

**Office of Chief Public Defender
State of Connecticut**

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**TESTIMONY OF SUSAN O. STOREY, CHIEF PUBLIC DEFENDER
AGENCY MID-TERM BUDGET HEARING
APPROPRIATIONS COMMITTEE
February 22, 2012**

**The Division of Public Defender Services Contribution to Quality of Life in Connecticut:
*All children and adults receive a fair, equal, and constitutional administration of justice***

Good morning Senator Harp and Representative Walker and members of the Appropriations Committee. I am Attorney Susan Storey, Chief Public Defender, and with me is Financial Director for the Division, Stephen Hunt, as well as members of the Public Defender-Child Protection Consolidation Team. I appreciate the opportunity to inform you of the considerable progress that we have achieved with the consolidation of the former Child Protection Agency with the Division of Public Defender Services since July 1, 2011 and to discuss the impact of the Governor's mid-term adjustments to our Agency's budget.

CHILD PROTECTION CONSOLIDATION

I am pleased to report on our successful progress in the consolidation process. In the past seven months we have created considerable efficiencies within the child protection system, which have resulted in significant cost savings for the state. In addition, there were no significant interruptions in the representation of the many vulnerable clients receiving services. Training opportunities for child welfare attorneys and guardians ad-litem continued as previously planned.

Along with my testimony we are submitting our first RBA Report Card on child protection services. Our primary goal on July 1, 2011 was to get the budget under control as quickly as possible. The comprehensive changes that we made reduced the projected deficiency by approximately \$3.75 million. Going forward, our Agency must also concentrate on improving representational services for parents and children involved in child welfare matters, and providing training and support to the contract attorneys who provide the majority of these services.

Despite the economic crisis, there is good reason to feel optimistic about making improvements in the delivery of services and to turn the curve in child welfare matters. Joette Katz, the Commissioner of DCF, has launched a Strengthening Families Practice Model in each region of the state with a family team model of engagement. DOC Commissioner Leo Arnone, with his extensive background in child welfare, is invested in working with us to develop more inclusive policies and programming within his Department to maintain and strengthen the relationships of offenders with their families. Our Office also plans to improve services to incarcerated parents at risk of having their parental rights terminated. We have also proposed legislation that would inform the sentencing court about the "family impact" and collateral consequences of sentencing the primary caretaker of minor children to a jail term versus a community alternative to incarceration plan.

IMPACT OF GOVERNOR'S MID-TERM BUDGET ADJUSTMENTS

The protection of individual liberty includes the constitutional right to be represented by competent counsel in criminal cases. Our public defender staff represented juvenile and adult clients in more than 98,000 criminal cases last year.

While crime is down nationally and in Connecticut, our Agency's data clearly illustrates the growth of individual attorney caseloads especially in the GA and some Juvenile offices. In the last decade, public defender caseloads have increased by 39% overall. Most recently we attribute the increase in caseloads to the economic downturn. Not only are more people living in poverty; some are less able to access any equity from assets that they could have accessed in the past.

Furthermore, some of our busiest GA courts are experiencing increased caseloads due to the termination of court mediation services and court information centers that formerly assisted many pro-se clients. We are also seeing many more appointments from the bench over our objection to represent persons who, according to Public Defender Commission Guidelines, are ineligible for our services. Attorneys in Ten (10) GA Offices have caseloads over Commission Guidelines of 450-500 new cases per year, 33% of which on average are felony cases.

The Governor's proposed cuts \$1.2 million in our personal services account will result in making it more difficult or prevent us from:

- Replacing permanent staff in key administrative and constitutionally required positions. Currently 41 funded and non-funded positions are vacant due to fiscal constraints. These positions include Supervisory attorneys, staff attorneys, social workers, and key Administrative staff.
- Hiring per-diem staff when necessary due to long term leaves of absence of permanent staff and for caseload relief in the offices with the highest caseloads;
- Improving the quality of services necessary to restore and enhance poor and minority clients' faith and confidence in the fairness of the criminal justice and child welfare systems;

- Adequately training public defender and child welfare practitioners due to training staff reductions, and Chief Social Worker and Chief Investigator vacancies.

JUVENILE -RAISE THE AGE - PHASE II

The Office of Chief Public Defender is grateful for the Governor's support for eight (8) additional juvenile staff positions to fully implement the Raise the Age (RTA) legislation by July 1, 2012. The Office of Chief Public Defender spearheaded the effort to implement Phase I of RTA without further resources in recognition of the great importance of this legislation for Connecticut's children. While some juvenile public defender offices have been able to absorb the increase, numbers in several offices have shown a more dramatic increase. Phase II will require additional staff in order to provide adequate services and advocacy for the 17 year old population which is expected to have a more significant impact on the juvenile justice system.

The eight positions are also required due to the fact that the public defender juvenile offices have taken on many of the responsibilities that were formerly "outsourced" under the prior Child Protection Commission. Staff in these offices now represent children in all Family With Service Needs (FWSN) cases, public defender investigators serve all subpoenas for child protection hearings (formerly served by marshals), and represent financially ineligible children and adults appointed by the courts "in interests of justice" cases (IOJ). Caseloads in the Division's Juvenile Post Conviction and Reentry Unit are also expected to increase. This Unit represents all children committed as delinquent or dually committed to DCF who are removed from their homes and sent to residential placement of to the Connecticut Juvenile Training School.

This Agency expects that the additional juvenile staff attorneys and social workers will also perform some "crossover" advocacy for children who are involved in both delinquency and child welfare court matters. Such dual advocacy would serve as a more holistic and cost - effective best practice model.

CONCLUSION

In his recent budget address, Governor Malloy expressed his absolute commitment to preserve essential services that act as a "safety net" for the state's poorest residents, i.e., "those services that define us as a compassionate and decent people." He also has expressed that one of the most important goals of his Administration is to restore the confidence of the African -American and Latino communities in the fairness of our justice system. These two goals are inextricably combined with the mission of our Agency to improve the quality of life in this state by ensuring that poor people involved in the criminal justice and child welfare systems have equal justice in perception and fact. In order to achieve this critical goal, there must be sufficient funding for those services that Connecticut is constitutionally mandated to provide to its poorest and most vulnerable children and adults.

2012 Program Report Card: Child Protection Services (Public Defender Services Commission)

Quality of Life Result: All children and adults receive a fair, equal, and constitutional administration of justice.

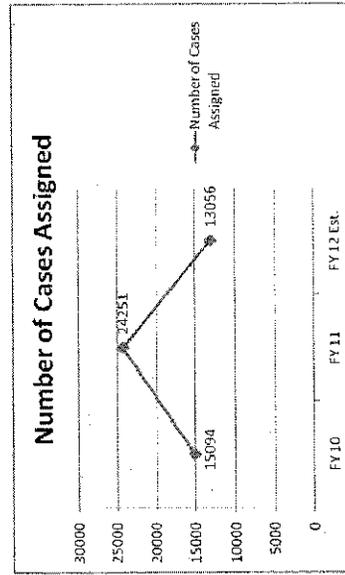
Contribution to the Result: As of July 1, 2011, the Division of Public Defender Services gained responsibility for Child Protection; representation and guardian ad-litem services afforded to indigent children and parents in child welfare, family and child support matters. In addition to administering appointed counsel for child protection matters in juvenile court, the Division is now responsible for supervision and payment of counsel for contemnors in child support and paternity cases and guardians ad litem and attorneys for minor children in some child custody cases.

Program Expenditures	State Funding	Federal Funding	Other Funding	Total Funding
Actual FY 11	\$13,019,126	\$65,000	-	\$13,084,126
Estimated FY 12	\$13,683,272	\$70,000	-	\$13,753,272

Partners: DCF, DOC, DMHAS, CBA, Judicial Department, Center for Children's Advocacy, Families in Crisis, CCSU

How Much Did We Do?

Number of child protection cases handled by the Division.

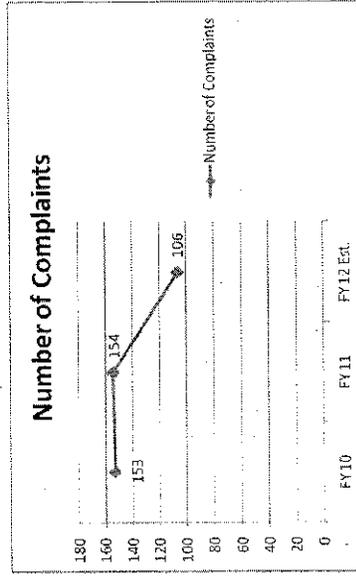


Story behind the baseline:

Because DCF now provides services to at risk families, there has been a dramatic drop in the number of filings at Juvenile Court. OCPD has required eligibility determinations for all parent's appointment, which has also resulted in fewer total assignments,

How Well Did We Do It?

Number of complaints from child protection clients.

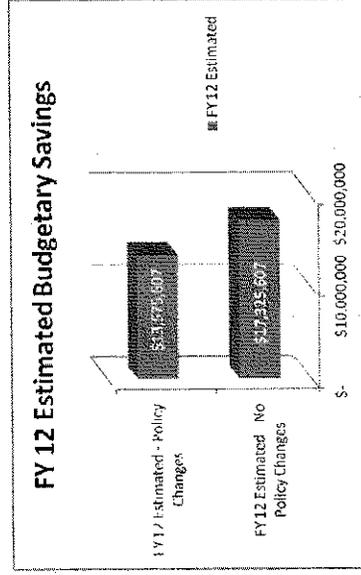


Story behind the baseline:

Lawyers are being trained in negotiation skills and on issues relating to representing parents. This, along with the decrease in the overall number of cases has a positive impact on complaints.

How Well Did We Do It?

Savings from Changes in Administration of the System



Story behind the baseline:

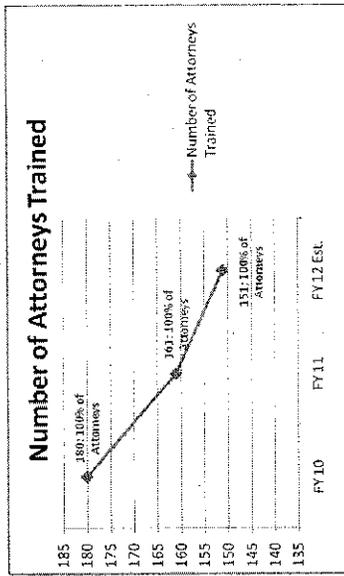
The agency has made various policy changes to contracts that have resulted in a net annual savings of about \$3.75 million. It is important to note that these savings have been instituted without affecting the quality of representation to clients. As a result, the agency has managed to deliver the same level of services for a much lower cost to the budget.

2012 Program Report Card: Child Protection Services (Public Defender Services Commission)

Quality of Life Result: All children and adults receive a fair, equal, and constitutional administration of justice.

How Well Did We Do It?

Trainings attended by CP attorneys



Story behind the baseline:

100% of contracted child protection attorneys received annual trainings, which is stipulated in their contract agreement with the agency. The number of attorneys has been trending downwards in recent years because the agency has had to contract with fewer child protection attorneys as a result of a decrease in the number of cases taken on by the agency.

Proposed Actions to Turn the Curve:

Action 1: Collaborate with DCF and DOC in order to promote family unification, maintain and strengthen offender-family relationships and make improvements in the delivery of child welfare services.

Action 2: DPDS will continue to work with the Judicial Branch to ensure that all people who are ordered to have counsel appointed by DPDS request counsel and file a financial affidavit indicating that they meet the criteria for indigence;

Action 3: DPDS has proposed legislation to require that the court use the eligibility standards adopted by the Public Defender Services Commission to determine indigence for the appointment of DPDS counsel. Current law requires only that the court find the party unable to pay and sets no guidelines;

Action 4: The database for child protection in place at the time DPDS took over operations does not efficiently produce data. DPDS has ended the vendor contract and has used existing staff and resources to create a new system that will easily produce reports. The new payment system, which provides for hourly billing for visiting clients, will make it easy for us to track how often lawyers visit their clients. DPDS will continue to develop a database and information management system that will allow us to track appointments;

Action 5: DPDS will continue to collaborate with the Judicial Branch to plan and present the training program. All persons accepting state rate cases to be paid by DPDS will be required to enter into a contract with DPDS to ensure qualifications and quality assurance.

Data Development Agenda:

Item 1: Percent of clients who are reunified with their families;

Item 2: Percents of families who are preserved as a result of representation from a child protection attorney;

Item 3: Identify and collect data that tells how many total appointments of counsel are made in child welfare cases in Connecticut;

Item 4: Complete implementation of new data base and information management system;

Item 5: Identify and collect data on how many visits a lawyer makes with a client while the case is pending;

Item 6: Percent of eligible clients are represented by an attorney who is compensated by the Public Defenders.