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TESTIMONY BEFORE COMMITTEES ON CHILDREN AND HUMAN SERVICES

In my private practice as an attorney, I routinely represent parents and children who have been reported to the Department of Children and Families and to Juvenile Court. It has been my experience that DCF staff routinely violate the Constitutional, statutory, and administrative rights of children and parents in this state with absolute impunity. As a result, parents and children suffer unnecessary trauma, sometimes for months and even for years as a result of the improper actions of DCF; DCF wastes thousands of dollars in unnecessary litigation; and DCF staff are rarely, if at all, held accountable for their actions. The following are some examples of improprieties and recommendations for change.

1. As a matter of policy, DCF refuses to provide the accused with any written notice of the charges against them until after the investigation is completed.
2. As a matter of policy and regulation, DCF refuses to allow any administrative appeal of a substantiation of a complaint until after the matter is referred to and acted upon by a court.
3. DCF staff routinely accept complaints and begin investigation of the parents before receiving any verification of the allegation by the reporter. This is particularly true in truancy cases where DCF will open an investigation of parents before receiving written verification from school personnel that the child actually had any unexcused absences.
4. DCF staff routinely tells parents that they must meet with DCF staff, answer DCF staff questions, and allow DCF staff to see and to interview the children, when, in fact, parents and children are not required to speak to DCF;
5. DCF staff routinely tell parents they must sign releases for DCF staff to speak with the children's physicians and therapists, when, in fact, parents are not required to do so.
6. DCF staff routinely assume parents are guilty of the allegation until proven otherwise.
7. When parents and/or attorneys report improprieties of DCF staff to DCF supervisors, and even to the Commissioner, staff are not held accountable, no investigations is undertaken, and staff suffer no consequences whatsoever.
8. DCF staff routinely accept false complaints, and when notified the complaint is false, fail to file any complaint against the person who filed the false complaint and refuse to take any action whatsoever against that person.
9. It would appear that those who have the least training and experience are placed in the field to conduct investigations.
10. DCF staff routinely "consult" with therapists who are caring for troubled children thereby breaching the confidentiality between the therapists and the children and routinely improperly try to influence the therapy provided to the children.

11. Therapists who are paid by DCF, intentionally or not, often feel obligated to provide information and reports that favor DCF to the detriment of objectivity and privacy for the children being served.
12. State's attorneys in the juvenile courts often have offices that are physically located immediately adjacent to judge's chambers, thereby breeding familiarity that has the appearance of impropriety.

These are only a few of many serious problems that could be listed, but for the sake of brevity, have not been listed.

The following also are only a few of the recommendations that this committee must implement in order for this agency to uphold the law and to improve its function.

1. Direct all DCF staff to implement the long-standing policy in law of the presumption of innocence until proven guilty.
2. Direct DCF staff not to accept any complaints or begin any investigation unless, and until, the reporter provides written verification of the allegation, i.e., copies of attendance records verifying truancy.
3. Direct DCF to provide a copy of the written complaint to the accused immediately upon receipt and initiation of an investigation.
4. Train DCF staff in the rights of parents and children under the Constitution and statutes.
5. Direct only trained, experienced staff to conduct investigations.
6. Direct DCF staff to investigate and prosecute all those accused of filing false complaints.
7. Implement monetary sanctions for DCF staff members who violate the Constitutional and statutory rights of parents, including the firing of such staff.
8. Allow those who have been falsely reported, or otherwise have had their Constitutional and/or statutory rights violated by DCF staff to institute civil suits against DCF staff, and eliminate any governmental immunity.
9. Direct police and prosecutors to accept all complaints from persons against whom a false complaint was filed, to assign objective investigators to investigate the complaints, and to prosecute the perpetrators to the fullest extent of the law.

The bottom line is that unless and until DCF staff know that they will suffer actual consequences for their improper behavior, nothing will change. DCF must understand that they, too, are subject to the rule of law and to Constitutional principles, and that they cannot abuse their authority, whether or not they have "good intentions." DCF must understand that it is part of the problem, and if DCF continues to be part of the problem, there will be a price to pay.