

Connecticut General Assembly
Joint Committee on Judiciary

Testimony of Paul Chill

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Good afternoon. My name is Paul Chill. I am a long-time faculty member at UConn Law School, where I currently serve as Associate Dean for Academic Affairs. Before descending into academic administration, I spent many years teaching, writing, advocating, and litigating in the child protection field. Among other things, I published a treatise on *The Law of Child Abuse and Neglect in Connecticut* (1997), and I brought a lawsuit that resulted in structural reform of the state juvenile court system. See Pamela B. v. Ment, 244 Conn. 296 (1998).¹

I am here today to express strong support for Raised S.B. No. 1133, An Act Limiting a Finding of Neglect or Risk of Injury to a Child in Certain Circumstances. I believe the proposed bill puts sensible constraints on DCF's ability to interfere with parents' reasonable exercise of discretion with respect to how much independence and autonomy to give their children. These are obviously highly individualized and contextualized decisions, on which reasonable minds may differ and reasonable people may weigh competing values differently. The proposed bill aims to ensure that such differences do not give rise to a DCF investigation, much less removal of a child, unless an appropriately high bar is met. In so doing, I believe the bill strikes the right balance between protecting children from parental neglect, on the one hand, and protecting them from the well-established harms that result from removal and placement in foster care, and that can result from a mere DCF investigation, on the other.

These harms are not speculative. Fraught encounters between DCF investigators and anxious and frightened parents can trigger escalating DCF concern and intervention, even where no actual neglect is present. I've represented parents whose children were removed essentially because they gave a DCF investigator too much lip. A substantiation of neglect against a parent, and the parent's permanent placement on the state child abuse and neglect registry, can cost them their job and even career, putting greater stress on a perhaps already struggling family. An arrest can obviously lead to an even greater deleterious impact. These harms should not be threatened because of a parent's reasonable exercise of judgment and discretion with regard to how much autonomy and independence to afford a child.

¹ I was also an original member of the state Commission on Child Protection and served on the Commission for the entire period of its existence (2004-2011). My current administrative duties, however, generally do not permit me to stay abreast of developments in Connecticut child welfare law and policy.

Connecticut law, like that of other states, defines neglect in extremely broad and vague terms. These definitions were drafted half a century ago with the well-intentioned aim of sweeping in any and every conceivable form of child maltreatment. Historically, however, in combination with other factors, these overbroad definitions have made over-intervention and over-removal of children by state child protection authorities a much greater problem than the opposite. Fortunately, great strides have been made in Connecticut in recent years to change this. Narrowing the definition of neglect in the very limited way proposed by this bill would continue this positive trend, prevent well-meaning over-reaching by DCF and law enforcement, and serve the best interests of children.