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State of Connecticut*

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**Testimony of Susan O. Storey, Chief Public Defender  
Judiciary Committee  
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**RAISED BILL 7042, AN ACT CONCERNING THE PLACEMENT OF CHILDREN BY THE COMMISSIONER OF CHILDREN AND FAMILIES**

The Office of Chief Public Defender strongly supports passage of Raised Bill 7042, **An Act Concerning the Placement of Children by the Commissioner of the Department of Children and Families**. This proposal amends C.G.S. Sec. 17a-12 and would eliminate the ability of the Commissioner of Children and Families (DCF) to transfer a child in his or her care to the Department of Corrections. Connecticut law provides for a child who has committed a serious crime to be transferred to adult court and thus an adult correctional facility. While our Office also has concerns about existing transfer law, this is the only circumstance where a child under the age of 18 should be held in an adult prison. A child committed as delinquent, neglected or abused should never be moved to an adult correctional facility.

The Department of Children and Families' statutory duties are laid out in Conn. Gen. Stat. Sec. 17a-3. Among other things, DCF must "plan, create, develop, operate or arrange for, administer and evaluate a comprehensive and integrated state wide program of services ...for children and youth whose behaviors does not conform to the law or acceptable community standards, or who are mentally ill..." "Services shall not be denied to any such child or youth solely because of other complicating or multiple disabilities. "... In short, DCF is legally obligated to create programs to assist the children who come into their care, no matter how difficult or complicated that child's issues may be. This is as true for children committed as delinquents as it is for those in DCF care because of abuse or neglect.

As currently written, Conn. Gen. Stat. Sec. 17a-12 allows the Department of Children and Families to use an adult prison as a backup plan when a child committed to their care is difficult to manage. This is completely inconsistent with the statutory mission of DCF. They are

required to come up with a plan to provide services to all committed children regardless of “complicating or multiple disabilities”. Many of the children in DCF care have extensive histories of trauma, behavioral problems and mental health diagnoses that lead to conduct that is difficult to manage and control. That is why these children end up in DCF care, because their families and schools were unable to provide the necessary programming and services to meet the child’s behavioral needs. As a society, we ask families to entrust children to the State as their guardian, specifically to the care of DCF, with the expectation that the government will always act in the best interest of the child. Conn. Gen. Stat. 17a-12 allows the state DCF to abandon the child. A transfer to a prison, even for a short time, tells a child, their family, and the community that the government believes they cannot be helped and that they are criminally liable for their conduct. Transfer to DOC serves no other purpose than to punish and contain. This is an unacceptable alternative to the specialized treatment that many of these children require.

There are arguments made that Conn. Gen. Stat. Sec. 17a-12 is needed to keep other children safe and that the process of providing a hearing before a judge protects children subject to such a transfer. The DCF Commissioner does not need the ability to move a child to a prison in order to maintain the safety and best interests of her wards. Conn. Gen. Stat. Sec. 46b-127 provides for juveniles charged with serious offenses to be transferred to the adult court docket and prosecuted as adults. This transfer results in the juvenile being immediately moved to a Department of Corrections facility. This is the only circumstance that should lead to a child being sent to a prison.

The court process provided for in Conn. Gen. Stat. Sec. 17a-12 gave inadequate protection to Jane Doe, a transgender child who was transferred to the custody of DOC last summer. At the time her transfer to DOC was approved by the Bridgeport juvenile court, she was not charged with a crime and had been held at the Connecticut Juvenile Training School for over 2 months without incident. She presented no immediate risk to anyone. The 17a-12 motion was ostensibly filed because she assaulted a staff person at an out of state facility. In fact, charges against her were later dropped and a staff member at the program was disciplined for not appropriately handling the incident.

The Department of Children and Families has a difficult job. It is also one of the most important functions of any state agency. Children are committed to the care of DCF and we expect DCF to do everything in their power to help that child. If a child commits a serious crime that legally warrants prosecution as an adult then confinement in an adult correctional institution is allowed under state statute. The Office of Chief Public Defender urges this Committee to pass this proposal on to the General Assembly. As currently written, Conn. Gen. Stat. Sec 17a-12 allows DCF to incarcerate children in adult facilities because the state does not have the capacity or the programs to appropriately care for them. The Office of Chief Public Defender is entrusted with representation of children in Child Welfare matters, and urges repeal of the statute for the protection of all children in this state.