



**TESTIMONY OF THE OFFICE OF THE CHILD ADVOCATE FOR THE STATE OF
CONNECTICUT: Raised Bills 427; 444; and 5054**

MARCH 14, 2016

Good morning Senator, Coleman, Representative Tong, Senator Kissel, Representative Rebinbas and distinguished members of the committee. This testimony is submitted by Attorney Sarah Eagan, the Child Advocate for the State of Connecticut. Thank you for the opportunity to offer testimony regarding the committee's raised bills.

The broad statutory obligations of the Office of the Child Advocate (OCA) include reviewing, evaluating and reporting on the efficacy of child-serving systems throughout the state. OCA meets regularly with lawmakers, policy-makers and other stakeholders to review and advocate for policies and practices that will promote children's well-being.

OCA Supports Senate Bill No. 427: An Act Concerning Children in the Juvenile Justice System and Guardianship Appointment.

Special Immigrant Juvenile Status for Abused, Neglected or Abandoned Youth.

Senate Bill No. 427 will allow non-citizen adolescents between the ages of 18 to 21 and who have been abused, neglected or abandoned by their parents to establish eligibility for a green card via a federal Special Immigrant Juvenile Status petition. Pursuant to federal regulations, the age limit for applying for SIJS status is 21. However, in order for an abused and neglected 18 year old in Connecticut to pursue SIJ status, a state court must appoint a voluntary guardian and make other requisite findings that the youth cannot be reunited with the parent or returned to his or her home country.

This bill amends state law so that the probate court may appoint a voluntary guardian for a youth through age 21 for the purpose of assisting the youth with obtaining SIJ status. The proposed language in SB 427 is consistent with federal law regulations extending SIJ status eligibility to youth through age 21. Other states have similarly allowed state courts to make necessary SIJS findings for youth who are over 18.¹

Credit for Time Served for Juveniles

Senate Bill No. 427 also seeks to create uniformity in the treatment and adjudication of youth in juvenile matters, and addresses issues of racial disparity. Current law permits juveniles to receive credit for days spent in a juvenile detention center when they are subsequently convicted as

¹ Maryland for example enacted new legislation in 2014 that authorizes courts to consider guardianship for youth over the age of 18.

delinquent and sentenced to probation.² Other juveniles, held in the same juvenile detention centers, for the same crimes, *do not* receive similar credit when convicted as delinquent and committed to the Department of Children and Families (DCF). Approximately 80% of juveniles convicted as delinquent and committed to DCF are children of color.³ Reforms to the criminal and juvenile justice systems must include a concerted effort to decrease the disparate impact on communities of color. Giving juveniles sentenced to commitment to DCF the same credit as those sentenced to probation reduces the likelihood that youth of color will disproportionately agree to plea deals for crimes that they did not commit, in an effort to reduce the amount of “dead time” that they spend in detention before conviction.

Erasure of Juvenile Records

OCA encourages the legislature to enact Section 6 of Raised Bill 427. Juvenile offenders have the right to petition for erasure of their juvenile records. However, a general lack of knowledge and an inability to afford and/or access legal advice about this process prevents many youth from pursuing such petitions. We know that a history of delinquency carries a stigma that contributes to recidivism. The automatic erasure of juvenile records not only prevents the inadvertent disclosure of these records, it circumvents the negative impact that such disclosure can cause in cases where youth have committed non-serious juvenile crimes, and families with service needs offenses, and have not re-offended.

OCA Supports Senate Bill No. 444: An Act Concerning Penalties for Family Violence Crimes that a Child Witnesses and Establishing a Working Group Concerning Information and Communications Related to Victims of Family Violence; and House Bill No. 5054: An Act Protecting Victims of Domestic Violence

OCA regularly responds to and evaluates concerns about children who are exposed to domestic violence. In June 2015, the Child Advocate was appointed to the Task Force to Study the Statewide Response to Minors Exposed to Domestic Violence. Bills 444 and 5054 address some of the key recommendations set forth by the task force in its January 2016 report to the General Assembly.

Domestic violence is a pervasive, life-threatening crime that affects thousands of individuals in Connecticut regardless of age, gender, economic status, race, ethnicity, religion, sexual orientation or education.

In 2013, there were 18,437 incidents of family violence in Connecticut during which at least one person was arrested; children were involved in 2,077 of those incidents. Many children exposed to family violence nationally are under the age of 8.

Intimate partner violence has a profound effect on every facet of a child’s life, profoundly affecting their emotional development and mental health. The goal of S.B. No. 444 is to increase criminal penalties for individuals convicted of family violence that occurs in the presence of a

² C.G.S. §46b-141d.

³ Connecticut Juvenile Training School Advisory Board Report to the Commissioner of the Department of Children and Families (2015).

minor child. OCA supports the enactment of this bill due to the serious and long-lasting impact that domestic violence has on children. Witnessing domestic violence is not limited to what a child can see, but can be auditory and inferred, including cases in which the child perceives the aftermath of violence, such as physical injuries to family members or damage to property. Children who witness domestic violence suffer severe emotional and developmental difficulties that are similar to those of children who are direct victims of abuse. They are also more likely to show increased aggression, persistent sleep problems, increased anxiety, difficulty with peer relationships and a diminished capacity to concentrate in school.

OCA supports the establishment of a multi-disciplinary working group of professionals and experts to help identify, evaluate, and make recommendations about effective methods of sharing information while maintaining victim confidentiality. Laws designed to protect confidentiality and/or establish privilege are complex. Federal confidentiality laws and state confidentiality laws vary. For those reasons, protecting victims requires understanding relevant privacy rules and regulations, evidentiary privileges, state and federal statutes, state and federal constitutional rights (including crime victims' rights amendments), and the unique status of minors, persons with disabilities, or other potential classes of victims.

Connecticut has averaged 14 intimate partner homicides annually since 2000 and firearms were the single most commonly used weapon, used in 39% of the homicides. Between 2000 and 2012, over 60 children were present at the scene of intimate partner homicides.⁴

OCA urges the enactment of H.B. 5054 which strengthens existing protections to victims of domestic violence. Victims of domestic violence are most at risk at the very moment that they actively begin to take steps necessary to access help. For some, women in particular, this initial phase can be lethal. The provisions of H.B. 5054 function to ensure the safety of victims who seek civil restraining orders during this critical phase by permitting the court to *temporarily* withhold an alleged perpetrator's access to firearms, gun permits, and eligibility certificates for up to 14 days pending the outcome of a hearing. The bill aptly addresses due process concerns by allowing the court to expedite the hearing earlier than 14 days from the date of application in instances when the respondent is employed in a position requiring them to carry firearms, and outlines a protocol for the expeditious return of firearms, and the reinstatement of licenses when an order has expired. OCA further supports enhancements to current procedures to ensure proper service by requiring the State Marshal Commission to revise its policy manual to improve its responsiveness to applicants, to provide timely notification of service to the court and local law enforcement agencies, and by extending deadlines for service.

Thank you again for the opportunity to submit this testimony.

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⁴CCADV Statement Regarding Bristol Domestic Violence Murder-Suicide.(June 6, 2014) Retrieved from: <http://prudenceccrandall.org/2014/06/06/ccadv-statement-regarding-bristol-domestic-violence-murder-suicide/>