

## CBA LPRC POSITION REQUEST FORM

The CBA Child Welfare and Juvenile Law position request is as follows:

1) Proposed legislative or regulatory concept:

To SUPPORT SB 309, with the understanding that enacting said bill will be a fiscal note as the contract attorneys required to fulfill this representation would need to be adequately and appropriately compensated for their services.

**AN ACT EXTENDING THE AGE OF ELIGIBILITY FOR LEGAL REPRESENTATION PROVIDED BY THE DEPARTMENT OF CHILDREN AND FAMILIES.**

To require the Department of Children and Families to extend the age that a person in the custody of the department may receive legal representation through the department from age eighteen to twenty-three.

Introduced by: Committee on Children.

2) Explanation and rationale for advancing this position:

As the law exists now, Connecticut appoints an attorney for every child in cases where DCF has filed a neglect, abuse, or termination of parental rights petition. OCPD contracts with panel attorneys to represent the child or youth until the case closes or if the youth turns eighteen years old while still in DCF care.

Currently, OCPD will pay \$500 for a flat rate for a case and certain activities can be billed at \$50 per hour such as visiting with the child and trial time. Any other activity not approved is not billable and the flat fee is intended to cover all other activities including but not limited to attending case status conferences, short calendar, motion hearings, travel to Court, phone calls with other attorneys, phone calls with social workers, emails to associated parties to the case, records requests to DCF, reading DCF records, reviewing the Court file, reading social studies, reading status reports, and requesting obtaining & reading medical records & school records. Each case can vary widely of the time that needs to be devoted to a case. Some cases may only be open a few months and may only require 10-30 hours on behalf of the child. However, there are some cases can extend over years. This writer had one case that lasted 10 years from when a child enter foster care at 8 years old until they aged out at 18 years old and required an excess of 100 hours.

We want to express that many of the panel attorneys who work in the Juvenile Court do so without the belief that they are going to become rich or financially wealthy in this area of law. Many appreciate the value in the work itself and its meaningfulness. Many are forced to work in

other areas of the law that provides more income to supplement work in this area. There has been a spike in panel attorneys seeking other employment and leaving this field. Our hope in including this information is not to elicit sympathy or ask for a handout, but we are asking for understanding in that if the Legislature passes this bill, then there is universal agreement of its positive impact to the youth targeted; however, if this becomes an unfunded mandate, then the risk of losing more qualified and talented people to other areas of the law and other agencies will increase.

Find attached written testimony for various agencies, which I believe echoes the above sentiments.

If this bill moves forward, then the devil is in the details such as:

What is the scope of the representation? Only issues involving DCF or does it include housing, employment, educational, or other legal issues.

Will the former child, now an adult, need to apply and qualify financially to have counsel appointed or will any requirement for application be waived due to the child previously being in foster care?

Whose professional liability insurance will cover the attorneys? Currently OCPD provides coverage to cases that it appoints. Adding more cases to OCPD will likely increase its malpractice insurance cost.

3) Is draft legislation or a proposed bill included?

Yes. The link for SB 309 is

[https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which\\_year=2022&bill\\_num=309](https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2022&bill_num=309)

4) What is the date of any legislative hearing, if known?

Public Hearing was held on 3/8/2022.

5) Was this position previously approved by the CBA? If so, when does/did it expire?

No.

6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position?

No.

7) Potential or actual CBA opposition from another CBA section or committee?

None known at this time from the CBA.

8) Strength of section position (including process and results of section vote taken on issue):

In the 2021 Legislative Session, the Center for Children's Advocacy (CCA) raised this as a potential bill. Our section discussed the proposed bill and voted to support the bill with the understanding that the attorneys would be fairly and adequately compensated for their time. Prior to submitting a section position request to the CBA, we were informed that due to the potential fiscal note that the bill would not progress.

In the 2022 Legislative Session, the CCA once again raised this as a potential bill. On March 24, 2022, at our in-person section meeting, this bill was discussed and Attorney Stacy Schlief from CCA was the guest speaker on this issue. See attached fact sheet. At the conclusion of the meeting and after further discussion, the section voted unanimously to support the bill with the understanding that the attorneys would need to be fairly and adequately compensated for their time.

9) Fiscal impact (on the state):

Unknow cost, but in implementing this bill there will require a cost to the state in that attorneys will need to be compensated for their time and professional liability insurance will have to be covered by OCPD for representing former children clients who are now over 18. The exact cost will depend on the scope of representation of these individuals.

Citing the fact sheet supplied by CCA, on average there are 400 young adults that would qualify for said representation at any given time. Since these individuals may remain in DCF care until age 23 or five years, then an approximately 80 new youths would turn 18 and sign themselves into care each year.

10) Are you seeking "fast-track" approval?<sup>1</sup>

Yes

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<sup>1</sup> A "fast track" recommendation will be submitted to the House of Delegates (HOD) or Board of Governors (BOG) at its next scheduled meeting (or, if between meetings of the HOD or BOG and during the legislative session, to the Executive Committee), and is warranted only when the Legislative Policy & Review Committee concludes that further analysis and study is unnecessary and where there is legitimate time pressure to address pending legislation.