

Good afternoon honorable members of the Judiciary Committee, my name is Aileen Keays and I manage the CT Children with Incarcerated Parents Initiative at Central Connecticut State University. I am here to testify in support of S.B. 1084 and in opposition to H.B. 6670.

**In favor of S.B. 1084 AN ACT CONCERNING THE COLLECTION OF CERTAIN DATA RELATING TO PARENTS WHO HAVE THEIR PARENTAL RIGHTS TERMINATED.**

In 1997, Congress passed the Adoption and Safe Families Act (ASFA), which mandated states' child welfare agencies to begin termination of parental rights in cases of children who have been in foster care for 15 of the previous 22 months. The intent was to prevent children from being in temporary foster placements for several years and increase adoption outcomes.

“The legislation also created bonuses for states that facilitate adoptions. Since 1998, the federal government has paid more than \$639 million in these rewards”<sup>i</sup>.

Despite the stated intent, the law may actually contribute to the permanent severance of parent-child relationships against the best interests of the child<sup>ii</sup>.

With the average length of incarceration in a state facility being 34 months, the provision can be triggered by parental incarceration alone. Even when the parent has an active role in their child's life, incarcerated parents still find their rights being disproportionately terminated. Most shockingly, in an analysis of 3 million child welfare cases from 2006-2016 to identify the ramifications of ASFA on families with an incarcerated parent, *mothers and fathers who have a child placed in foster care because they are incarcerated and have not been accused of child abuse, neglect, endangerment, or even drug or alcohol use were more likely to have their rights terminated than parents who physically or sexually abused their children*. Tens of thousands of children were placed into foster care solely because a parent was incarcerated. For about 5,000 of these children, or 1 in 8, their parent's rights were permanently terminated<sup>iii</sup>.

Even when the parent attempts to remain engaged in services designed to support reunification and to demonstrate an existing, active relationship, he/she may not necessarily be able to do so. One of the ways a parent can demonstrate their role in a child's life is by “spending time with their children regularly, showing up for court hearings, taking parenting classes, being employed, having stable housing, and paying child support to reimburse the government for the costs of foster care...all next to impossible from confinement.” Corrections departments are not mandated by law to bring incarcerated parents to family and court hearings. Also, families often do not have finances or transportation to visit the parent regularly or if at all.

In recognition of the great harms this unintended consequence imposes, more than 10 other states have passed legislation to address the requirements of ASFA, however, Connecticut has not. Collecting this data will begin to allow us to see whether parental incarceration is having a detrimental effect on termination of parental rights for children in Connecticut.

One request I would like the committee to consider is adding the collection of data on the number of parents who had TPR filed who served term of imprisonment, or were in residential treatment, at some point during the child's guardianship with DCF. There are some parents who are no longer incarcerated at the time the petition to terminate is filed but for whom incarceration was still a contributing factor in the parent's inability to fulfill all expectations of a reunification plan.

**Opposed to H.B. 6670, AN ACT CONCERNING A MANDATORY MINIMUM SENTENCE FOR INJURY OR RISK OF INJURY OF A CHILD.**

Parental incarceration is linked to significant, life-altering, long-term negative health and wellbeing consequences for children. It should only be imposed when necessary for public safety and/or behavior change. Risk of injury to a minor is tacked on as a supplemental charge by law enforcement in a very wide range of circumstances. Some departments add a risk of injury charge whenever a child is home at the time of an arrest, even if that child was completely removed from the illegal activity and was asleep upstairs. A child should not be exposed to the harms of parental incarceration, and the ripple effect of collateral harm imposed on the family, unless it is necessary. Risk of injury to a minor is a charge that encompasses a wide range of offenses from severe crimes that warrant significantly longer terms of incarceration than 30-days, and the most minor of offenses the are arguably unrelated to children. Due to the seriousness and severity of the consequences of parental incarceration, discretion by the sentencing body must be protected to ensure an appropriate sentence is imposed while attempting to mitigate unnecessary harm.

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<sup>i</sup> The Marshall Project, "How Incarcerated Parents are Losing their Children Forever". December 2, 2018. Available online at <https://www.themarshallproject.org/2018/12/03/how-incarcerated-parents-are-losing-their-childrenforever>.

<sup>ii</sup> The Brennan Center for Justice summarized the issue in a 2006 press release available at <https://www.brennancenter.org/press-release/national-study-faults-federal-adoption-safe-families-actconsigningchildren-permanent>; also see full Rebuilding Families, Reclaiming Lives report at <https://www.brennancenter.org/publication/rebuilding-families-reclaiming-lives>.

<sup>iii</sup> The Marshall Project, "How Incarcerated Parents are Losing their Children Forever". December 2, 2018. Available online at <https://www.themarshallproject.org/2018/12/03/how-incarcerated-parents-are-losing-their-childrenforever>.