TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY
In Support Of
H.B. 7042: AN ACT CONCERNING THE PLACEMENT OF CHILDREN BY THE COMMISSIONER OF CHILDREN AND FAMILIES

Judiciary Committee

March 30, 2015

Senator Coleman, Representative Tong, Senator Doyle, Representative Fox and esteemed members of the Judiciary Committee

The Center for Children's Advocacy urges the Committee to pass H.B. 7042, **An Act Concerning the Placement of Children by the Commissioner of the Department of Children and Families**, the purpose of which is to limit the statutory authority of the Commissioner of the Department of Children & Families (DCF) to commit children in his or her care to the Department of Correction. This legislation specifically amends section 17a-12 of the Connecticut General Statutes to remove such authority from the Commissioner. Connecticut law does provide for a child who has committed a serious crime to be transferred to adult court and thus an adult correctional facility. However, this is **the only circumstance in which a child under the age of 18 should be placed in such a facility**. The passage of **H.B. 7042 would ensure that the Commissioner was not able to place a delinquent, abused and/or neglected child with the Department of Corrections for lack of another appropriate place to meet the child's needs.**

The Center provides holistic legal services for Connecticut's poorest and most vulnerable children through both individual representation and systemic advocacy. Through our Child Abuse Project, the Center provides quality legal representation for abused and neglected children. Through our TeamChild Juvenile Justice Project, the Center collaborates with the Juvenile Probation Offices in Hartford and Bridgeport to improve children's juvenile justice outcomes by securing needed services through community agencies or the school system. The work of these projects converges with systemic advocacy to improve the response of the state's child welfare, health, mental health, and education systems.

The Department of Children & Families has a tremendous responsibility to Connecticut's children. Pursuant to its statutory duties, DCF must create an appropriate plan of care for any and all children who are committed to it. This includes **delinquent children as well as children who are abused and/or neglected**. Children who are committed delinquent are entitled to the benefit of such care and services, including specific clinical treatment, regardless of how complicated their individual case may be. (See Conn. Gen. Stat. § 17a-3.)

Board of Directors
Douglas Colosky, Chair
Claudia Connor, Vice Chair
Jill J. Hutensky, Treasurer
Natalia Xiomara-Chieffo, Secretary
Mario Borelli
Rudolph Brooks
David Cooney
Timothy Diemand
Kathryn Emmett (ex officio)
Robin Keller
Nichelle A. Mullins
Paul Sarkis
Martha Stone (ex officio)
Antonia Thompson

Advisory Board
Miriam Berkman
John Brittain
Brett Dignam
L. Philip Guzman
Wesley Horton
Elizabeth Morgan
Eileen Silverstein
Preston Tisdale
Stanley A. Twardy, Jr.
Stephen Wizner

Executive Director
Martha Stone, JD
65 Elizabeth Street
Hartford, CT 06105
Phone 860-570-5327
Fax 860-570-5256
www.kidscounsel.org

As currently written, Conn. Gen. Stat. § 17a-12 allows the DCF Commissioner to use an adult prison as a secondary, back up plan when a child committed to the Departments care is difficult to manage. One child has had the unfortunate and traumatic experience of being the subject of such a transfer by the Commissioner during the summer of 2014. This child, also known as Jane Doe, had a significant trauma history and mental health status. Although she had no pending juvenile charges against her, and had never been accused of a crime that would warrant transfer to adult court, she was transferred by the Department to an adult correctional facility through a court order citing 17a-12. That she had this experience in a state which has been cited a leader of juvenile reform is baffling, and more so infuriating. She should not have been subject to such a traumatic experience at the hands of DCF.

Not only is such a transfer completely inconsistent with the statutory mission of DCF, but the Department of Correction is wholly unequipped to meet the needs of children in these situations. The only possible result of a transfer is unnecessary harm to the child who is the subject of the transfer. Transfer to a prison, even for a short time, achieves no other purpose than punishment and containment. It sends a message to the child, family and society that the child cannot and will not be helped by the Department.

Despite arguments to the contrary, DCF does not need the ability to move a child to a prison in order to maintain the safety for other children in its care. The transfer statute, Conn. Gen. Stat. § 46b-127 provides for juveniles charged with serious offenses to be transferred to adult court, which also results in the child being immediately moved to a Department of Corrections facility. This is the only circumstance in which a child should be placed in adult prison. .

The Center for Children's Advocacy urges this Committee to pass **H.B. 7042** on to the General Assembly. Conn. Gen. Stat. § 17a-12 must be amended so that transfers similar to the one Jane Doe experienced last summer cannot and will not occur again. Connecticut's most vulnerable children deserve much better treatment than that.

Thank you in advance for your time and consideration.

Respectfully submitted,

/ s /
Marisa Mascolo Halm, Esq.
Director, TeamChild Juvenile Justice Project