



**STATE OF CONNECTICUT
OFFICE OF THE CHILD ADVOCATE**

REPORT

**CONNECTICUT PROBATE COURT
GUARDIANSHIP PROCEEDINGS**

EXECUTIVE SUMMARY

March 2025

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The Office of the Child Advocate (“OCA”) is an independent government agency that is statutorily required to “[r]eview complaints of persons concerning the actions of any state or municipal agency providing services to children and of any entity that provides services to children through funds provided by the state ... investigate those where the Child Advocate determines that a child or family may be in need of assistance from the Child Advocate or that a systemic issue in the state's provision of services to children is raised by the complaint ... provide assistance to a child or family who the Child Advocate determines is in need of such assistance including, but not limited to, advocating with an agency, provider or others on behalf of the best interests of the child . . . [and] [e]valuate the delivery of services to children by state agencies and those entities that provide services to children through funds provided by the state.”¹ Concurrently, OCA is required to “[t]ake all possible action including, but not limited to, conducting programs of public education, undertaking legislative advocacy and making proposals for systemic reform and formal legal action, in order to secure and ensure the legal, civil and special rights of children who reside in this state.”²

In February 2024, the OCA became aware of allegations that a young woman, who is referred to in this report as Jane Doe,³ was repeatedly sexually assaulted by throughout her childhood her guardian, Roger Barriault, who was appointed by the Connecticut Probate Court. Mr. Barriault was arrested and charged with sexual assault and risk of injury to a minor.⁴ It is alleged that the assault resulted in a pregnancy, birth of a child, and continued sexual abuse for over a decade while she remained in the home of her guardian/abuser. Pursuant to OCA’s statutory responsibilities, it immediately began an investigatory review of the circumstances of the guardianship to identify any system failures that may have allowed such abuse to go unchecked.

During the course of its investigatory review, the OCA was charged with the responsibility, pursuant to Public Act 24-118, Section 12, to conduct a one-time review of practice and procedures in guardianship matters in Probate Court. This report includes information related to OCA’s investigatory review of the circumstances of the Barriault guardianship and OCA’s review pursuant to Public Act 24-118.

¹ Conn. Gen. Stat. § 46a-13l.

² *Id.*

³ This is a pseudonym.

⁴ As of the date of this report, the charges remain pending.

BRIEF SUMMARY OF FINDINGS

The Office of the Child Advocate finds that there were missed opportunities to intervene to protect Jane. Despite numerous reports, Jane's pregnancy, Mr. Barriault's refusal to take paternity tests, and, later, receipt of text messages alluding to Mr. Barrault's paternity, DCF did not contact the police to alert them to the allegations of sexual abuse. While DCF and a Guardian ad Litem requested paternity testing through the Probate Court, DCF did not file a petition in the Superior Court for Juvenile Matters to seek court ordered paternity testing following Jane's withdrawal of the matter pending in Probate Court. The Probate Court also did not alert the police. OCA also finds that the quality of DCF assessments submitted to the court varied, with some assessments omitting critically important information.

In addition, OCA finds that assessments for the Probate Court are not treated as investigations by DCF, in the way that reports to the DCF Careline would be. As a result, the way information is recorded by DCF in relation to assessments for the Probate Court may result in a lack of complete and accurate information, may impact the availability of complete and accurate information for future investigations or assessments, and may create a lack of clarity on whether and when police reports are required. OCA finds that a quality assurance framework is needed at DCF to ensure the quality of assessments submitted to the Probate Court and that certain DCF policies should be amended.

OCA finds that while judges in the Probate Court receive training, there are no requirements that they receive training specific to guardianship of minors and issues related to child abuse and neglect, the impact of trauma, or recognizing signs of grooming or sexual abuse. Attorneys serving as panel attorneys in the Probate Court are not required to receive any specific training or demonstrate any particular expertise. There are no practice standards applicable to panel attorneys and no formal quality assurance framework.

RECOMMENDATIONS

OCA makes the following specific recommendations for systemic improvement:

1. The legislature should create a working group to review the statutes and procedures related to guardianship matters in the Probate Court, and to make recommendations for improvement. Such review should consider all of the findings in this report and include, but not be limited to, consideration of the following:

- a. Whether cases, or specific subsets of cases, in which the grounds for petition for removal would otherwise be reportable as suspected child abuse or neglect, should be treated by DCF as investigations, with substantiation/unsubstantiation and child abuse registry decisions, while remaining in the Probate Court for determinations as to the petition for removal of guardian;
- b. Whether DCF caseworkers assigned to the Probate unit should receive additional training on conducting thorough assessments, similar to training provided to those assigned to the investigations unit;
- c. Requiring that all removal of guardianship matters under Connecticut General Statutes § 45a-610(2) to (5) be heard in Regional Children's Probate Courts and review any barriers to the availability of Regional Children's Probate Courts in all regions of the state, including the availability of virtual hearings;
- d. Requirements for pre-service and in-service training for attorneys wishing to serve on the Probate Court panel, either as attorney or guardians ad litem. The working group may consider as a model training requirements for attorneys contracting with the Office of the Chief Public Defender to provide representation to children and parents in the Superior Court for Juvenile Matters, which requires a three-day pre-service training prior to being assigned a case under the contract, work with a mentor for the first year of their contract, and complete six hours of training annually;
- e. Requirements for practice and performance guidelines for attorneys serving on the panel, and a framework for assessing the quality of the services delivered by such attorneys;
- f. Methods for ensuring the quality of services provided by volunteer guardians ad litem provided by Children in Placement;
- g. Whether family specialists should be mandated reporters;
- h. Whether the annual report submitted by the guardian is adequate to ensure the ongoing safety and well-being of the child following appointment of a guardian;
- i. Whether the statutes should be amended to require DCF and/or the Probate Court to notify law enforcement when allegations of sexual abuse or serious physical abuse are made in the context of a Probate Court case (as is required under Connecticut General Statute 17a-101b(c) when DCF receives such a report through the Careline);
- j. Whether the statutes should be amended to require that all proceedings under Connecticut General Statutes 45a-603 to 45a-625 be recorded and that the hearing be a hearing on the record under Connecticut General Statute § 45a-186, et seq.;

- k. Whether the statutes should be amended to require the Probate Court to notify DSS when a guardianship is terminated; and
 - l. Whether the statutes should be amended to require that DCF include the source and date of information provided in its reports to the Probate Court.
2. The legislature should amend current law to require that parents and people seeking guardianship or being considered as potential guardians in cases in which there is a petition for removal of guardian should be notified, at the time of the filing of the petition, or as soon as possible thereafter, of (a) how to make a Careline report to DCF for suspected child abuse or neglect, (b) the differences between Probate Court and petitions filed by DCF in the Superior Court for Juvenile Matters as it relates to reasonable efforts to prevent removal, reasonable efforts to reunify, and reasonable efforts findings required prior to the termination of parental rights, (c) the difference in financial support that guardians may receive as compared to financial assistance that may be available to families providing foster care and (d) the differences in DCF involvement and oversight for children under guardianship as compared to children in foster care. Parents and potential guardians should be canvassed by the court to ensure that both have received such notice, discussed it with counsel, and are aware of the implications of moving forward in the Probate Court.
3. DCF should:
 - a. immediately modify its policies to require that all assessments to the Probate Court are saved within the LINK system (or any successor case management system);
 - b. immediately modify its policies to require that all assessments, and any other documentation provided to the Probate Court in removal of guardianship cases, include the source and date of the information being provided;
 - c. immediately modify its policies to require that allegations of sexual abuse or serious physical abuse made in the context of Probate Court, be reported to law enforcement;
 - d. review case weighting system to determine if modifications should be made to ensure that assessments for the Probate Court are thorough; and
 - e. develop a quality assurance framework to monitor and ensure the quality of DCF assessments in matters in the Probate Court and utilize this quality assurance to inform the agency about future training needs and caseload weighting.