

JUDICIARY COMMITTEE
PUBLIC HEARING
March 30, 2011

HB 6629
SUPPORT Section 8 w/
suggested additional language

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, 2nd 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 6629, ***AN ACT CONCERNING DOMESTIC VIOLENCE.***

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.

I wholeheartedly support the concept of Section 8 which adds to those entitled to qualified, statutory immunity pursuant to C.G.S. § 4-165, guardians ad litem appointed for children subject to juvenile court proceedings. In addition, I propose that language be added to include the attorneys appointed by the court or through the Commission on Child Protection to represent parents and children in these same proceedings.

This representation is essential to the State's ability to perform certain functions. Specifically, these attorneys and guardians ad litem assist the judicial system in fulfilling the court's role as arbiter of matters between the Department of Children and Families as the petitioner, the parents as the respondents brought before the court by the State, and the children who are the subject of the

State's petitions. These attorneys provide representation to indigent parents whose constitutional rights are at stake in these proceedings and in the case of children, by federal and state statute, entitled to representation; these attorneys and GAL's protect the constitutional right of the parents and children to family integrity. Attorneys under contract with the Commission on Child Protection are analogous to Special Public Defenders and should be afforded the same protection that C.G.S. § 4-165 provides to them.

Although a case arising out of family court, the Connecticut Supreme Court's holding in Carrubba v. Moskowitz, 274 Conn. 533 (2005) is relevant to this discussion. The Court opined that "attorneys appointed by the court pursuant to § 46b-54 are entitled to absolute, quasi-judicial immunity for actions taken during or, activities necessary to, the performance of functions that are integral to the judicial process."

In making this determination, our Supreme Court adopted a three prong test that the United States Supreme Court applied to determining whether officials sued under 42 U.S.C. § 1983 should be given absolute judicial immunity. In applying the analysis, our Connecticut Supreme Court stated concerning the second and third of these considerations:

First, a substantial likelihood exists that subjecting such attorneys to personal liability will expose them to sufficient harassment or intimidation to interfere with the performance of their duties. In fact, the threat of litigation from a disgruntled parent, unhappy with the position advocated by the attorney for the minor child in a custody action, would be likely not only to interfere with the independent decision making required by this position, but may very well deter qualified individuals from accepting the appointment in the first instance. Second, there exist sufficient procedural safeguards in the system to protect against improper conduct by an attorney for the minor child. Because the attorney is appointed by the court, she is subject to the court's discretion and may be removed by the court at any time. Additionally, the attorney for the minor child, just as any other attorney, is subject to discipline for violations of the Code of Professional Conduct.

Given the determination made by our Supreme Court in the family court context, I believe it is important to children and families in Connecticut that analogous protections be enacted for attorneys and guardians ad litem in juvenile court proceedings.

Specifically, I propose that subdivision (G) of subsection (b) of Section (8) read as follows:

(G) representation by an individual appointed by the Commission on Child Protection, or by the court, as guardian ad litem or attorney for parties in neglect, abuse, termination of parental rights, delinquency or Family with Service Needs proceedings."

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

Respectfully Submitted,

Carolyn Signorelli

