



Testimony in Support of Raised H.B. 5332
An Act Concerning the Recommendations of the Department of Children and Families

Committee on Children
March 6, 2018

Senator Moore, Senator Suzio, Representative Urban and distinguished members of the Joint Committee on Children:

This testimony is submitted on behalf of the Center for Children's Advocacy, a public-interest law firm representing Connecticut's most at-risk youth. We offer testimony in support of **Section 1 and Section 5** of Raised House Bill No. 5332, **An Act Concerning the Recommendations of the Department of Children and Families**.

Section 1:

We support an amendment to the Department of Children and Families' (DCF) strategic plan to include identification of racial and ethnic disparities within child welfare practice and the development of a plan to eliminate such disparities. **Racial and ethnic disparities are evident at every stage of involvement of the child welfare system, including referrals, substantiations, removal, placements and retention.**¹ Incorporating data into the analysis of how to improve DCF's response to racial and ethnic groups who experience higher rates of adverse child welfare outcomes will help inform decision makers to bring about meaningful substantive change.²

Section 5:

We also support an amendment that allows DCF to interview a child without parental consent if DCF has reason to believe that the "parent or guardian or other person responsible for the care of the child or member of the child's household" is the perpetrator of the neglect, or if seeking such consent would place the child at imminent risk of immediate harm. The current statute already allows for a child's interview without parental consent in cases of alleged abuse, therefore there should not be a distinction between abuse and neglect in the context of DCF's authority to interview a child. The majority of cases that come

¹ See *Achieve racial justice across the DCF system*, Department of Children and Families Report Card, <http://www.portal.ct.gov/DCF/RBA/Report-Cards#3> (showing racial disparities between children entering care, those in care, and substantiated victims); Rakesh Beniwal, *Implicit Bias in Child Welfare: Overcoming Intent*, 49 CONN. L. REV. 1021, 1028–41 (2017) (citing national reports stating African American families are accepted for investigations three times more than white families, African American children are "31% of those in foster care, while they only represent 14% of the total population" and are 38% more likely to be removed).

² ORONDE MILLER & AMELIA ESENSTAD, STRATEGIES TO REDUCE RACIALLY DISPARATE OUTCOMES IN CHILD WELFARE 8–10 (2015) available at http://ncwwi.org/files/Cultural_Responsiveness__Disproportionality/Strategies-to-Reduce-Racially-Disparate-Outcomes-in-Child-Welfare-March-2015.pdf.

to the attention of DCF involve allegations of neglect, not abuse.³ In the Office of the Child Advocate's report on the tragic death of Matthew Tirado, OCA found that limitations of Connecticut's current law do not allow a DCF worker to talk to a child, under circumstances other than alleged abuse, that warrant investigation.⁴ Interviews with Matthew's sister happened in their mother's home, and the child was unwilling to respond to DCF's questioning.⁵ In order to keep parents from acting as barriers to a child's safety, this proposal will allow case workers to move more quickly and efficiently when investigating alleged neglect.

Also, several states already grant the authority to interview a child without parental consent in the context of **both abuse AND neglect**. For example, New Hampshire⁶ allows for the department or a law enforcement official to interview a child "with or without the consent or notification of the parent or parents of such child" in several circumstances including neglect. In Vermont, the agency when investigating abuse or neglect can interview the child "without the approval of the child's parents, guardian, or custodian."⁷ And these are not the only states disavowing parental consent for interviews into abuse and neglect allegations.⁸ Allowing the Department to operate more swiftly when faced with neglect allegations is essential to the improvement of our current system.

We urge the Committee to help establish DCF's plan to eliminate racial and ethnic disparities in the child welfare system and amend current law to expand DCF's authority to interview a child in instances of neglect by supporting H.B. 5332.

Respectfully submitted,

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³ In 2015, Connecticut had 6,970 victims of maltreatment: 5,908 were classified under neglect, 472 under physical abuse, and 391 under sexual abuse. *Child Maltreatment 2015*, U.S. Dep't of Health & Human Services pg. 59, <https://www.acf.hhs.gov/sites/default/files/cb/cm2015.pdf>.

⁴ OFFICE OF THE CHILD ADVOCATE, CHILD FATALITY INVESTIGATIVE REPORT: MATTHEW TIRADO 8-9, 74-75 (Dec. 2017).

⁵ *Id.* at 21.

⁶ N.H. Rev. Stat. Ann. § 169-C:38.

⁷ Vt. Stat. Ann. tit. 33, § 4915b(a)(2).

⁸ See Wash. Rev. Code Ann. § 26.44.030(14)(a)(i); Nev. Rev. Stat. § 432B.270; Minn. Stat. Ann. § 626.556; 40 R.I. Gen. Laws Ann. § 40-11-7.