

**STATE OF CONNECTICUT  
OFFICE OF THE CHILD ADVOCATE  
18-20 TRINITY STREET, HARTFORD, CONNECTICUT 06105**



**Sarah Healy Eagan  
Child Advocate**

**TESTIMONY OF THE OFFICE OF THE CHILD ADVOCATE FOR  
THE STATE OF CONNECTICUT**

**WITH REGARD TO THE FOLLOWING BILLS:**

- **S.B. 312 AN ACT CONCERNING THE NEEDS OF CHILDREN WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.**
- **S.B. 313 AN ACT CONCERNING MEDICAL CARE FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF CHILDREN AND FAMILIES.**
- **S.B. 317 AN ACT CONCERNING THE FAILURE TO REPORT CHILD ABUSE AND NEGLECT BY CERTAIN MANDATED REPORTERS.**
- **S.B. 322 AN ACT CONCERNING GUARDIANSHIP SUBSIDIES FOR GRANDPARENTS CARING FOR GRANDCHILDREN.**
- **S.B. 323 AN ACT REQUIRING NOTICE PRIOR TO THE TRANSFER OF A CHILD TO A NEW OUT-OF-HOME PLACEMENT.**
- **H.B. 5328 AN ACT CONCERNING THE ADMISSIBILITY OF ADMISSIONS, CONFESSIONS AND STATEMENTS OF CHILDREN UNDER THE AGE OF EIGHTEEN.**
- **H.B. 5330 AN ACT CONCERNING HOMELESS CHILDREN ENROLLING IN CHILD CARE.**
- **H.B. 5332 AN ACT CONCERNING THE RECOMMENDATIONS OF THE DEPARTMENT OF CHILDREN AND FAMILIES.**
- **H.B. 5333 AN ACT CONCERNING THE CHILD ABUSE AND NEGLECT REGISTRY.**

**COMMITTEE ON CHILDREN  
MARCH 6, 2018**

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

This testimony is submitted on behalf of the Office of the Child Advocate (“OCA”) in response to the abovementioned Bills. The primary obligations of the OCA are to review, investigate where necessary, and make recommendations regarding how our state-funded systems meet the needs of vulnerable children. This legislature granted the OCA broad authority regarding access to information about children and state-funded facilities and programs, which provides this Office with a unique insight into the needs of at-risk, abused, neglected and special needs children and the agencies that

serve those children. 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 and safety. OCA also responds to daily calls for help regarding children with specialized needs.

- **S.B. 312 AN ACT CONCERNING THE NEEDS OF CHILDREN WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.**

The OCA strongly supports Senate Bill 313 which will support safer and better outcomes for children with disabilities who are suspected or documented victims of abuse and neglect. In December 2017 the OCA issued an investigative report regarding the circumstances leading to the death of teenager Matthew Tirado from abuse and neglect. Matthew was a child identified as having both Autism and Intellectual Disability. He was a life- long victim of child maltreatment, and he died from horrific child abuse and prolonged malnutrition and dehydration. OCA found that repeated risk and need assessments of the family facilitated by DCF contained numerous errors and failed to appreciate the risk of harm faced by Matthew.

OCA’s investigation led to a concerning finding that DCF does not have specific training and guidance for staff regarding risk assessment, investigation and follow up for child abuse and neglect cases that involve children with developmental or other complex disabilities. DCF staff interviewed by OCA as part of the fatality investigation indicated that they had never received such training, despite the fact that children with complex and developmental disabilities represent a growing proportion of children served by the agency.

Research shows that people with disabilities are abused more frequently, abused for longer periods of time, are less likely to escape the abuse, less likely to access the justice system, and more likely to remain in situations that increase their vulnerability and risk of repeated abuse.<sup>1</sup>

According to experts regarding investigation of child abuse and neglect involving persons with disabilities:

“To be effective, first responders [including law enforcement and child protection investigators] must be knowledgeable of the most common disabilities [and] what individuals with disabilities can and cannot do. With this information, first responders will conduct better investigations, identify additional sources of information, interview more effectively, and improve their fact finding.... First responders can make or break cases and their role is critical! If these cases are not handled correctly liability issues may result, and offenders may continue to abuse.”<sup>2</sup>

<sup>1</sup> Source: Prevent Child Abuse America/Virginia. <http://pcav.org/wpcontent/uploads/2013/05/Kids-With-Disabilities.pdf>

<sup>2</sup> Baladerian, N., Heisler, C., Hertica, M.,— *Responding to Child Abuse Victims with Disabilities—California Training for Law Enforcement and Child Protective Service Workers--A project of the California Governor’s Office of Emergency Services.*

Senate Bill 312 requires DCF, in conjunction with the Office of Early Childhood and the Department of Developmental Services to develop investigation, assessment and case planning protocols that are competent regarding the risk and needs of children with disabilities. The bill also requires that the results and product of such collaboration shall be published to the Legislature. These measures are essential to support the safety and well-being of highly vulnerable children like Matthew Tirado. OCA offers one brief and clarifying amendment as follows:

Section 1. (NEW) (*Effective July 1, 2018*) (a) The Commissioner of Children and Families, in collaboration with the Commissioners of Early Childhood, Developmental Services and Social Services, shall develop investigation, assessment and case-planning procedures that are responsive to the needs of children with intellectual and developmental disabilities *who are suspected or documented victims of abuse and neglect or who are being served through DCF's Voluntary Services Program pursuant to General Statute Section 17a-11.*

- **S.B. 313 AN ACT CONCERNING MEDICAL CARE FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF CHILDREN AND FAMILIES**

The OCA opposes Senate Bill 313 due to it being overly broad. The OCA supports one of the primary intentions of the bill which is to ensure that children have access to timely and appropriate health care. However, the proposed amendment to General Statutes Section 17a-98 provides DCF with very broad authority to authorize medical, psychological, psychiatric or surgical treatment for a child under its guardianship or care, which could include children temporarily under the state's care pursuant to an Order of Temporary Custody. This particular proposed provision does not address or reference a mechanism for providing notice of proposed care (surgical or psychiatric e.g.) to the parent or to the child/child's attorney, though both the parent and child typically have the right to be heard in court regarding matters that affect the safety and best interests of the child.

OCA could support a bill that allows for DCF to authorize timely and appropriate health care for a child, so long as the bill includes specific language regarding DCF's authority to make such decisions when a child is in its custody pursuant to a temporary order, when a child is in its custody pursuant to a commitment order, and provided such language includes a provision for notice to the parent and child regarding the proposed treatment, with a right to be heard when there is a dispute. Where a child is committed to the guardian of DCF pursuant to General Statute Section 46b-129, OCA would support placing the burden of objection on the parent and child and allowing DCF to proceed with authorizing care in the absence of such objection so long as notice was provided.

- **S.B. 317 AN ACT CONCERNING THE FAILURE TO REPORT CHILD ABUSE AND NEGLECT BY CERTAIN MANDATED REPORTERS**

OCA supports Senate Bill 317 which will support school districts' compliance with state child safety laws. In February 2017, OCA published an investigative report regarding Hartford Public Schools' wide-spread and longstanding lack of compliance with state laws requiring mandated reporting of suspected child abuse or neglect to DCF or law enforcement. OCA also found that DCF had not yet complied with statutory mandates from 2011 requiring it to investigate and specifically track school districts' failures to report child abuse neglect. In response to OCA's report, HPS, DCF, and the State Department of Education committed to ongoing partnership and efforts to support school districts' compliance with state child safety laws. OCA continues to work with the identified agencies to

examine areas of state law or practice that can be revised to strengthen the safety net for children in school.

S.B. 317 provides explicit language permitting DCF to share any findings related to failure or delayed reports of suspected abuse or neglect by school employees to relevant stakeholders, including the local Board of Education, the Superintendent of Schools and the State Board of Education. This flow of information will allow for greater transparency and accountability with regard to necessary corrective actions.

- **S.B. 322 AN ACT CONCERNING GUARDIANSHIP SUBSIDIES FOR GRANDPARENTS CARING FOR GRANDCHILDREN**

OCA supports this bill which would examine the financial and other support available for grandparents who, via a court order, take over care of a child who is alone (due to death of a parent) or who has been abused or neglected and is at risk of foster placement. Currently, if a child is abused or neglected and cannot remain with their parents, DCF can become involved and support placement of the child with a suitable and willing relative, such as a grandparent. If DCF's involvement leads to the filing of a petition in the Juvenile Court, then the relative who is caring for the child has a path to becoming a licensed foster parent and thereafter a subsidized guardian, which subsidy is paid by DCF after transfer of guardianship to the relative/grandparent. However DCF's involvement may not lead the agency to file a petition in the Juvenile Court. Instead, the grandparent may accept informal responsibility for the child pending DCF supporting the parent with services and supervision. Or the grandparent may be directed to the local Probate Court to seek guardianship without DCF having to file a petition in the Juvenile Court. The downside of both the informal or probate court route is that the grandparent will not be eligible for either the DCF subsidized foster care payment or the DCF subsidized guardianship payment. Instead, the grandparent will be eligible for either no subsidy at all, or a much smaller subsidy pursuant to Temporary Family Assistance (TFA/welfare) from the Department of Social Services.

Grandparents play an essential role in caring for and ensuring the safety of children who either have lost their parent or cannot live safely with their parent. It is essential that relatives have adequate emotional and financial support to ensure the safe care and wellbeing of themselves and the children in their home. Given the number of grandparents who play such a crucial role with children, this bill would ensure a thorough examination of the support system currently in place for grandparents and how such supports can be strengthened to improve outcomes for children and families.

- **S.B. 323 AN ACT REQUIRING NOTICE PRIOR TO THE TRANSFER OF A CHILD TO A NEW OUT-OF-HOME PLACEMENT.**

OCA supports the intent of Senate Bill 323 which would require prior notice to a child in foster care for any planned removal of that child from one DCF placement to another.

Federal reviewers of Connecticut's child welfare performance have found that children in foster care in this state have placement change rate of 2.92 per 1,000 days spent in foster care, translating to at least one move per year spent in state care.

An informal, voluntary study completed last year with 46 children from the DCF Youth Advisory Board and with the assistance of the Connecticut Voices for Children staff showed that youth experienced many placement changes while in DCF care, with a range of zero to *thirty placement changes*, and the median number of placement changes for a youth was *three*. Some youth reported experiencing little notice prior to having to move from one home to another.

**Of the 46 Connecticut foster youth who participated in the survey regarding foster care placement changes, 41 youth reported experiencing at least one placement change and 35 reported experiencing multiple moves.**

Current DCF policy requires that a youth’s foster parents, biological parents, child’s attorney, and guardian ad litem (if applicable) should be notified at least ten calendar days prior to any non-emergency placement change. Senate Bill 323 would require that the youth also be provided written notification prior to a change in placement so long as the change is not an emergency.

- **H.B. 5328 AN ACT CONCERNING THE ADMISSIBILITY OF ADMISSIONS, CONFESSIONS AND STATEMENTS OF CHILDREN UNDER THE AGE OF EIGHTEEN.**

OCA supports House Bill 5328 which would permit admissibility of any statement, confession or admission of a minor only when such statement is made in the presence of the child’s parent, guardian, and after the parent or parents or guardian and child have been advised of the child’s legal rights. HB 5328 is consistent with Connecticut’s legal reforms which raised the age of juvenile court jurisdiction to children ages 16 and 17. The “raise the age” jurisdiction reform was based on the notion that young people should be treated differently than adults and that children who engage in delinquent acts are more likely to be successfully rehabilitated and refrain from re-offending when they are handled and processed as juveniles and in a developmentally appropriate manner.

- **H.B. 5330 AN ACT CONCERNING HOMELESS CHILDREN ENROLLING IN CHILD CARE.**

The OCA supports H.B. 5330 which will allow for children who are homeless to enroll in safe and appropriate child care even if they do not immediately have all necessary paperwork normally required by child care licensing regulations. Infants and toddlers who are homeless are significantly more at risk for developmental delay, illness, and other poor outcomes. According to federal research, “over half of children living in federally funded homeless shelters are five years old or younger.”<sup>3</sup> Families coming from Puerto Rico with very young children are a recent example of why the 90 day grace period in the

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<sup>3</sup> National Center for Homeless Education, *Best Practices in Homeless Education Brief Series—Early Care and Education for Young Children Experiencing Homelessness*, citing data from the U.S. Department of Housing and Urban Development. Found on the web at <https://nche.ed.gov/downloads/briefs/early-childhood.pdf>.

bill is needed. Additionally, the federal Child Care Development Fund (CCDF) new rules require that states must prioritize children whose families are experiencing homelessness for child care services.<sup>4</sup>

Strategic approaches to ensuring timely access to licensed day care for homeless children is an essential step in helping children and their families overcome barriers to their safe growth and development.

- **H.B. 5332 AN ACT CONCERNING THE RECOMMENDATIONS OF THE DEPARTMENT OF CHILDREN AND FAMILIES**

The OCA does not offer testimony on all aspects of House Bill 5332, but would like to offer specific support to Section 5 of this bill which would permit DCF explicit investigative authority to interview a child who is the subject of a neglect petition. Currently, state law only permits DCF to interview and even see/assess a child without the consent of the parent if there is a pending allegation of child abuse, the parent is the perpetrator of the abuse or that obtaining consent would imminently endanger the child. The current law is inadequate to ensure the safety of children and permit DCF to complete its investigative duties where there are accepted reports of suspected child maltreatment. Section 5 would permit DCF to interview a child who is also alleged to be a victim of *neglect*. The vast majority of concerns that are brought to DCF's attention are cases of child neglect. Many of the highest risk cases that DCF investigates and responds to are cases that involve neglect allegations and very young children or children with disabilities. Abuse cases are only a cohort of high-risk maltreatment cases.

OCA's investigative report regarding the death of Matthew Tirado in February, 2017 included findings that Matthew's mother deliberately evaded DCF and refused DCF (and school personnel) access to Matthew for almost a year prior to his death. OCA found that there were certainly steps that DCF could have and should have taken to ascertain Matthew's well-being, through motions to the court or request for police assistance. Concurrently, OCA found that prior to the family's case becoming involved with the Juvenile Court, DCF lacked investigative authority to meet with Matthew or his sister in the absence of Ms. Tirado's consent. Matthew was the subject of numerous and persistent neglect allegations, and as a child with a profound disability, was unable to communicate his needs or ask for help. DCF must have the ability to ascertain his safety and well-being and lay eyes on him when the parent, the alleged perpetrator of the neglect, denies access.

As for the remainder of the bill, OCA generally supports DCF's efforts to 1) develop strategies to identify and reduce/eliminate racial and ethnic disparities within child welfare practice; 2) reduce and address fraud; 3) prevent and respond to unlicensed residential child-care providers; and 4) establish protocols for identifying and responding to substance-exposed infants.

- **HB 5333 AN ACT CONCERNING THE CHILD ABUSE AND NEGLECT REGISTRY.**

The OCA supports House Bill 5333 which will strengthen the safety net and protect children from child abuse. After DCF investigates an individual for child abuse, the agency may substantiate such abuse, and due to concerns of chronicity or egregious conduct DCF may determine that due to the

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<sup>4</sup> See testimony of David Wilkinson, Commissioner of the Connecticut Office of Early Childhood, to the Education Committee, February 26, 2018, found on the web: <https://www.cga.ct.gov/2018/eddata/tmy/2018HB-05169-R000226-Wilkinson,%20David,%20Commissioner-Office%20of%20Early%20Childhood-TMY.PDF>

nature of the abuse the perpetrator shall also be placed on the state's Central Registry. However, if DCF learns during the course of its investigation that the perpetrator is employed in a child-serving capacity (other than a school) in the community, DCF is not clearly permitted to alert the employer that the employee/perpetrator has been placed on the state's Central Registry. This is a problem that can be rectified by a technical change in the DCF statutes that will permit such information to be shared when the individual perpetrator has been placed on the Central Registry and such finding has been upheld or sustained.

Respectfully submitted,

Sarah Healy Eagan, JD

Child Advocate, State of Connecticut