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CONNECTICUT GENERAL ASSEMBLY

January Session, 2011

Raised Bill No. 844

An Act Adopting A Foster Parent Bill of Rights

Referred to Select Committee on Children

REMARKS OF ATTY. MICHAEL H. AGRANOFF

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Thank you for the opportunity to testify. I have been a DCF defense lawyer since 1991. At present, ours is the only law firm in the State of Connecticut providing full-service DCF defense to private-paying adults on a full-time basis.

The present bill seeks to establish rights for foster parents. These rights are necessary because, at present, DCF does not believe that foster parents have any rights. DCF is the

custodian for children committed to DCF; and while it must provide some services to natural parents, it does not have to provide any services to foster parents, and seldom does so. When it does, and those services are inadequate, the foster parents not only have no right to complain, but are invariably retaliated against if they do complain; normally by having the foster children removed by the custodian DCF.

Foster parents need rights for one simple reason: they are the persons entrusted to care for neglected or abused children, or children whose biological home has otherwise been inadequate. To deny rights to the foster parents is to deny rights to the needy children.

Thus far, DCF would probably agree. The problem, however, is in Clauses (5) and (6), which specify that DCF must provide foster parents with the child's medical history, behavior and relationships, educational history, life experiences, and placement circumstances.

DCF seldom does this, except in the most superficial way (i.e., "the child was removed from parents who had drug problems"). What this means in practice is that a child with severe disorders, such as reactive attachment disorder (RAD), impulse control disorders, or even psychotic disorders, is placed with foster parents who have no idea of the child's actual diagnosis, let alone methods to treat it. Indeed, many of these disorders defy treatment even by experienced practitioners.

As a result, foster parents often become frustrated. They seek help from DCF, and get either inadequate help or no help at all. In many cases, DCF finds a way to remove the child, saying that the foster parents were inappropriate in some way. In one particularly horrible case, DCF actually removed a couple's foster child, and also removed the couple's great niece and nephew, who were all set to be adopted by the couple. (See, on my web site, under

"Substantiations", the appalling story of "Bernard and Elizabeth"). The foster child, at age 7, had already had 5 placements, and was simply beyond control.

Therefore, unless Clauses (5) and (6) are materially strengthened, with specifics, DCF will continue to skirt the law; disclosing very few facts in the hope that the child will be cared for or adopted by unknowing foster parents, and then feeling free to remove the child, and possibly other household children, if it doesn't work out.

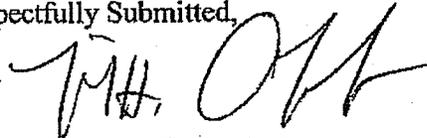
DCF will argue that it is constrained by state and federal law. However, these laws must be carefully studied so that a bill which mandates the maximum disclosure is permitted. It is totally improper to leave such legal interpretation to the very DCF office lawyers who protect the social workers in the first place. It is further unreasonable in the extreme to place very damaged children with unknowledgeable foster parents, and then punish those parents when the children continue to act out.

In summary, the foster parents' bill of rights is long overdue. However, Clauses (5) and (6) must be carefully studied, in the light of current federal and state law, and should be replaced with specific mandates and examples. Otherwise, the law will be a dead letter.

I will be glad to discuss any specifics with any legislator or legislative liaison who desires further information.

Thank you.

Respectfully Submitted,



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