TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY TO THE JUDICIARY COMMITTEE IN SUPPORT OF S.B. 366: AN ACT CONCERNING ERASURE OF RECORDS IN DELINQUENCY AND FAMILIES WITH SERVICE NEEDS MATTERS

March 10, 2014

Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization affiliated with University of Connecticut School of Law in support of **S.B. 366, An Act Concerning Erasure of Records in Delinquency and Families with Service Needs Matters.**

The Center provides holistic legal services for Connecticut's poorest and most vulnerable children through both individual representation and systemic advocacy. As Director of the Center's TeamChild Juvenile Justice Project, I receive referrals from the Juvenile Probation Offices in Hartford and Bridgeport for youth needing educational advocacy, and represent countless youth who have landed in the juvenile justice system because their educational and/or mental health needs are simply not being met by their schools or communities. For many of these youth, their involvement with our educational advocacy starts them on a successful path to rehabilitation. Their futures should not be hampered by a history of juvenile involvement or the ongoing existence of a juvenile record that serves as a black mark on their past.

The Center supports this legislation because it reinforces the rehabilitative nature of Connecticut's juvenile justice system **by ensuring that juvenile records are automatically erased and destroyed for delinquent youth who have not been involved in the system for two years. S.B. 366 improves upon Connecticut's existing law**, which permits record erasure for the same group of youth, but creates additional barriers to it by requiring them to go through a complicated petitions process. This bill preserves the confidentiality that the juvenile court intends to impart on youth and protects them from the stigma associated with having a criminal record.[1] It does not, however, change the current law for youth convicted of serious juvenile offenses.

S.B. 366 should be passed for the following reasons:

- Records of juvenile involvement, though deemed confidential, still regularly negatively impact youth as they may be inadvertently shared or divulged;
- Existing law involves a cumbersome, extensive process for records erasure which disadvantages youth of color and lower socio-economic status;

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[1] The tenants of S.B. 366 were proposed by the Office of the Chief Public Defender in 2013 as a part of a larger juvenile justice bill. This year's bill is fully supported by OCPD: http://www.cga.ct.gov/2014/JUDdata/Tmy/2014SB-00366-R000310-CT%20Division%20of%20Public%20Defender%20Services%20-%20Christine%20Perra%20Rapillo%20-TMY.PDF .

- Automatic erasure is a best practice that promotes the reintegration and re-assimilation of youth to their communities;

- It creates a proactive, concrete way to protect youth who have rehabilitated from being stigmatized by past juvenile offenses, and;

- Passing this bill will have **no additional fiscal impact to the budget. Funding to implement these new automatic erasure provisions has already been put in the Fiscal Year 2014 and 2015 budgets** and is just waiting to be used.[2]

- Finally, if we enact S.B. 366 into law, we can protect our youth from such negative and unnecessary consequences known to be regularly suffered by adults. It is widely known that criminal records create barriers to re-entry to society that are insurmountable for many members of the adult population. While most youth who commit a juvenile offense do not reoffend, they still suffer negative collateral consequences from having a juvenile record that impacts their future success in school and/or employment. Studies have shown **that the negative impact of a criminal record is double that for black adults when compared to their white counterparts seeking a job.**[3] **Let's not set Connecticut's youth, particularly those of color, up for such consequences.**

In closing, the Center for Children's Advocacy urges the Committee to pass S.B. 366. By establishing automatic record erasure for non-serious juvenile offenses, this bill will afford important protections for these youth and facilitate their path to a brighter future by removing the unnecessary barriers that exist in current law.

Thank you for your time and consideration.

Respectfully submitted,

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Marisa Mascolo Halm, J.D.
Director, TeamChild Juvenile Justice Project

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[2] CT Office of Fiscal Analysis, Judicial Department budget overview, 2014-15. See attached.

[3] Pager, Devah, Western, Bruce, *Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal records*, Ann. Am. Acad. Pol. Soc. Sci. Author manuscript; available in PMC 2013 February 27, pp. 4-5, 10-11. Based on a study of an adult sampling of ex-offenders in New York City. The study also demonstrated that black job applicants are less likely to be interviewed in the first place, and if interviewed, even less likely than their white counterparts to receive a call back.

- $20,000 for IT Hardware Maintenance & Support
- $30,000 for Medical Supplies
- $100,000 for Publications and Music
- $50,000 for Temporary Services
- $100,000 for Translation and Interpretation

Provide Additional Funding for Juvenile Probation Officers

Personal Services	3	225,000	3	225,000	3	225,000	3	225,000
Other Expenses	0	25,000	0	25,000	0	25,000	0	25,000
Total - General Fund	3	250,000	3	250,000	3	250,000	3	250,000

Background
The Judicial Department Court Support Services Division juvenile probation officers work to reduce recidivism by engaging juveniles and their families in meaningful services and ensuring compliance with court orders.

Legislative
Provide funding of $250,000 in FY 14 and FY 15 for three juvenile probation offices. The additional resources are added due to data from the Juvenile Probation RBA report card, which indicated that additional funding will help reduce the risk of recidivism by engaging juveniles and their families in meaningful services and ensuring compliance with court orders.

Provide Funding for Legal Services in Child Protection Cases

Legal Aid	0	160,000	0	160,000	0	160,000	0	160,000
Total - General Fund	0	160,000	0	160,000	0	160,000	0	160,000

Background
In 2008 and 2010, the state awarded contracts to New Haven Legal Assistance Association and Connecticut Legal Services to create pilot projects for enhanced representation of children in child protection cases, utilizing social workers to work directly on the legal teams, advocate for children, identify resources for children, and advise the lawyers. Funding for the program was discontinued in 2011 due to a lack of budgeted funds. The legal aid organizations were able to continue the programs for a limited time paid by the state at a rate that did not cover the expense of these pilot programs, by obtaining temporary private funding, which has now ended.

Legislative
Provide funding of $160,000 in FY 14 and FY15 to pay for the cost of MSW social workers as part of the legal teams at Connecticut Legal Services and New Haven Legal Assistance Association.

Provide Funding for Juvenile Record Maintenance

Personal Services	3	130,018	3	187,802	3	130,018	3	187,802
Other Expenses	0	6,500	0	9,391	0	6,500	0	9,391
Equipment	0	2,000	0	0	0	2,000	0	0
Total - General Fund	3	138,518	3	197,193	3	138,518	3	197,193

Background
HB 6399, 'An Act Concerning Children in the Juvenile Justice System,' requires court monitoring of juvenile records by the Judicial Department. It requires the courts to erase the juvenile record of juvenile offenders if specific conditions are met when the offender turns 18.

Legislative
Provide funding of $138,518 in FY 14 and $197,193 in FY 15 for three additional deputy clerks of the juvenile courts to implement provisions of HB 6399, 'An Act Concerning Children in the Juvenile Justice System,' requires court monitoring of juvenile records by the Judicial Department. However, the bill was not enacted by the legislature.