



**STATE OF CONNECTICUT  
DEPARTMENT OF CHILDREN AND FAMILIES**

**Public Hearing Testimony**

**Judiciary Committee**

**March 3, 2023**



**To:** Sen. Gary Winfield, Chair  
Rep. Steve Stafstrom, Chair  
Sen. John Kissel, Ranking Member  
Rep. Craig Fishbein, Ranking Member  
Distinguished Members of the Judiciary Committee

**From:** Vanessa Dorantes, Commissioner  
Department of Children and Families

**Re:** RB 1133, An Act Limiting a Finding of Neglect or Risk of Injury to a Child in Certain Circumstances

---

The Department of Children and Families (DCF) offers the following comments on this bill.

DCF worked with several legislators on similar legislation in 2019. The Department supports efforts to allow parents to appropriately promote independence in their children. However, we have concerns regarding how this bill attempts to do that, specifically by redefining "neglect," which is used throughout the child welfare statutes.

Under current law, a child may be found to be neglected if, for reasons other than poverty, the child is being permitted to live under conditions, circumstances, or associations injurious to the child's well-being. Under this bill, the state would instead need to demonstrate that the living conditions were an "obvious danger" to the child's health or well-being and that the parent "wilfully or recklessly" disregarded the "obvious danger." This creates a much higher bar than exists under current law.

Additionally, the bill prohibits a neglect determination solely based on allowing a child to participate in "independent activities" unless the activities present an obvious danger to the child's health or safety based on the parent's/caretaker's knowledge of the child's maturity, condition, and abilities. This leaves the discretion to determine what is or is not unsafe up to the parents, and provided they believe such activities do not present an obvious danger to their child it appears that the court could not decide otherwise.

The bill also establishes a similar carve out to the "risk of injury" criminal statute, by stating that a parent cannot be convicted for risk of injury for permitting a child to engage in "independent activities." As written, it appears that a parent could, for example, leave a child of any age at home unattended for any length of time and not face risk of injury charges.

Also, this bill fails to reference C.G.S. section 53-21a, which is the statute that pertains to leaving children unsupervised in places of public accommodation and motor vehicles. DCF worked with proponents of SB 806 in 2019 to draft an amendment to this statute that would have provided parents the ability to argue reasonable judgment in considering the age, maturity, physical ability and mental ability of their children to engage in unsupervised activities. That bill did not pass, but the Department is willing to once again work with proponents on language. We also wish to note RB 1048, currently under consideration by the Committee on Children, which strikes a more appropriate balance between parental judgment and child safety.

We look forward to working with the committee to find a way to address the proponents' concerns. Thank you for the opportunity to testify.