

# Children's Matters in Probate Courts

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

Tuesday, October 6, 2015

**Hon. John A. Keyes**

New Haven Probate Court

**Hon. Beverly K. Streit-Kefalas**

Milford - Orange Probate Court

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# Connecticut Probate Courts

- Accessible and approachable
  - Housed in municipal facilities
  - Less formal hearings
  - Customer service emphasis
  - Prompt resolution of disputes
- 54 Probate Districts
- 6 Regional Children's Probate Courts

# Probate Court Subject Matter Jurisdiction

- Decedents' Estates and Trusts
- Children's Matters
- Incapacity
  - Conservatorship
  - Commitment to treat psychiatric disability
  - Guardianship for adults with intellectual disability

# Probate Court Subject Matter Jurisdiction

- Other case types
  - Name changes
  - Restoration of federal firearms rights
  - Appeals from quarantine orders

# Children's Matters

- Removal of parent as guardian
  - Determine whether parent(s) unfit to care for child
  - Appoint guardian to care for child
  - Parent may later be reinstated
- Termination of parental rights
  - Complete and permanent severance
  - Prerequisite for child to be adopted
- Temporary custody and visitation
  - During removal or termination case

# Children's Matters

- Adoption
- Temporary guardianship
- Paternity
  - Limited to claims by alleged fathers
- Emancipation
- DCF voluntary services program

# “Typical” Scenarios

- Grandparent seeks guardianship of grandchild when parent(s) absent, incarcerated or has mental illness or addiction
  - Other relatives (e.g., aunts/uncles/siblings) may also be guardian
  - Parent(s) may consent
- Parent requests appointment of relative or friend as temporary guardian or co-guardian
- Mother seeks to terminate birth father so her spouse can adopt
- Private agency seeks approval of adoption after birth parents consent to termination



# Role of DCF in Probate Courts

- Investigation
  - Home visits (parent and proposed guardian)
  - Criminal background and DCF history
    - Includes all adult household members
  - Report and recommendation
- Provide services to family (limited)
- Probate Court may give custody to DCF

# Addressing Domestic Violence

- Obtain copies of protective orders (criminal) or restraining orders (civil) to safely plan for family conferences and court hearings
  - Confer with Superior Court regarding safety issues
- Appoint attorney to represent child (paid by Probate Court Administration Fund)
- Appoint GAL if the child's position on the custody issue risks physical or mental harm (paid by Probate Court Administration Fund)
- Obtain psychiatric or psychological evaluation of parent(s) or child (paid by Probate Court Administration Fund)

# Addressing Domestic Violence

- Assess intergenerational history and current patterns of domestic violence/trauma
- Evaluate perpetrator's access to child and gauge parent/guardian's ability to keep the child safe from domestic violence
- Refer to therapeutic supervised visitation
- Refer to domestic violence shelters and/or therapeutic services

# Addressing Domestic Violence

- Highlight the pattern of power and control as it relates to choice of relationship partner
- Provide psycho-education regarding obtaining restraining orders and contacting police
- Collaborate with DCF and use DCF domestic violence consultant

# Recommendations for Addressing Domestic Violence

- Develop clear protocol around cases involving domestic violence
- Make accommodations to be sensitive to domestic violence victims being in court with perpetrators
- Offer training to judges, attorneys and court staff about domestic violence
- Provide funding for attorney for child to seek restraining order in Superior Court when appropriate

# Regional Children's Probate Courts

- Six Regional Children's Probate Courts
- Staffed by specialized Clerks and Probate Court Officers with expertise in social work or marriage and family therapy
- Family case conferences promote collaboration among family, DCF, attorneys
- PCOs assess the family plan, connect families with community resources and follow up on court orders

# Kinship and Respite Grants

- Grants to assist guardians in caring for children
  - Kinship examples: eyeglasses, school clothes or supplies, after school programs, tutoring, summer camp, music lessons
  - Respite examples: child care, housing, transportation
- Means tested and eligible only if not receiving DCF subsidy
- Funding:
  - Originally a \$2 million general fund appropriation
  - Current year funding \$1.6 million despite elimination of all general fund support for Probate Courts

# Truancy Clinics

- Pilot Program developed in Waterbury
- Collaboration between Children's Probate Court, schools and DCF
- Identify and resolve causes of truancy
- Focus on elementary schools
- Pilot extended to New Haven in 2013
  - 2015 legislation allows further expansion
  - No funding



**Questions?**

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