

CONNECTICUT GENERAL ASSEMBLY

February Session, 2012

Raised Bill No. 5185

An Act Concerning Interviews in Child Abuse and Neglect Cases

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 NATURE OF THIS BILL

C.G.S. Sec. 17a-101h is innocent enough. It states that DCF must obtain the consent of a parent or guardian before interviewing a child in a child abuse/neglect investigation.

However, such consent is not required if DCF has reason to believe that a parent or guardian is responsible for the abuse.

The problem is that the statutory language was often ignored by DCF. Social workers simply defined any investigation as “abuse” or “possible abuse”, and sought to interview the child without the parent’s consent. This was often done in schools, sometimes with a uniformed police officer present, and with no advisement to the parent that the interview was taking place. The child, who was often frightened, might be asked if the parents argued too much, or drank too much, or what disciplinary measures were used; even if no actual “abuse” were suspected. The situation is summarized on our web site, under the heading “When DCF talks to Your Kid Secretly”; copy attached hereto.

There was **no penalty** for violation of the statute. Therefore, our office sought to have the statute revised, to clarify that abuse and neglect are different, and to require DCF to state in writing its reasons for believing that family abuse was suspected.

DCF has now taken the initiative and raised this bill prior to our bill being raised. It is an excellent start. The bill, at its core, requires that DCF document a compelling reason for speaking to a child without the consent of the parent or guardian.

WE SUPPORT THIS BILL

Our office supports this bill as a reasonable method of preventing DCF from frightening children in school interviews for relatively trivial reasons. If the bill passes, we intend to follow-up to ensure that DCF revises its investigative procedures and communicates these to field investigators. Our experience is that old habits die hard.

The bill also states that if consent is not required, then the interview should be conducted in the presence of a disinterested adult, unless that is not possible for safety reasons. We agree with this, but note that school personnel, who are mandated reporters, and the primary source of credible DCF referrals, are hardly “disinterested adults” in any meaningful sense of the term. However, we leave that battle for another day.

We recommend that the bill pass, and note that gross violations of the bill could become grounds for a civil rights action.

Respectfully Submitted,

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