

Testimony Regarding
S.B. 452: An Act Establishing the State Oversight Council on Children and Families

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Committee on Children
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Senator Abrams, Representative Linehan, Senator Kelly, Representative Green and esteemed members of the Committee on Children,

My name is Lauren Ruth, and I am testifying today on behalf of Connecticut Voices for Children, a research-based child advocacy organization working to ensure that all Connecticut children have an equitable opportunity to achieve their full potential.

Connecticut Voices for Children supports the intent of S.B. 452, which is to create an oversight council on children and families. This council would be composed of diverse and multi-disciplinary membership and would work with the Department of Children and Families (DCF) to help strengthen the state's ability to protect and provide for its most vulnerable children. **We thank the Committee on Children for this opportunity to voice our support for creating an oversight council on children and families as well as to make recommendations we think will strengthen the Council.** We believe that a collaborative oversight council focusing on child welfare will help the state maintain and build upon important gains made under the Juan F. Consent Decree even after we have exited from federal oversight. However, we suggest the following changes to the bill language:

- Instead of mandating that DCF provide staff and funding for the Council, the General Assembly should provide independent staff and funding;
- Include the DCF Commissioner as a voting member of the council;
- Create a mechanism to involve commissioners from other child-serving agencies;
- Remove the language allowing any council member to access DCF data; and
- Expand the membership to include the Office of the Child Advocate, the Public Defenders, members that overlap with the Juvenile Justice Policy and Oversight Committee and Behavioral Health Policy and Oversight Committee, and legislators from the Committee on Children and Appropriations Committee.

We applaud the state for having a number of mechanisms for understanding and reporting on outcomes for children who have been abused, neglected, or otherwise maltreated and children who have extraordinary mental health and behavioral health needs. This framework for reporting includes the Office of the Child Advocate, which conducts deep investigations into the circumstances that surround exceptional cases of neglect and abuse as well as systemic problems within agencies that serve children; the Children's Report Card, which reports on various data regarding the health, wellbeing, and success of children across the state; and the Regional Advisory Councils, which advise the Department of Children and Families regarding services on a regional basis.¹

Additionally, the Department of Children and Families reports detailed outcome data to the Juan F. Federal Court Monitor in accordance with the Juan. F. Consent Decree Exit Plan,² to the U.S. Department of

Health & Human Services Children's Bureau as part of the Child and Family Services Reviews (CFSRs),³ to the Adoption and Foster Care Analysis and Reporting System (AFCARS),⁴ to the National Youth in Transition Database (NYTD), to the National Child Abuse and Neglect Data System (NCANDS), and to the State and Tribal Information Systems.⁵ While the federal reviews and reports provide rich information, state comparisons, and higher accountability to demonstrate continuous improvement, these reports are released every few years at most. Furthermore, while the release of these reports may lead to high-profile media coverage and short bursts of activity within the state, DCF conducts the majority of the work prior to and following the release of these reports without additional support from the Legislature, advocates, and other child-serving state agencies.

Although the mandate for caring for children involved in the foster system falls predominantly upon DCF, all too often the children and families involved in the foster care system and at-risk of becoming involved in the foster care system are experiencing tremendous instability related to housing, justice involvement, physical and behavioral health, food insecurity, and education and employment.⁶ The children DCF serves often come from households impacted by poverty, have a history of multiple traumas, and overwhelmingly experience educational and behavioral health challenges.⁷ Aspects of the child welfare system, such as experiencing frequent placement changes, increase the risk that children will also become involved in the juvenile justice system and struggle in school.⁸ The struggles faced by children and families do not occur in siloes—they are intertwined and compounding; it does not make sense to try to address these struggles through siloed state systems.

The Juan F. Consent Decree, on the other hand, seeks to address the needs of children involved in and at-risk of becoming involved in foster care holistically. The Consent Decree places federal mandates not just upon the Department of Children and Families but also upon the State of Connecticut as a whole to provide the funding and services deemed necessary to meet the needs of these children.⁹ The Consent Decree does not dictate that DCF provide mental health and educational services themselves, but rather that the State of Connecticut provide these services and that the services be of appropriate quality and regularity for all children whose lives are touched by the child welfare system.

To monitor whether the State of Connecticut is meeting this mandate, the Juan F. Federal Court Monitor provides Connecticut with in-depth qualitative and quantitative reviews of our child welfare system on a quarterly basis and offers accountability across branches of the government to meet the needs of children at risk of maltreatment in the state. The Court Monitor works with other state agencies, where appropriate, to ensure that the needs of children covered under the decree are being met.¹⁰ The most recent Juan F. status report indicated that Connecticut has made significant strides and was able to sustain meeting four of the fourteen remaining Juan. F goals, and the court monitor marked five more measures as pre-certified for terminating.¹¹ The five goals that remain to be met, however, are foundational to a successful child welfare system and require committed, predictable, sufficient funding. These goals include: completing investigations in a timely manner; implementing case plans that are appropriate for the child and family and have been reviewed by a social worker supervisor; meeting the needs of children in care; social workers visiting in-home cases at least twice per month; and social workers maintaining—and not exceeding—a reasonable caseload.¹²

Connecticut Voices for Children believes that the cross-government accountability coupled with rigorous monitoring and outcomes reporting that the Juan F. Consent Decree mandated has greatly helped Connecticut reform its child welfare system. We also believe that continuing to facilitate conversation between state agencies, providers, and advocates that serve children will not only help to maintain the progress made under the Juan F. Consent Decree but to further improve the systems that serve children. It follows that, in so doing, the proposed oversight council will continue to improve the safety, health, and well-being of children in the state's care. We applaud the Legislature for efforts to bring this diverse group

of stakeholders together and to help support children involved in the child-welfare system in a way that is holistic and acknowledges shared state responsibility for providing for the needs of this vulnerable and unique population.

To facilitate these goals further, we offer a few suggestions to strengthen the legislation at hand:

- (1) As written, S.B. 452 calls upon DCF to provide funding and administrative services for the State Oversight Council on Children and Families. Connecticut Voices for Children proposes that rather than having DCF provide funding and staffing within a budget that is already stretched thin, **the Connecticut General Assembly should provide designated funding and administration for this Council**, similar to the structure of the Juvenile Justice Policy and Oversight Committee. Changing the funding and administrating services from being provided by DCF to being provided by an entity external to DCF has the additional benefit of creating policy and fiscal independence, which provides additional procedural legitimacy to the decisions made by the Council.
- (2) As written, S.B. 452 makes the Commissioner of DCF an ex-officio member of the Council, without vote. We propose that **the Commissioner of DCF should be a voting member of the Council**, especially should Council funding and administration become external to the Department of Children and Families. The Commissioner has valuable experience, context, and systems knowledge that should be weighed in the policy recommendations set forth. We believe that the goal of the Council should be to partner with DCF to ensure the safety, permanency, and well-being of children within the child welfare system, and partnership is far more effective when all partners have a voice.
- (3) To that end, DCF is not the only department that serves children and families and that can help ensure that families stay together. **We suggest creating a mechanism, either through membership or through as-needed partnering, for involving the other child-serving agencies** including the Department of Housing, the Department of Social Services, the Department of Education, the Department of Mental Health and Addiction Services, and the Judicial Branch.
- (4) The current language of S.B. 452 says: “The council shall have complete access to all records of the institutions and facilities of the department in furtherance of its duties, while at all times protecting the right of privacy of all individuals involved, as provided in section 17a-28 of the general statutes” (lines 52-56). **We oppose this language allowing any council member access to DCF’s data because we believe it places unfeasible burden upon the shoe-string data department within the Department of Children and Families.** Compiling de-identified data is a time and labor intensive process, and even de-identified data should be subject to proper data-suppression, Institutional Review Board, and Memorandum of Understanding practices to protect the children and families. **Instead, we suggest adding the Office of the Child Advocate to the membership list** because they have the state-level clearance and training to access and assess data while providing proper data safeguards. Further, the Office of the Child Advocate is a crucial partner in the state’s child welfare work.
- (5) Finally, **we suggest adding the following members to the Council:**
 - a. a member from the Public Defender’s Office, who represent many of these children and families in court;
 - b. a member from the Behavioral Health Partnership Oversight Council, to help ensure coordination within the behavioral health system;
 - c. a member from the Juvenile Justice Policy and Oversight Council, to help ensure coordination with the juvenile justice system that serves numerous youth also involved in the child welfare system;

- d. legislators who serve on the Committee on Children;
- e. and legislators who serve on the Appropriations Committee.

It is crucial not to undermine Connecticut's long, gradual process to reduce the number of children involved in the child welfare system by failing to monitor progress after we exit from under the Juan F. federal mandate or by failing to fund programs and services meant to keep their families together and divert children away from child welfare involvement. We believe that a State Oversight Council on Children and Families can advance the progress begun under the Juan F. Consent Decree as well as help legislators understand the importance of properly funding the programs and services provided by the Department of Children and Families.

Thank you for the opportunity to submit testimony in support of the concept of S.B. 452: An Act Establishing the State Oversight Council on Children and Families and for the opportunity to make further recommendations regarding the language within the bill. Many of the recommendations we made are consistent with the language of S.B. 188,¹³ passed during the 2018 legislative session.

I can be reached with any questions at lruth@ctvoices.org or at 203-498-4240, ext. 112.

¹ Section 17a-30 of the General Statutes.

² DCF Court Monitor's Office. "Juan F. v Rell Revised Exit Plan Modified as of July 11, 2006. Civil Action No. H-89- 850 (AHN)." United States District Court for the District of Connecticut (2006). Retrieved from: http://www.childrensrights.org/wp-content/uploads/2008/06/2006-7-11_ct_revised_exit_plan.pdf.

³³ "Child and family services reviews: Connecticut final report 2016." The U.S. Department of Health and Human Services Administration for Children and Families Children's Bureau (2016). Retrieved from: <http://www.ct.gov/dcf/lib/dcf/commissioner/.pdf/2016-cfsr-final.pdf>.

⁴ "Connecticut AFCARS Assessment Review Report." The U.S. Department of Health and Human Services Administration for Children and Families Children's Bureau (2013). Retrieved from: <https://www.acf.hhs.gov/sites/default/files/cb/c>.

⁵ "Reporting Systems." The U.S. Department of Health and Human Services Administration for Children and Families Children's Bureau (2017). Available for access at: <https://www.acf.hhs.gov/cb/research-data-technology/reporting-systems>.

⁶ Jonson-Reid, M., & Barth, R. P. (2000). From placement to prison: The path to adolescent incarceration from child welfare supervised foster or group care. *Children and Youth Services Review*, 22(7), 493-516.

⁷ Goldstein, Brian. (2012, November). "Crossover Youth: The Intersection of Child Welfare and Juvenile Justice." Juvenile Justice Information Exchange. Retrieved from: <https://jjie.org/2012/11/15/crossover-youth-intersection-of-child-welfare-juvenile-justice/>.

⁸ Luczak, S., Updegrove, N., & Ruth, L. (2018). Between People and Places: Reducing Upheaval for Children Moving Around in Connecticut Foster Care. Connecticut Voices for Children. Retrieved from: <http://www.ctvoices.org/youthonthemove>

⁹ Juan F. v Connecticut Department of Children and Youth Services. Civ. No-H-89-859 (D.C. Conn., Dec. 19, 1989). Consent Decree, p. 114. Retrieved from: https://www.childrensrights.org/wp-content/uploads/2008/06/1991-1-7_ct_consentdecree.pdf.

¹⁰ DCF Court Monitor's Office. "Juan F. v Malloy Exit Plan Status Report." (August, 2018). Retrieved from: https://portal.ct.gov/-/media/DCF/Positive_Outcomes/pdf/Status-Report-Fourth-Quarter-2017-and-First-Quarter-2018-final.pdf?la=en.

¹¹ Mancuso, Raymond. (February 2019). Juan F. v Malloy Exit Plan Status Report Civil Action 2:89-cv-00859-SRU. DCF Court Monitor. Retrieved from: https://portal.ct.gov/-/media/DCF/Positive_Outcomes/pdf/Status-Report2nd-Quarter-2018--3rd-Quarter-2018-final.pdf?la=en.

¹² Mancuso, Raymond. (February 2019). Juan F. v Malloy Exit Plan Status Report Civil Action 2:89-cv-00859-SRU. DCF Court Monitor. Retrieved from: https://portal.ct.gov/-/media/DCF/Positive_Outcomes/pdf/Status-Report2nd-Quarter-2018--3rd-Quarter-2018-final.pdf?la=en.

¹³ Language for S.B. 188 available at:

https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2018&bill_num=188.