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TESTIMONY OF CHRISTINE PERRA RAPILLO
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JUDICIARY COMMITTEE - MARCH 14, 2018

**R.B. 5470 - AAC THE PROVISION OF TIMELY NOTICE OF CHILD PLACEMENT INFORMATION
FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE ATTORNEY
REPRESENTING THE CHILD IN A CHILD PROTECTION MATTER**

The Office of the Chief Public Defender (OCPD) supports **H.B. No. 5470 - AN ACT CONCERNING THE PROVISION OF TIMELY NOTICE OF CHILD PLACEMENT INFORMATION FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE ATTORNEY REPRESENTING THE CHILD IN A CHILD PROTECTION MATTER** and would offer some helpful amendments to further promote the intent of the bill. As written, Section 1 of this bill would amend subdivision (4) of subsection (j) of section 46b-129 by requiring the Department of Children and Families (DCF) to provide written notification of the initial placement information for a committed child placed in out-of-home care to the child's attorney or guardian ad litem and of any change in placement not later than 10 business days in advance for nonemergency placement changes and not later than two business days following an emergency change in placement. Section 2 of the bill would require DCF to provide a minimum of five days advance written notice of any permanency team meeting concerning a child's permanency plan to the child's attorney or guardian ad litem, and Section 3 would require DCF to provide twenty-one days prior advance

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written notice to the child's attorney of any administrative meeting to review the child's case plan. Lastly, Section 4 would require DCF to provide five days advance written notice to the child's attorney of any meeting in which DCF is considering removing the child from home.

As this Committee is aware, the OCPD oversees the contracts with Assigned Counsel who represent children and parents in child protection proceedings in the juvenile court, and our in-house public defenders are also now representing children in these cases. Accordingly, the OCPD has a vested interest in ensuring that attorneys representing these children have timely and accurate information regarding where a child is placed and timely advance written notice of any intended nonemergency change in a child's placement. This is necessary to allow the attorney to meet with the child and caregivers and to take whatever action may be needed in connection with any placement change consistent with the child's wishes.

Similarly, it is important for the child's attorney to receive timely advance written notice of any meetings regarding the child's case plan and of any meeting discussing removal of the child from home so they can consult with the child in advance and effectively advocate for the child at these meetings. While the changes included in this bill are helpful, we note that the placement notification language in this bill was likely unintentionally included only in the section that applies to children who have been committed to DCF (Sec. 46b-129(j)(4)). However, it is equally important that placement notification language be included for children placed in the custody of DCF pursuant to an Order of Temporary Custody (Sec. 46b-129(b)) or a ninety-six-hour administrative hold (Sec. 17a-101g(e)). In addition, while the bill as written is silent on the timeframe for providing the written notice of *initial* placement information, we would propose that this notice be provided within two business days (consistent with the notice requirements for emergency placement changes). Lastly, we would propose that the advance written notice for

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nonemergency placement changes be within ten *calendar* days rather than *business* days. This would be consistent with current DCF policy Section 36-55-15.

The OCPD appreciates this Committee's interest in promoting the safety, permanency and well-being of children, and we'd be happy to work with you and others on any amended language that might help to promote these goals and the intent of this bill.