CONNECTICUT GENERAL ASSEMBLY

Judiciary Committee Public Hearing: February 13, 2012

# Raised Bill No. 5516

**An Act Concerning the Removal of Individuals from the State**

**Child Abuse and Neglect Registry**

Referred to Committee on Judiciary

REMARKS OF ATTY. MICHAEL H. AGRANOFF

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Distinguished Senators and Representatives:

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 that provides full-service DCF defense to private-paying adults on a full-time basis.

The present bill provides a controlled method by which an individual who is listed on the DCF child abuse and neglect registry may be removed from the registry, for good cause, upon due process procedures. Our office has been working with DCF for nearly five years to have this bill introduced. We appreciate the fact that DCF itself supports this bill, and we ask that the Judiciary Committee report favorably upon this bill.

The bill removes a serious anomaly in the Connecticut state justice system. At present, it is possible for a person convicted of a misdemeanor or a felony, including murder, to receive a pardon; but there is no mechanism to be "pardoned" or removed from the registry. Therefore, a person may suffer serious lifetime employment or other consequences, due to a one-time act for which he or she has long since atoned, and even if he or she is clearly no longer a danger to children.

Prior to October 1, 2005, any person who was substantiated by DCF was automatically placed on the registry. Therefore, one-time non-serious offenders were on the same registry as repeated child sexual offenders. Since October 1, 2005, this situation no longer exists. However, many persons remain on the registry for having been unable to afford counsel to contest the original registry allegations. Unlike in criminal cases, persons are not provided with state-paid counsel to contest administrative substantiations or registry findings.

Even if a person were validly placed on the registry, as a danger to children, this does not necessarily mean that the person will always remain a danger to children. This office has represented many non-dangerous persons who, being placed on the registry, not only found themselves unable to secure employment, but also found that they had no legal means to even request a hearing on removal from the registry. It is a lifetime penalty without the hope of administrative, executive, or judicial review. As such, it is anomalous to Connecticut justice; to the point that even DCF itself supports a facility for registry removal.

The claim has been made that dangerous sex offenders who appear on public registries may now apply to be removed from the private DCF registry. However, that is not accurate. The two registries are different. Further, the DCF registry removal process may inquire if the

person is in fact on a public sex offender registry. If he or she were, then the DCF registry removal would be automatically denied.

The claim has been made that DCF will not have adequate guidelines for determining registry removal. However, that is not accurate. The same DCF that initially determined, based upon its stated criteria, that a person belonged on the registry, could also determine using those very criteria that the person no longer belonged on the registry, as not being a danger to children.

The individual petitioning for removal has the burden of waiting at least five years, and then proving through letters and testimony that he or she no longer belongs on the registry. The individual must additionally show that he or she has accepted personal responsibility for the prior incident, and that his or her continued placement on the registry would no longer be required to protect Connecticut's children.

If DCF denies the application, then the individual has the opportunity for an administrative hearing, in accordance with the Uniform Administrative Procedures Act. Failing that, the individual could appeal to the Superior Court. In other words, the individual has the same due process rights as he originally had in the registry placement, and the courts remain free to err on the side of caution in protecting children.

It comes to this, that just as a criminal may be pardoned, a person charged with an administrative sanction also deserves the opportunity to be pardoned. It is obvious, from the language of the bill, and accepted State practice, that no one will be removed from the DCF registry is there is the slightest chance of danger arising to Connecticut children.

Our office supports this bill as being long overdue for the citizens of Connecticut. We do not believe that "the devil is in the details." We believe that the details are clear, and are fair to both applicants and the citizens of Connecticut.

If anyone has any questions, please let me know, and they will be answered promptly. E-mail: AttyMikeA@agranofflaw.com.

Thank you.

Respectfully Submitted,

MICHAEL H. AGRANOFF

Attorney At Law