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**Testimony of  
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**In SUPPORT of  
SB 417, An Act Concerning Juvenile Matters and Permanent Guardians**

**Judiciary Committee  
March 23, 2012**

SB 417 introduces a new type of guardianship starting in Section 8 of this bill. Under current Connecticut law, if it is determined that children who have been removed from their parents or guardians cannot be returned to their care, the primary options are terminating the parents' parental rights (TPR), or transferring the parents' guardianship to some other relatives or third parties. Terminating parental rights is more or less the capital punishment of child protection law which has obvious devastating impact on parents, and sometimes, less obvious, but just as devastating impact on the children. Transfer of guardianship is not a permanent disposition for the children because parents may always seek reinstatement of their guardianship under current law. Federal and state law and child protection policy is to provide permanency and stability for children who are removed from their parents.

The proposed new permanent legal guardianship creates a guardianship which qualifies as a permanent disposition for purposes of the Federal Adoption and Safe Families Act in that parents whose children are placed with permanent legal guardians can no longer seek reinstatement of their guardianship rights (although they would retain the ability to have visitation with their children). It is a kinder, gentler version of termination of parental rights. More important is the child's right to be able to have contact with biological parents and remove the total severance of this fundamental connection children have with their biological parents.

Permanent legal guardianship will create a new permanency option which will only be applicable in certain cases. Clearly TPRs will continue to be pursued when the facts require such petitions. There are a significant number of cases, however, where children, while unable to remain in the custody of their parents, have a significant bond which is important to be maintained for their benefit. This is especially problematic for children who have reached age 12 who must consent to their adoption and who are at an age where they have developed a loyalty which prevents them from accepting TPR/adoption as their permanency plan. Furthermore, proposed guardians are usually unwilling to accept guardianship if they know that the biological parents can seek reinstatement of their guardianship. With the creation of permanent legal guardianships, proposed permanent legal guardians can be assured that children placed in their care will not be subject to removal by the parents.

Because TPR is such an odious result for parents, parents are inclined to defend TPR petitions even in the face of overwhelming evidence. TPR trials can last days and of course a judgment of TPR does not end the question if parents appeal the decision. Children whose parents' rights have been terminated but whose cases are on appeal languish in the foster home, without permanency, until the appeal process is finally concluded. It is likely that the creation of permanent legal guardianships will reduce the number of TPR trials because given the option of contesting the TPR at trial or consenting to a permanent legal guardianship, parents will choose the possibility of continuing contact with their children rather than risk total severance of the relationship. A reduction in the number of TPR trials will result in reduction in the costs of such trials.

In summary, the creation of permanent legal guardianships provides the child protection system in Connecticut, the Court, DCF and counsel for children and parents, with an additional option for achieving permanency for children which will help to reduce the time needed to achieve such permanency, and this is clearly in the best interests of such children. It should also reduce the money needed to achieve permanency, and this is in everyone's interest.