



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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**Testimony of Susan I. Hamilton, MSW, JD
Director of Delinquency Defense and Child Protection
Office of Chief Public Defender**

Committee on Children – March 8, 2022

**Raised S.B. No. 309 - An Act Extending the Age of Eligibility for Legal Representation
Provided by the Department of Children and Families**

Mission Statement of the Division of Public Defender Services

Striving to ensure justice and a fair and unbiased system, the Connecticut Division of Public Defender Services zealously promotes and protects the rights, liberty and dignity of all clients entrusted to us. We are committed to holistic representation that recognizes clients as individuals, fosters trust and prevents unnecessary and wrongful convictions.

While the Division of Public Defender Services (DPDS) appreciates the intent of *Raised Bill 283, An Act Extending the Age of Eligibility for Legal Representation provided by the Department of Children and Families*, this will result in a significant financial impact on this agency and cannot be implemented without additional resources. Pursuant to CGS Secs. 46b-120 and 46b-129a, DPDS oversees all Assigned Counsel representing children in child abuse and neglect proceedings in the Superior Court for Juvenile Matters. This representation is authorized *not* by DCF policy but rather by CGS Sec. 46b-120, which defines “child” for this purpose as any person under the age of 18. However, it’s important to know that youth over

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the age of 18 in the care of DCF are already able to continue receiving services voluntarily from DCF up until the age of 23 under certain circumstances, and there are many services provided for these youth pursuant to DCF policy and practice. These include ongoing case management support, educational support to complete high school, college and vocational programs, financial support for a Driver's License, life skills training, independent and transitional living programs, housing assistance, health services, mentoring and other support services.¹ In addition, it's important to note that DPDS already provides resources to the Center for Children's Advocacy to manage a pro-bono representation program where private attorneys are trained to represent youth over the age of 18 in administrative hearings whenever DCF is seeking to terminate the youth's services or benefits.

While OCPD certainly does not dispute the benefit of additional legal advocacy for youth after they turn 18, there are currently no resources to do this. More importantly, even if there were additional resources, there are activities needed to improve the overall quality of representation for children under the age of 18 that would minimize the need for post-18 advocacy by expediting permanency for children well in advance of their 18th birthday. Currently, an attorney representing a child receives only one flat rate payment of \$500 to represent the child for the *entire* life of the case, which can often last years with frequent and ongoing court hearings and trials. Asking these attorneys to continue representing children for several *additional years* after the children turn 18 cannot and should not be done without additional funding. Given that these cases would need to be treated essentially as new cases, we would estimate the cost for just the \$500 flat rate to be approximately \$255,000 (there are currently approximately 450 youth remaining in DCF care over the age of 18). There would also be other expenses collateral to litigation, including, but not limited to, expert witnesses and transcripts. The current budget amounts allocated to DPDS for Assigned Counsel in child welfare cases is only for representation for children up to the age of 18. Our budget allocation

¹ See, DCF Policy Sec. 28.1.

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does not allow us to provide any additional compensation to the attorneys without falling into deficit.

There is no question that more attention must be paid to the young people who are exiting DCF care without a permanent family connection, particularly for those youth who do not meet the criteria to remain in DCF care voluntarily after they turn 18. Much of that advocacy and transition planning can and should be done well in advance of their 18th birthday. But, we will also continue to work with the non-profit community and private bar to maximize their ability to provide this post-18 representation in a pro-bono capacity or through the use of private funding streams.