# *Office of Chief Public Defender*
# *State of Connecticut*

30 TRINITY STREET, 4TH FLOOR
HARTFORD, CONNECTICUT 06106
TEL (860)509-6429
FAX (860-509-6499
susan.storey@jud.ct.gov

ATTORNEY SUSAN O. STOREY
CHIEF PUBLIC DEFENDER

**COMMITTEE ON THE JUDICIARY**
**MARCH 18, 2016**
**OFFICE OF CHIEF PUBLIC DEFENDER**

***RAISED BILL 347***
***AN ACT ESTABLISHING A PROGRAM FOR COURT APPOINTED SPECIAL ADVOCATES IN CERTAIN JUVENILE COURT MATTERS***

**TESTIMONY OF CHRISTINE PERRA RAPILLO**
**DIRECTOR OF DELINQUENCY DEFENSE AND CHILD PROTECTION**

The Office of Chief Public Defender believes that ***Raised Bill 347, An Act Establishing a Program for Court Appointed Special Advocates in Certain Juvenile Matters*** is unnecessary. Court Appointed Special Advocates or CASAs already exists in many courts across the state. When the judge determines that a separate individual is need to advocate for the best interest of a child in a child protection matters, the court can choose to appoint a CASA volunteer instead of an attorney from the list of assigned counsel contracted with OCPD. There is simply no reason to add another advocate to a child welfare case as a second opinion on what is in the best interest of the child. Furthermore, the Office of Chief Public Defender is concerned that the provision requiring the CASA to have access to records and to parties to the action interferes with the right to counsel and to due process provided to parties in child welfare matters.

Child protection matters at Superior Court for Juvenile Matters are already crowded proceedings. The Department of Children and Families is represented by an Assistant Attoreny General. There is a Court Services Officer who coordinates the case and C.G.S. §46b-136 provides counsel for the child and parents. Because the attorney for the child is ethically obligated to advocate for the child's expressed interest, the court will also appoint a guardian ad litem to explore what action is in the child's best interest. It is difficult for parents and especially children to navigate this process and figure out the purpose of each advocate. Creating a "Court Appointed Special Advocate" as an additional individual opining on best interest is likely to confuse parents and children. Adding positions to the list of advocates may extend the time it takes to resolve child protection matters. If a GAL and a CASA have differing opinions on best interest there would likely be additional litigation.

court appointed special advocates can continue to be appointed as guardian ad litem. No new classification of participant in a child welfare matter is needed.

Should this committee determine that court appointed special advocate positions should be created for juvenile matters, the Office of Chief Public Defender is concerned that the proposal as written is contradictory and interferes with the right to counsel afforded to parties in child welfare matters by C.G.S. §46b-136. This proposal gives the SASA "access to any party". "Access" to a party presumes that a CASA would interview or question a parent, child or other party. Child Protection matters involve allegations that a parents has neglected, abused or is unable to care for their child. These are adversarial proceedings where every party is represented by counsel. Anything a party says, especially a parent, could be used as evidence in a court case. Counsel for the party must be allowed to control the defense of their case and must be able to work with the client to decide who the client talks to. The language indicating that the CASA's action would not supplant or interfere with an attorney or guardian ad litem is directly contradictory to the language that gives them access to parties. If this proposal truly intends that a CASA to not interfere or supplant the role of an attorney or GAL, then they are unnecessary. The current CASA programs operating in Connecticut should continue to receive guardian ad litem appointments. No additional position should be added to an already complicated court process.