

Task Force to Study the Statewide Response to Minors Exposed to Domestic Violence

MEETING MINUTES

Thursday, December 17, 2015

10:00 AM in Room 2A of the LOB

The meeting was called to order at 10:00 AM by Garry Lapidus,

The following committee members were present:

Garry Lapidus; Rachel Pawloski; Cynthia Mahon; Comm. Joette Katz; Kayte Cwikla-Masas; Laura DeLeo; Karen O'Connor; Nikki Richer; Damion Grasso; Christine Rapillo; Judge Elizabeth Bozzuto; Joe DiTuono; Linda Harris; Dr. Nina Livingston; Sen. Marilyn Moore and Karen Jarmoc.

Karen Jarmoc began the meeting and noted that on January 7th the task force would be finalizing its report and submitting this to the Human Services Committee of the General Assembly for consideration. She noted that the task force would be discussing the draft report. The draft report will be on the human services committee website by Monday. Today the task force would be going over findings and recommendations regarding child welfare and the judicial system, and if there was time the task force would discuss other pieces of the report. Part of the mandate around this process is to develop a model policy around children exposed to family violence, and there is some language around this included in the draft report. Ms. Jarmoc noted that the systems and policy related to how the state works with children exposed to family violence is incredibly diverse and suggested it would be challenging but beneficial to have one universal policy in this area. The systems are too complex to weave together, which is problematic. She suggested offering language that would incorporate what is known as best practice in the field and suggested modeling something around a national report produced by Futures Without Violence called "Safe, Healthy and Ready to Learn", which incorporates a lot of the elements that the Task Force has been discussing, so the task force is very much in alignment with what national partners are recommending for changes in policy. She also noted that as a task force, there is no mandate that they have to hold a public hearing, but there is a lot of value in receiving input from the

public in terms of what they would be discussing and recommending so the task force had developed a mechanism where the draft report would be displayed on the website, and there is an email address that the public can submit comments to. Task force members would be receiving this information in advance of the January 7th meeting, so they will have time to digest feedback from the public. The co-chairs are developing outreach strategies so that other people are informed of this opportunity. The task force had considered an actual public hearing, but this would have had to occur at the January 7th meeting and it would have been difficult to digest this information and make any necessary changes. She suggested that accepting comments online would allow more people to participate in the process, as January is a difficult time to schedule things due to inclement weather and it can be difficult for people to get the time off of work to testify before the task force. Should the recommendations be taken up by the Human Services committee and become legislation, a hearing will occur during the regular committee process. Ms. Jarmoc noted that the task force had received meeting minutes from the previous two meetings and asked task force members to submit changes to the task force staff. Dr. Livingston had a clarification about OBS having funding for children exposed to domestic violence. She corrected this and stated that OBS does not have this funding, but instead has funding for children exposed to sexual abuse and the purpose of her comment was to point out that though there is funding for sexual abuse, this doesn't extend to children who are exposed to domestic violence. There were no other comments on the minutes.

Commissioner Katz discussed the child welfare piece as follows:

The Department of Children & Families (DCF), the Connecticut Children's Medical Center – Injury Prevention Center (IPC), an Intimate Partner Violence-Family Assessment Response (IPV-FAIR) provider, and Cynthia Mahon, AAG presented to the Taskforce on November 10, 2015. The presentation provided an overview of the DCF mission and legislative mandates, the Department's practice transformation and efforts specific to meeting the needs of families impacted by Intimate Partner Violence (IPV), relevant data, and recommendations for the Taskforce to consider.

The DCF Mission statement encapsulates the overarching core purpose and focus of the department: "Working together with families and communities for children who are healthy, safe, smart and strong." The Department's legislative mandates include: prevention, child protective services, children's behavioral health, education services, and juvenile justice.

Atty Mahon provided an overview of the legal mandates as well as the legal/court process. Her discussion included three Connecticut General Statutes that are relevant to this policy area:

- CGS §17A-101: requires that certain individuals report suspected child abuse and neglect.
- CGS §46B-124B: allows for cross-system information sharing. Atty Mahon suggested review of the sharing system as one of the recommendations for the task force to consider.
- CGS §17A-28; 46b-124: reflecting the definitions, confidentiality and access to records.

Using the Strengthening Families Practice Model, the DCF has embarked on several practice transformations to better serve the children and families of Connecticut. The three practices changes most relevant to the Department response to IPV include:

- Fatherhood Engagement – increasing involvement of fathers & their family members, including increasing services for Dads.
- Teaming Continuum including Considered Removal/Child & Family Teamings – mitigating safety factors to prevent removal by identifying and utilizing the family's natural supports and ensuring that children reside safely with families whenever possible and appropriate and achieving the highest level of legal permanence.

- Trauma-informed Practice – increasing workforce awareness, knowledge and skills in order to recognize and respond to the impact of trauma on child development, build capacity to routinely screen for trauma exposure and related symptoms, have evidence based trauma-specific treatment available to families, and ongoing evaluation.

In 2013, DCF formed the Office of Intimate Partner Violence and Substance Use Treatment & Recovery with the mission to establish a comprehensive response to families impacted by IPV. Over the prior 9 years, the Department had established a foundation for working with families with IPV, using the Safe & Together Model and provider-based domestic violence consultants. In 2013, utilizing the Greenbook Initiative as the guiding framework to develop interventions and measure progress to improve responses to families experiencing DV and child maltreatment, the Department moved forward by creating the first ever IPV Program Development and Oversight Coordinator staff position and created internal IPV Specialists for all Area Offices.

The Department has also prioritized and emphasized: increasing the capacity to respond to families impacted by IPV; training the DCF workforce in best practices in responding to IPV; assessing and meeting the needs of low, moderate and high risk families through a complete service array; and collecting relevant and meaningful data to inform practice and continue with ongoing evaluation and adaptation. The best practices and evidence-based models which the Department has supported include: expanded use of the Protective Order Registry, the Safe Dates Teen Violence Prevention Model, Moms Empowerment/Kids Club, the VIGOR Safety Plan, increased access to trauma informed care for children, and a safe sleep initiative.

In October 2014, the Department developed a partnership with IPC with the ultimate goal of increasing the DCF's understanding of IPV-impacted families involved in the child welfare system. As part of this task, the IPC has been assisting the Department with training initiatives, procedures and policy, data collection and analysis, and evaluation and recommendations. Some of the initial first year activities have included comprehensive case/chart reviews, focus groups, review of protocols and practices, the design/ development/implementation of training, evaluation design and implementation of an intervention called Intimate Partner Violence-Family Assessment Intervention Response (FAIR), and national and international reviews of best practices around screening and assessing for IPV within child protective systems.

In July 2015, the Department launched IPV-FAIR: a statewide, clinic and home-based intervention designed to engage and assess all family members impacted by IPV and involved in the child welfare system. FAIR includes comprehensive assessment and treatment planning, safety planning, psychoeducation, dyadic and trauma clinical interventions, parent education, and skill building. It also includes case management and advocacy services, such as assistance and support in navigating the court system, connections to appropriate supports such as basic needs, and linkages to additional clinical interventions. Within the FAIR Model, the providers may also utilize the Promising Practice of Fathers for Change (FFC). FFC is a clinical program designed to enhance parenting motivation and increase responsibility for fathers in weekly individual sessions. When appropriate, co-parenting sessions, child-parent play assessments, and restorative parenting topics are incorporated. With the IPC, the Department has looked at state, national, and international best practice literature to inform decision making and data gathering.

Workforce Capacity Recommendations:

7.1: The Department recommends implementing a training component for staff of the Emergency Mobile Psychiatric Services (EMPS) on domestic violence. EMPS delivers a range of crisis response and stabilization services to children, youth, their families and

caregivers including children residing in relative, adoptive and foster care homes. The EMPS provider is responsible for assuring that the client receives appropriate care during the crisis period. An IPV lens offers staff the competencies to address those families impacted by IPV.

7.2: Workforce development, both within the Department and in other disciplines where children are visible, should include enhanced screening protocols at multiple levels to effectively detect children and adolescents who may have current or past exposure to IPV and who may need further assessment for problems related to IPV exposure. For example, within DCF there are many opportunities to identify possible violence (e.g. Careline referral, investigation, FAR intake, the multidisciplinary evaluation – inclusive of a battery of screening tools). Often, children exposed to IPV do not have contact with the child welfare system, thus screening and identification must exist in other settings where children are visible, for example, perhaps school based health centers.

7.3: Training on the link of animal cruelty, domestic violence, and child abuse should be disseminated across disciplines. The Department will continue to support and train on PA 14-70 – An act concerning cross-reporting of child abuse and animal cruelty and PA 15-208 – An Act concerning animal-assisted therapy services.

7.4: A cross-training structure should be used wherever possible to encourage systems/disciplines learning from one another and building effective working relationships.

Cross Agency Collaboration Communication Recommendations:

7.5: A review of CGS §17a-28(g)(17) to assess current practice and determine whether a statutory amendment would improve cross agency collaboration and communication between DCF and the courts in DV cases where children are involved.

7.6: Atty. Mahon offered three recommendations: the creation of a universal data base or system for sharing of information across judicial divisions; examination of the custody affidavits used within all divisions of the superior court and the probate court with a possible goal of developing a single, user-friendly affidavit; and ensuring that all Court Service Officers in the juvenile courts have access to the protective order registry and ensuring that CSOs are consistently informing the courts of any active orders in POR. A refresher cross-training would be of benefit.

Data Infrastructure Recommendations:

7.7: The Department is working on updating the DCF-specific data collection systems: the electronic case record (LINK) and the Provider Information Exchange (PIE). Enhancing these data collection systems will support the ongoing evaluation and adaptation of interventions and services for families impacted by IPV.

7.8: Leverage existing structures, such as PA 13-178 and the subsequent 15-27 legislation that requires the cataloging of service capacity and utilization, to answer such questions as availability of trauma focused services for children. Also, state agencies are now required to submit data into the CT Data Portal. Greater access to such information can assist in making best decisions about service array needs.

7.9: Ensure data collection efforts reflect a racial lens and health disparity data.

Implementation of Data Driven Practice Recommendations:

7.10: Explore the opportunity to pilot an expansion of the Multidisciplinary Teams to include Domestic Violence cases.

7.11: Conduct fiscal mapping process across state systems to specifically identify the funding for domestic violence related services. Fiscal mapping is a mechanism to identify how policy areas are funded. DCF is presently conducting this activity for substance use and mental health services funded by the Department and will be incorporating IPV services into this activity. Fiscal mapping is underway related to two federal grants and the Children's Behavioral Health Plan which will cut across multiple state agencies and funding streams.

7.12: The Department and partners across the state should continue to pursue collaborative funding opportunities to enhance service capacity.

7.13: DCF and IPC will continue in evaluation efforts and utilize this work to generate ongoing practice and policy recommendations.

Public Awareness Recommendations:

7.14: The Department will continue to evaluate our mandated reporting training and avail our resources to train other stakeholders to be identified. The Department also encourages that institutions that engage children regularly (e.g. schools, hospitals) ensure that all employed mandated reporters have undergone the DCF mandated reporter training.

7.15: Increase the prevention efforts, such as Safe Dates training curricula on adolescent dating violence and healthy relationships.

7.16: Develop PSAs for a public awareness campaign that includes social media, billboards, etc. to inform the public of the consequences of IPV on child health and development. PSAs may also include information on the Department's Strengthening Families model in order to reduce the myth of DCF as punitive.

7.17: Increase screening for Domestic Violence. Many children impacted by IPV are not involved in the child welfare system, thus broad screening is recommended.

Child Witness to Violence Project

Betsy McAlister Groves, former director and founder of the Children Witness to Violence Project at Boston Medical Center, provided the task force with a broader understanding of how system policy and practice may serve to protect children from domestic violence. The Children Witness to Violence Project has worked in Connecticut with CCADV to train advocates in regard to how to support children and the non-offending parent who are experiencing domestic violence in the home. The Project provides counseling services to children ages 8 years and younger (and their families) who have witnessed significant violence. Approximately 85% of its caseload stems from children/families impacted by domestic violence and 80% of the families they see are not DCF involved. Referrals to the Project come from medical providers, neighborhood clinics and other hospitals in the city of Boston. The project is a

voluntary agency in that clients access services on a voluntary basis. Lessons learned from the Project include:

- Being the bystander to violence may be as traumatizing for a child as being the direct victim.
- Domestic violence is a particularly toxic form of trauma for young children.
- Supporting the non-offending parent and the parent-child relationship is an essential ingredient to helping children affected by domestic violence.

A focus area of the therapy offered by the Project involves working with the non-offending parent and the child as this is a particularly appropriate intervention for children affected by domestic violence, especially for young children because so much of what needs to happen for these children also needs to happen for the non-offending parent and the family. McAlister Groves noted that supporting the non-offending parent and the parent-child relationship is an essential ingredient to helping children affected by domestic violence. Very young children – who are disproportionately represented in the population of children exposed to domestic violence - depend on their caregivers for physical and psychological survival. Young children recover from traumatic experiences in the context of caregiving relationships. In many ways, the best way to help the child is to help the non-abusing parent access safety and support.

McAlister Groves also discussed the work that the Project is doing with the Massachusetts DCF in regard to how they work on the nexus of care to address the challenges that families face where there are significant concerns in regard to the caregiver and family violence. The Massachusetts DCF went through a two-year process to examine whether mandated reporting would be required for all cases where children witness domestic violence. DCF convened a task force which involved community-based meetings, systems partners and families involved in voluntary services. The process yielded the development of “Promising Approaches,” from Massachusetts DCF. The purpose of “Promising Approaches,” is to provide a framework for mandated reporters to create family centered approaches when domestic violence is identified and to offer guidelines to assist mandated reporters to assess, accurately and sympathetically the impact of domestic violence on children. “Promising Approaches,” offers a framework for mandated reporters which indicates that they should be aware that every circumstance involving domestic violence does not always merit intervention by the child protection system. Often, the caretaker is over-whelmed by the complexity of the home conditions and is unable to take action. Filing reports in these circumstances can inadvertently penalize the caretaker for a perceived inability to keep the children safe. Frequently, the fearful environment created by a perpetrator undermines the ability of the caretaker, and the caretaker’s family and friends, to intervene to protect the children. Prior to filing a report the mandated reporter should assess:

- Child’s current functioning
- Changes in child’s behavior
- Changes in the child’s functioning as a result of offender actions.

According to “Promising Approaches,” mandated reporters should give due consideration to the family environment and to the negative impact of the violence on the child, and file a report on behalf of the child, naming the offending caretaker as the perpetrator of violence.

Mandated Reporter Recommendations:

7.18: Connecticut’s Department of Children and Families should consider the development of formal guidance for mandated reporters in relation to children and family violence. Such guidance would serve to enhance the Department’s and other systems’ ability to protect children experiencing family violence. Guidance would also emphasize strategies for how to best integrate knowledge around the intersection of family violence and child welfare and assist staff in the

development of safe interventions that decrease risk and keep children with the non-abusive parent, when it is possible. The development process should be inclusive of a task force or work group initiative which offers input and expertise from stakeholders.

7.19: Mandated reporter training curricula should offer guidance and evidence-based information and strategies in regard to child welfare and family violence which support formal policy and guidance from Connecticut's Department of Children and Families.

Karen Jarmoc asked the task force if they had any questions. She noted that Rep. Urban had done a presentation at the last meeting regarding the intersection between IPV and animal cruelty. She noted that Rep. Urban had submitted a legislative proposal and asked the commissioner to comment on this prior to the task force's next meeting on January 7th. She asked about school based health centers and the type of screening that DCF was recommending at these centers. She noted that while information sharing was important, it was also crucial that the task force not recommend something that may have an unintended consequence. She asked if there were universal screening tools for children in these situations and what the protocols are for a positive screen in this process.

Commissioner Katz commented on this and noted that she was very sensitive to unintended consequences. She noted that it was important not to just wait until children are brought to DCF's attention, and DCF is working to develop school based clinics and making services and tools available to children who might otherwise not come into DCF's care and custody, and this is consistent with what DCF is doing across the board. DCF is working to make better efforts at identifying children who need help and getting them the services they need. DCF is trying to change the perception of their work. Years ago, the perception was that DCF would take children away from families, and now DCF is working more to provide information and services to help families function better. Commissioner Katz's goal is to ensure that all children have access to the services and help that they need in the event that they are exposed to domestic violence and to be of service to them as opposed to viewing them through a punitive lens.

Karen Jarmoc noted that DCF was one place that helped children and there are other domestic violence providers and community-based behavioral health centers, so there are multiple opportunities for children exposed to family violence to receive intervention and support. She asked about Commissioner Katz's piece about mandated reporters and guidance and discussed the presentation from Betsy McAllister Groves from Boston Medical Center. Ms. Jarmoc was interested in the system that Massachusetts has for mandated reporting and child welfare agency and the guidance that was developed by that agency around family violence and reporting. She asked the commissioner about her thoughts on the work that was done in Massachusetts, and noted that the approach there was very inclusive in terms of bringing together stakeholders. She suggested that this was an opportunity for DCF to update its policy around child welfare and IPV and asked how the task force could be helpful in this endeavor.

Barbara Claire noted that DCF has an interest in sorting out what falls under the mandated reporter statute and what constitutes a referral for services. They have online mandated reporter training, and one of the recommendations is to develop a guide for people so as to define what falls under the legal definition of IPV and within the department, they have response services designed so that when families are referred to DCF, they don't necessarily go into the investigations route, and as many as 40% of the cases that they work on go into what they call the far route or the different response route, meaning that they're not subject to a formal investigation and are assessed for services instead. She noted that DCF can work on its internal operations and work with its outside partners to make services more efficient.

Ms. Jarmoc asked if DCF would be receptive to inviting outside partners to the table for this discussion. She pointed out that policy is developed by the agency, but suggested that the agency could produce better outcomes if it collaborated with outside partners as was modeled in Massachusetts. She noted that Trooper O'Connor had talked about law enforcement looking for guidance at the scene and it could be more constructive to take a collaborative approach to policy development around family violence. She didn't want for every time law enforcement responds to a family violence call, for this to turn into a DCF referral, but it could be helpful to give law enforcement better tools when responding to these situations. In the judicial branch, when a victim is applying for an ex parte restraining order, they're not necessarily going into court with the impression that because they apply for that and there are children noted on the application, they are going to get that restraining order. She asked how to create this guidance together and use models from other states to better address these issues for children and families.

Barbara Claire noted that development of DCF policy is generally a dynamic process and it's not uncommon to invite outside stakeholders to take part in this process. She noted that Mary Painter is working on updating the policies and DCF is very open to suggestions from outside stakeholders.

Ms. Jarmoc asked if there was interest in expanding the group of individuals named as mandated reporters or if there is a greater focus on training mandated reporters.

Ms. Claire responded that DCF does not have specific categories of reporters in mind that they would like to add to their list, but would like to broaden their training and guidance because right now, only teachers are required to take mandated reporter training every year.

Ms. Jarmoc noted that currently, they train domestic violence advocates on being mandated reporters and asked whether law enforcement is required to have training on domestic violence.

Ms. Claire responded that there are many agencies and private entities that do mandated reporter training, but the only group that is statutorily required is teachers and school personnel.

Trooper O'Connor added that law enforcement is trained regarding child abuse, and this is an important part of training. They also have concerns that victims may view contact with law enforcement as punitive and think that they are responding to a more serious offense, but they have to act in these situations. She stated her support for the strengthening families model, and liked the idea of doing a PSA and increasing awareness of victims, and noted that it is important for law enforcement officers to treat these situations delicately, as they don't want victims of IPV to think that they are in trouble. She suggested that perhaps law enforcement could take a more delicate approach so as to leave a different impression with victims.

Commissioner Katz responded that this training should happen more often so that stakeholders can keep up with the department and how they have evolved. The strengthening families practice model is something that they apply across the board with all of their families, as it centers around family engagement and they view families as the source of the solution instead of the source of the problem. They have considered removal teamings, where they bring in subject matter experts and have subject matter experts work with families immediately so that DCF can figure out how to best serve their needs. Ms. Claire referenced FAR, which is the family assessment response where in 40% of their cases, DCF doesn't open an investigation but instead assesses families immediately for safety and risk and if there are no safety issues or minimal risks, they immediately refer these families to community providers and this is done on a volunteer basis and is centered around family engagement. On the other end, when there are cases with safety issues, DCF brings families together and makes sure to engage families and ask them to bring everyone to the table where they can talk about family members and their counsel

and anyone they want to help develop a plan around ensuring the child's safety. The department has been doing this now for over a year and they're holding these meetings 77% of the time prior to a removal. If they can have these meetings prior to the child's removal, they bring everyone to the table and in half of these cases children are not removed from the family. In cases where children are removed, half of these children go to relatives, which demonstrates a huge shift in DCF's approach. Now, half of the children are able to be safely maintained with families, which reduces the trauma to the child. Commissioner Katz advocated that because DCF's approach has shifted to focus on teaming, this has made training more relevant as it is important for mandated reporters to be kept informed of changes in DCF's policies to ensure that these situations are responded to constructively.

Trooper O'Connor added that law enforcement does team up with DCF to do minimal facts training and it tends to change slightly year after year. She suggested that minimal facts training could be expanded to talk about the toxic stress in these situations and advocated working more closely with stakeholders to develop more streamlined trainings.

Ms. Jarmoc asked if the task force could discuss the cross-agency collaboration recommendations. This would consider whether a statutory amendment that would improve cross-agency collaboration and communication between DCF and the courts in DV cases where children are involved. She asked Judge Bozzuto and Joe DiTuono about their thoughts on preventing unintended consequences in these cases and what changes they suggested.

Judge Bozzuto asked what the commissioner's intention behind the recommendation was and noted that DCF trains their family relations officers already, so there is collaboration there. She stated that the branch is never opposed to collaborating with other agencies around various topics because there is an intersection of services so she would entertain a suggestion to collaborate around topics that overlap between different departments.

Ms. Jarmoc noted that they were discussing a change to statutory language, and that it was important to be careful with this.

Ms. Claire noted that this particular section of the statute does allow DCF to send a social worker to provide records to the court on a DV case, although there is no mechanism to request those records unless the parties do this or the social worker may be able to help furnish the information. Generally, there is no reciprocity in terms of the court saying that they need more information. DCF has discussed with judiciary, and they don't have language drafted but they do recognize that this is an area of concern. This is currently allowed in statute, but there isn't a mechanism to do it.

Ms. Jarmoc asked if this would concern DCF involved families, or if the statute should be opened up to allow any family or individual that comes into court.

Ms. Claire responded that the statute allows them to provide the court with information about any DV victim that comes before it, so if a person is applying for a restraining order the statute allows them to give any information that they have to the court, but it doesn't happen because there is no mechanism for the court to ask for this information.

Ms. Jarmoc asked about including the victim-oriented perspective and asked to have an understanding of this assessment. She noted that the different agencies should aim to work together, though sometimes they end up working in opposition to one another during the legislative session. She reiterated that changing statutory language is a very significant thing.

Judge Bozzuto stated that she was very interested in hearing Karen's perspective on this, because when 46B-15 restraining orders are filed through the probate court, they have no idea whether DCF is involved or not, and oftentimes DCF has really valuable data that could be very helpful in the case. From the court's position, this could be very valuable as these cases are very time-sensitive.

Ms. Jarmoc discussed the fact that there are 9,000 restraining order applications that occur each year on an ex parte basis, and in a significant number of these cases children are involved. Her concern is that there is some kind of a practice that emulates from this because when someone applies for a restraining order and they have children, which is noted on the application, there's an automatic reach-out to DCF. Her concern is that there still exists a perception and fear that DCF will take the children away. Ms. Jarmoc stated that she wanted to make sure that victims felt comfortable calling the police and DCF in these situations. She cautioned that there should not be an automatic reach-out to DCF because these situations are delicate and DV victims are still afraid that their family's integrity will be compromised if they get the police or DCF involved in their situation.

Ms. Claire offered the perspective that if a woman files a restraining order against her partner, and she doesn't know that this person has prior offenses, this would be in DCF's record but the woman wouldn't know and so this wouldn't be brought to the judge's attention and there could be a lesser punishment, which could endanger the woman and her family.

Commissioner Katz commented on this and noted that a referral does not mean a removal, and it is important that stakeholders understand this and are able to communicate this to victims. DCF referrals connect families to resources and help. When Commissioner Katz was a judge, the one thing she needed was knowledge about these cases, and keeping judges better informed can lead to better decisions. The statute currently allows DCF to disseminate information, but the problem is that there isn't a mechanism in place that allows this to happen seamlessly. She advocated that it would be immensely helpful if the court had a simple mechanism to determine whether the perpetrator had prior offenses.

Cynthia Mahon stated that having a judicial officer, whether this was someone working in the judicial officer or a court service officer, being able to contact DCF to access records and having a person calling a referral on a family, need to be seen as two separate things. This policy would have to be explained to those people putting out their records but it has to be clear that calling in to get records and making a referral are two different things.

Ms. Jarmoc asked how this process would be different from making a referral for information to DCF. She noted that because of policies like the Violence against Women Act, there are a lot of protections around confidentiality in these cases.

Ms. Mahon responded that if someone was in the court system and wanted to get access to these records, it comes down to the mechanism that they're going to use in order to prevent the concerns that Ms. Jarmoc was bringing up.

Ms. Jarmoc noted that there seemed to be an assumption that the majority of applicants are DCF involved, which isn't necessarily true. She asked what the protocol would be in the case that the court reaches out to DCF and the case doesn't involve a family that is currently involved with DCF.

Ms. Claire clarified that her office receives dozens of requests for information every week, and they consistently get requests for family relations in custody cases, which, as part of their normal process they have the client sign a release for records, which are used in the court case as part of their assessment. The process wouldn't be different from this, except there would be a shorter period of

time. The confidentiality statute already allows this information to be shared, so they're not suggesting anything outside of what the statute already allows in terms of confidentiality.

Ms. Jarmoc asked for clarification as to whether this was the domestic violence confidentiality statute.

Ms. Claire responded that this was the statute related to DCF records.

Ms. Jarmoc noted that there was a statute that ensured confidentiality of victims of DV through a family victim advocate, so this was another opportunity for an applicant coming into the court .

Christine Rapillo responded with regard to the need for information sharing and identifying or not identifying people, there are a number of different perspectives so there are people who come through the child welfare system with some expectation that some of their case is confidential and some of it is not. 17A-28 does allow for information sharing, and what she's heard was the need to know that there had been DCF involvement. What would be ideal is finding a way to change some of the statutes where there would be a way for the judges to learn that there had been previous DCF involvement, which would also require changes to the child welfare statutes because people have due process rights every time they come into court, and they have a right to know coming into court where their information might go. There need to be better recommendations regarding the information sharing, and the recommendations need to be more finely tuned than what the task force had drafted because there are a lot of unintended consequences that could flow from this. She recommended that more work needed to be done on this. There's a lot of statutory ability to share, but there isn't that much sharing that goes on because the infrastructure isn't good or people just aren't aware that they're able to share information. She advocated that it would be irresponsible of the task force to adopt formal recommendations without fully considering what the unintended consequences could be.

Ms. Mahon suggested doing a working group, which could be a good way to flesh out several different task force recommendations.

Ms. Jarmoc agreed that it would be constructive to suggest forming a working group, as if the task force is going to recommend statutory changes it would be helpful to discuss these further in the context of a working group.

Laura DeLeo noted that this information is very important to prosecutors, who are working on the same cases as DCF, and they are making their requests under sub-section 7. Sometimes they make these requests in the context of a judicial review, and other times they make these requests through DCF's legal department, but on the criminal side, this information is very important because they are sometimes re-interviewing children after talking to law enforcement.

Ms. Claire noted that sub-section 7 was the more applicable statute in relation to law enforcement because it is more broad in defining the parameters for information sharing as when there is potential harm to a child as part of the law enforcement investigation that information is shared with law enforcement or with the state's attorney's office, which is broader when discussing criminal cases.

Ms. Mahon noted that 46-124 allows state's attorney's to request information from the court so this is another way of accessing information that's in the court file.

The task force shifted its discussion to the judicial recommendations. Ms. Jarmoc noted to Judge Bozzuto that they had received their recommendations and suggested that the task force had already

reviewed the recommendations, so it would be helpful to review these recommendations. She asked Judge Bozzuto to tell the task force what her recommendations are.

Judge Bozzuto discussed the recommendations around training. The branch has the Connecticut Center for Judicial Education and within this there are five different divisions, consisting of a 14-day pre-service training; continuing education which houses the Connecticut Judges' Institute, which is two days of training annually; the year-long offerings; and whenever a judge transfers between divisions, they are required to do both classroom and in-person training. There are also annual divisional meetings; resource material; the American Judges' Association online DV courses; there is the domestic violence resource guide prepared by the National Center of Judicial Courts that is online, and the judges also take advantage of opportunities for scholarship training offered by the National Institute on Domestic Violence training. One of their recommendations is to continue to do the training that they have been doing and also to continue to cross-train on these issues.

Judge Bozzuto's second set of recommendations were regarding the judicial process, and her suggestions were to open up the structure of the judicial process slightly to provide the courts with necessary and relevant information in order to properly adjudicate DV cases. The judicial branch is asking that the statute so that a judge sitting on a 46B-15 be provided with or have the ability to perform a criminal record check regarding past domestic violence arrests, including dismissed and erased records; evidence-based lethality and risk assessment; past participation in any family violence program; past substantiation of abuse by DCF; and access to a protective order registry. Currently, judges sitting in family court do not have any of this information available. She also recommended that all various adjudicators or courts or systems that deal with children have a uniform form that the plaintiff has to complete before the action is initiated that gives the court an indication that there is a case pending somewhere else so that judges can make a more informed decision in these cases. She also suggested developing a child registry which would be a depository of limited information. If a court has a case before it and can be informed that a child may be involved in the case, and the court can determine if any other case is pending regarding this particular child. She expressed concern that people are intimidated by the court process and if judges could be better informed about the families in these cases, it could make the process run more smoothly. The courts are limited by information and the applicants are limited by resources to represent themselves. Given the restrictions that family courts have, this is a very challenging process for the judges as well as the plaintiffs. She asked for comments on her recommendations.

Ms. Jarmoc stated that she didn't disagree with regard to information sharing, but she did have a few questions. She asked about previous arrests and noted that there is a 20% dual arrest rate in Connecticut where the national average is 2-3%, so a lot of these cases involve cases where both parties are arrested. These cases are ones where the primary aggressor is not the only one arrested and she suggested that it would be helpful if there were some kind of a mechanism to indicate dual arrest or some information for judges regarding how and why this is occurring in the state. She expressed concern that sometimes they are working with victims who are so deflated by the system because they call law enforcement and there's a dual arrest, which works its way through the court process and if this is the only information that the judge has, this can be a complicated issue. She suggested that there also needed to be a recommendation from a family violence victim advocate similar to what happens in the criminal court. The family violence victim advocate has access to the state's attorney's office and report to the court and to the state's attorney about what the recommendations are. The victim advocate talks to the prosecutor as well as the judge. In the civil process, things have to be a little bit more fleshed out relative to how the court gets information but there would be a family relations counselor at some point making recommendations to the judge. Ms. Jarmoc noted that in the criminal courts, there is a family

violence victim advocate, but these don't serve in the family courts, and she advocated that these advocates also serve in the family courts.

Judge Bozzuto noted that the processes are entirely different. In the criminal court, if there's a protective order, there isn't a protective order, but in family court there is an evidentiary hearing. There are really distinct processes, but there is no hearing on a protective order.

Ms. Mahon asked Judge Bozzuto about her recommendation regarding a record check and whether this would be a complete record check or would just look for DV arrests and other things that may be tied to DV cases.

Judge Bozzuto responded that she would like to have as much access to information as possible.

Dr. Livingston noted that Judge Bozzuto talked about past substantiations of abuse by DCF and whether this would extend to past substantiations of neglect, which she sees in her work. Often neglect substantiations are like dual arrests in that they are perpetrated by both parents. She noted that this was improving in the field but asked whether this extended to any substantiation without any further information on the case.

Judge Bozzuto responded that the intent was that this would cover both neglect and abuse. She noted that this would give them an opportunity to respond to the questions posed and give the family court a notification that other events have occurred within the family. The implication would be based on what the families are telling the judges.

Dr. Livingston asked whether she could gather more information from other parties.

Judge Bozzuto responded that particularly with the 46B-15 applications, because there is such a short time limit, it would be greatly beneficial to have this information.

Ms. Rapillo stated her apprehension about creating a child registry because such a registry could compromise children's confidentiality in these cases as this creates a record that follows a child that could be harmful.

Judge Bozzuto responded that this could be very simple information, such as name and date of birth so that she could ask the parents about their children.

Ms. Jarmoc noted that information can be both very useful and very damaging, and cautioned that the task force should be wary of an unintended consequence.

Judge Bozzuto responded that she understood the sensitivity of this issue, but that it was vital that she have access to information about other cases that the family may be involved with. Sometimes she is only hearing from one parent and has limited information. She believes that the family courts are at a disadvantage when they are making decisions about these families and don't have access to information as to whether or not they are involved in any other court.

Ms. Rapillo responded that she didn't disagree that this would be important information to have, but creating a registry where there would be a record that would follow the child wasn't the most appropriate way to do this. She noted that applications are done under oath and people could be asked to swear under oath whether there are any pending court cases

Ms. Mahon suggested that the task force create a working group to discuss data sharing where they would create a mechanism for data sharing that would satisfy the various topics and issues that the task force had been discussing.

Ms. Jarmoc asked Judge Bozzuto if she could think about this and come up with a suggestion of topics for discussion at a working group. She suggested developing a method for capturing this information but protecting the confidentiality of children in these cases. She asked Judge Bozzuto to collaborate with her to come up with a solution in advance of the next meeting, and invited other task force members to work on this if they were interested.

Ms. Jarmoc noted that in 46B-38C regarding family violence response and intervention units which were established in the Connecticut judicial system to respond to cases involving family violence. Section B identifies these family violence response and intervention units that shall be established in each GA of the superior court. She noted that the family violence victim advocate is considered part of this unit and she is concerned that leaving the victim advocate out of the mix in civil and asked if there was a downside or barrier of some sort. She suggested that this should also exist on the civil side.

Joe DiTuono responded that there are very different processes in play here, and there really isn't an opportunity right now for a family relations officer to give the court information that isn't in the public sector on a public website.

Judge Bozzuto agreed that family court and criminal court exist in completely different contexts, victim advocates aren't a part of the judicial process in the criminal court. They make recommendations if the state's attorney wants to hear from them, and when family courts are issuing protective orders, there isn't an evidentiary hearing.

Ms. Jarmoc responded that she would like to see a similar practice in the family courts. The victim advocates are funded through judicial because they are seen as part of the collaborative system.

Judge Bozzuto also noted that in criminal court, oftentimes the victim isn't there and the only person speaking on behalf of the victim is the victim advocate. In civil court, the applicant has to be there or the case is dismissed.

Ms. Jarmoc asked about Judge Bozzuto's suggestion about training. She discussed the National Council on Juvenile and Family Court Judges' presentation where they discussed inclusivity. She noted that the judicial training department has its own institution and they bring in outside expertise, and suggested greater collaboration and input from other parties working within this system that could serve to enhance what's occurring. She asked if there was objection to including as part of the recommendations that the judges include more stakeholders in their training process. This would include a multidisciplinary perspective that would bring in national experts and involve a highly interactive process.

Judge Bozzuto stated that the Judges' Institute was already bringing in national experts.

Ms. Jarmoc suggested that these trainings could be more inclusive in terms of bringing in people from across disciplines to present to judges.

Dr. Livingston noted that the Probate court recommended that all of their judges be given this training and she asked whether there was a reason for this to only happen in probate, or if it could be extended into other areas of the court system.

Judge Bozzuto responded that they did offer scholarships, but the probate courts don't have the same kind of training the judicial branch does but it could be helpful for them to avail themselves of this kind of scholarship.

Dr. Livingston asked whether this training was something that Judge Bozzuto would like to make routine for all members of her branch.

Judge Bozzuto responded that there was a limited number of scholarships.

It was noted that the National Council on Juvenile and Family court Judges could come into Connecticut to conduct a training. There is no cost to the training, but there is a cost to the travel.

Ms. Jarmoc asked whether it would be feasible to hold a cross-training between probate and the judicial department.

Judge Bozzuto responded that it would depend on the topic of the training and if this was about domestic violence generally, this could work, but their processes are entirely different.

Ms. Jarmoc noted that there were some technical changes that she would be making to the report. She asked Trooper O'Connor if she had any suggestions about the law enforcement recommendations. She noted that there is a model policy governing council which guides the state's model policy for law enforcement, but she asked Trooper O'Connor if she had any feedback on this.

Trooper O'Connor noted that there were a few specific changes that needed to be made regarding the current statutory requirements for law enforcement training on domestic violence. For law enforcement, there are a lot of changes to be made every year, so oftentimes they actually receive more training than is required by statute. Regarding recommendation 2.1, she stressed that law enforcement collaborates with DCF on minimal facts, and police officers can get additional minimal facts training on their own. There have already been discussions about improving training about how to interact with children in these cases, but improving this will be beneficial for law enforcement and families. When police officers go to look at these model policies, they should have a number of different tools and options for dealing with a situation so as to lead to better outcomes. She didn't recommend making any major changes, and suggested emphasizing that law enforcement will abide by the governing council's recommendations. She also noted that following up with children in schools would violate confidentiality statutes. It would be nice to find a way around this, but under current conditions this isn't something that law enforcement officers can do. Law enforcement is looking to put this into the hands of the governing council.

Mr. Lapidus noted that some members were not mentioned in the task force membership section of the report.

Ms. Jarmoc stated that she would convene the Model Policy Governing Council before the end of the legislative session to discuss law enforcement's recommendations. The International Association of Connecticut Chiefs of Police has a policy center and they have a piece on safeguarding children of arrested parents which contains recommendations that she will present to the governing council.

Judge Bozzuto asked about the probate court recommendations on pages 20-21 as far as minors being able to bring a 46B-15 application. These are sometimes processed in civil court. A lawyer may have been appointed in probate court to represent the interests of a minor, and a lawyer may bring a civil action as a next friend to bring this application. She noted that this may require some clarity, but she

didn't think that the recommendation would be that minors could bring civil actions, which would be a huge change.

Ms. Jarmoc suggested connecting with Attorney Frechette. She noted that this was vetted through Judge Knieirm.

Ms. Rapillo noted that training had been a significant part of the process. Her office had been involved with indigent families, child welfare actions, delinquency actions, family court and in some instances guardian ad litem. When they do training, these trainings are opened up to the probate court attorneys because there isn't a formal training in probate court, and it this is something that she suggested the branch do more of in a coordinated way. She suggested that trainings financed by the state could be more open to people and asked whether the recommendations could address this.

Ms. Jarmoc suggested that Ms. Rapillo draft something to be discussed at the next meeting.

Linda Harris stated that she would be submitting additional recommendations. Under the model policy piece, she suggested encouraging that it be said that this was a multigenerational approach to prevention and intervention, and she would also like to see language around expanding the nurturing families network, and not to just limit this to federal dollars.

Ms. Jarmoc asked Ms. Harris to send this to her. She then asked the task force to get recommendations to her early so that they could be easily included in the final draft of the report.

Mr. Lapidus suggested establishing a deadline to get comments to the task force. He asked if the task force could submit these recommendations by December 30th.

The meeting was adjourned at 11:48 AM.

Sara LeMaster
Task force staff