failure of DCF to follow the principles and policies outlined in subsection (a)(1) through (9) of this proposal as they effect the planning for and care of a particular child should be seen as a violation of the rights of families to reasonable efforts and children to safety and well-being, not an infringement of a separate or distinct right or interest of a foster parent.

Providing rights to additional individuals that may have interests and positions at variance with those of the children in these cases only complicates the ability of parties, DCF and the Court to focus on the best interest of the children. Foster parents already have the right to be heard at juvenile court proceedings concerning the children in their care. DCF is currently providing training to their social workers on best practices for family engagement which requires inclusive case planning with all family resources involved, including foster parents. The State Court Improvement Project Task Force is currently receiving technical assistance from and developing a curriculum with the Federal Administration for Children & Families' National Child Welfare Resource Center for Permanency on concurrent planning and the importance of foster parents as resources in reunification efforts and permanency planning. All stakeholders will be offered this training. I believe these measures will enhance communication between foster parents, biological parents and DCF and promote partnerships that will improve the nature of reasonable efforts provided by DCF and will ultimately make foster parenting a much more fulfilling and rewarding experience. Most importantly they should improve a family's chance at reunification and the achievement of timely permanency for children. A more important policy directive from the legislature in this regard would be to require DCF to recruit and train foster parents as resource families required to actively participate in the reunification of children and their biological families. Studies have shown that foster parents as resource families promotes positive relationships between bio-families and caregivers, decreases behavioral problems in children who are able to maintain greater contact with their families, increases the likelihood of successful reunification or continued ties with biological families if reunification cannot occur and aids in foster parent retention.

However, granting access to the juvenile court to address foster parent differences with DCF and virtually creating an additional party in interest in these cases, would not only detract significantly from the court's ability to address the cases and issues over which it currently has jurisdiction, it would substantially increase all costs associated with litigation, including worker, attorney and court staff time. It is not clear how this new right of foster parents would be carried out in relation to the existing case on behalf of the child or children in question already before the court and possibly being heard by a different Judge in a different juvenile court location. The biggest concern would be in cases where the foster parent does not agree with DCF's placement decision and could seek injunctive relief, attempting to prevent reunification or placement with a relative. The children and parents would be necessary parties to any action brought by the foster parents regarding disagreements over their case plan. The proposal suggests there is a separate and distinct proceeding, but would all the parties be required to litigate two separate matters in relation to the same case plan in two separate courts? The cases would need to be consolidated in the interest of judicial

economy, but they would still become unwieldy and complicated through the addition of another party. Many foster parents could not afford their own attorney to commence such litigation. They would have to be pro se, creating further inefficiencies for the juvenile court, or be provided an attorney for the right to be meaningful, which is costly.

If a foster parent disagrees with DCF regarding a case decision, but is aligned with one of the parties, either the parent or the child or both, then they do not require a separate right to litigate on their own behalf; their interest is represented and protected by a legal party already in the case. If they are not aligned with any party, they should not be able to take a position at variance with the legal parties in interest in the child protection system and in juvenile proceedings, the parents and children.

This proposal constitutes another example of adult interests coming before the interests and rights of children. Every time another adult is granted a right to assert their own interest, agenda and needs separately and distinctly from those of the child, the voice of the child in the very proceedings designed to protect his or her best interest is diminished and weakened. It is the responsibility of the child's and parents' attorneys to determine if DCF is taking any actions contrary to the interests of the child. The child's attorney should be in communication with the foster parents. If, by not following policies intended to include foster parents in case planning and to enable them to provide the best care to children, DCF violates the rights of the parents or child, then that failure should be brought to the court's attention by the attorney for the aggrieved party and the court can exercise its authority to require DCF to take the steps necessary to correct the failure and ensure that the best interest of the child is promoted.

I, therefore, respectfully request that this Committee oppose this bill as it is currently drafted. The purpose of the rights enumerated is to benefit the children served. It would be more consistent with the rights of children and parents and the principles of judicial economy, to include these rights in a children's or parents' bill of rights that gives the right of redress to the child or parent. In this way, the policy can be enforced for the benefit of the children and families served by the system, but the creation of new rights, additional parties and costly court proceedings avoided.

Respectfully Submitted,

Carolyn Signorelli

