

TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY  
IN SUPPORT OF RAISED S.B. 1007:  
AN ACT CONCERNING PERMANENCY PLACEMENTS

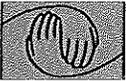
COMMITTEE ON CHILDREN  
March 3, 2015

Senator Bartolomeo, Representative Urban, Senator Martin, Representative Kokoruda, and esteemed members of the Committee on Children:

My name is Daryll Fay and I am testifying on behalf of the Center for Children's Advocacy, a public-interest law firm representing Connecticut's most at-risk youth. We urge you to pass S.B. 1007, An Act Concerning Permanency Placements, Sections 1(k)(1)(B) and 3(o)-(s). The Center supports this Act because it **requires, in part, that children over twelve years of age in the care and custody of the Department of Children and Families ("DCF") be consulted regarding their permanency plan, as well as providing a mechanism for post-adoption sibling contact.**

**Raised Bill 1007 Will Allow Children Over Twelve in DCF Care to Have More Input Regarding Their Permanency Plans**

S.B. 1007 Sec. 1(k)(1)(B)(i) would require that children over the age of twelve in the care and custody of DCF be allowed to consult up to two individuals participating in the child's permanency plan, excluding the child's foster parent or caseworker, regarding the development and revision of the permanency plan, one of which may be designated as the child's advisor. It is important for youth to have someone to talk to who is familiar with their case, but is also not so involved that their opinions may overshadow the youth's feelings.



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Generally, children enter the final stages of cognitive development, the formal operations stage, around age eleven; in this stage, "children are able to think abstractly, consider hypothetical situations and have increased ability for problem solving."<sup>1</sup> However, in emotionally charged situations such as those regarding a child's own permanency, it is helpful for the child to have an adult that he trusts to help them process their feelings and goals.<sup>2</sup>

Similarly, S.B. 1007(k)(1)(B)(iii) would allow children in this age group to select three adults with whom such child has a significant relationship and who may serve as

<sup>1</sup> Rachel Martin et al., *Evaluating the Decision-Making Capacity of Children: A Guide for Legal Practitioners*, University of Michigan School of Law 8, available at <https://www.law.umich.edu/centersandprograms/pcl/ljjohnsonworkshop/Documents/Evaluating%20the%20Decision-Making%20Capacity%20of%20Children%20PDF.pdf> (citing BENJAMIN GARBER, DEVELOPMENTAL PSYCHOLOGY FOR FAMILY LAW PROFESSIONALS: THEORY, APPLICATION, AND THE BEST INTERESTS OF THE CHILD 48 (2010)).

<sup>2</sup> *Id.* at 14.

permanency resource for the child. A youth may not know that he may suggest a permanency resource, or may feel embarrassed suggesting someone other than where he is currently placed. Again, this tells the child that his feelings are validated, while his advisor can help guide him through the realities of his chosen resources as well as permanency resources the child's team is considering.

These sections of S.B. 1007 help create a presumption that a child should be present and involved at his or her court proceedings, which is the direction juvenile courts should be moving in.

### **Raised Bill 1007 Will Ensure that Siblings Separated Due to the Termination of Parental Rights and/or Adoption Will Remain in Contact if Appropriate**

S.B. 1007 Sec. 3(o)-(s) also requires that for any child who is in the care and custody of the DCF due to a termination of parental rights or subject to a petition for adoption, the court consider the appropriateness of post-adoption contact with that child's siblings, according to the best interests of the child. In the past two decades, sibling relationships have been increasingly recognized as playing a role in children's development and as a source of life-long support.<sup>3</sup> Many siblings are separated once they enter foster care, and the adoption of one sibling threatens to make that separation permanent, cutting off a vital form of love and support. Parental rights are terminated for many reasons, and siblings cannot always be placed or adopted together, but siblings should not be penalized in these already unfortunate circumstances.

One attorney at the Center recalled that her client Andrew's younger brother and sisters were adopted by one family after their parents' rights were terminated. However, Andrew was not. Andrew spent time with elderly relatives, in the juvenile justice system, and in group homes. When Andrew was 17, our office arranged for his younger siblings to visit him in his group home. Neither DCF nor Andrew knew where his siblings resided; the only reason we were able to establish contact was because our office had represented the siblings several years before. The reunion was a success, and Andrew rebuilt a relationship with his younger siblings, particularly his younger brother. Both Andrew and his younger brother benefitted from the relationship, and when Andrew exited DCF care at age 18, he had a connection to his biological family.

Andrew's story had a happy ending, in that our office was able to negotiate visits with the adoptive family. But many children are not so lucky—adoptive families may want a "fresh start" for their new children, not recognizing the harm caused by cutting them off from their biological family. S.B. 1007, Section 3(o)-(s) takes into account the circumstances of each sibling group to determine whether or not contact is in the best interests of the child, and can help ensure that sibling relationships are integrated as part of a healthy, new life for children.

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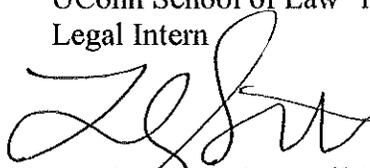
<sup>3</sup> Sonya J. Leathers, *Separation from Siblings: Associations with Placement Adaptation and Outcomes Among Adolescents in Long-Term Foster Care*, 27 CHILDREN AND YOUTH SERVICES REVIEW 793, 794 (2005), available at <http://www.ocfcpcourts.us/assets/files/list-762/file-954.pdf>.

Thank you for your time and consideration.

Respectfully submitted,

Handwritten signature of Daryll Fay in cursive, followed by the initials '125'.

Daryll Fay, J.D. Candidate  
UConn School of Law '16  
Legal Intern

Handwritten signature of Zoe Stout in cursive.

Zoe Stout, Senior Staff Attorney  
Child Abuse Project