

OFFICE OF THE CHILD ADVOCATE ADVISORY COMMITTEE
EVALUATION OF THE EFFECTIVENESS OF THE OFFICE OF THE CHILD
ADVOCATE
2007

Pursuant to Connecticut General Statute §46a-13q(a), the Office of the Child Advocate Advisory Committee shall provide an annual evaluation of the effectiveness of the Office of the Child Advocate (OCA). We herewith submit our report, covering the rating period July 1, 2006 through June 30, 2007.

This past year has been an extremely busy and productive one for the Office of the Child Advocate. Remarkably, the passion and commitment demonstrated by the Child Advocate and her talented staff remains unabated. OCA continues in its leadership role throughout the state investigating concerns regarding the delivery of critical services to children and aggressively advocating for needed reform. The year immersed the OCA staff into the state children's psychiatric hospital, the state's prisons for youth and state-funded treatment facilities for children with complex needs. Advocacy efforts were intensified on behalf of youth with special needs transitioning from the child welfare system into the adult service systems. Teen dating violence awareness and education, supported housing, health care financing, and responding to citizen groups' requests for information about circumstances of the children of our state kept the small staff very busy. This was an exciting year working in partnership with many dedicated and concerned parents, advocates, state agencies, policy makers and others to advance public awareness and policy initiatives on children with disabilities.

OCA was established by PA 95-242 after the tragic death of Baby Emily brought renewed recognition of the need for an independent office to monitor and evaluate the public and private agencies that are charged with the protection of children, and to review state agency policies and procedures to ensure they protect children's rights and promote their best interest.. Its responsibilities include acting as an ombudsman, doing facility and program reviews, conducting special investigations and projects, and participating in Child Fatality Reviews.

The very broad responsibilities given to OCA, as specifically defined in Conn. Gen. Stat. §46a-13k *et seq.*, include:

- (1) Evaluating the delivery of services to children by state agencies and those entities that provide services to children through funds provided by the state;
- (2) Reviewing periodically the procedures established by any state agency providing services to children to carry out the provisions of sections 46a-13k to 46a-13q, inclusive, with a view toward the rights of the children and recommend revisions to such procedures;

- (3) Reviewing 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, making appropriate referrals and investigating 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;
- (4) Pursuant to an investigation, providing 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;
- (5) Periodically reviewing the facilities and procedures of any and all institutions or residences, public or private, where a juvenile has been placed by any agency or department;
- (6) Recommending changes in state policies concerning children including changes in the system of providing juvenile justice, childcare, foster care and treatment;
- (7) Taking 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;
- (8) Providing training and technical assistance to attorneys representing children and guardians ad litem appointed by the Superior Court;
- (9) Periodically reviewing the number of special needs children in any foster care or permanent care facility and recommending changes in the policies and procedures for the placement of such children;
- (10) Serving or designating a person to serve as a member of the child fatality review panel established in subsection (b) of this section; and
- (11) Taking appropriate steps to advise the public of the services of the Office of the Child Advocate, the purpose of the office and procedures to contact the office.

To carry out its statutory responsibilities, the OCA was granted broad access to information, including the statutory authority to issue subpoenas. Specifically, state law grants OCA access to any and all records pertaining to services or care provided to a child that may be necessary to intervene on behalf of that child. Indeed, the OCA is the only state agency that can review information from all domains of a child's life, including home, school and health care. OCA is thus uniquely positioned among state agencies in its capacity to identify cross-agency "systems" issues, recommend solutions, and act as a catalyst in bringing responsible state agencies together to address identified problems.

State law similarly affords broad protection for OCA's own information, protecting the confidentiality of the identity of any reporter to OCA and any records produced by OCA. Such information may be released only when the Child Advocate determines it is in the best interest of the child or public.

Over the past eleven years, in fulfilling its statutory responsibilities, the OCA has completed 11 Child Fatality Reviews, and summary and follow-up reports'' that highlight the various findings and recommendations made in the Reviews and the ways in which the responsible agencies have responded. It also has completed 5 Special Reports and several Special Projects (lists attached), made presentations to over a hundred groups, participated in dozens of task forces, councils, and committees, held several press conferences, and provided assistance to more than 10,000 persons who have directly contacted OCA.

However, OCA's eleven-year history has not been without controversy. Despite widespread support for the creation of the Office, issues concerning the amount of funding for the office, whether the office should be independent or a part of some other agency, and whether the office should have the statutory authority to bring litigation all have been debated. All issues were ultimately resolved in such a way as to expand the capacity and independence of OCA:

Funding. Over the past eleven years, OCA has grown rapidly – from its original 1.5 full-time positions to 10 positions in SFY 07 and from a first-year budget of \$145,000 in FY 96 to \$988,090 in the current fiscal year. Such growth has been necessary for OCA to fulfill its statutory responsibilities, and has been essential to its success in doing so. Funding, however, remains an issue. Funding for the attorney position that was eliminated in FY 02-03 was not restored until FY 05. Its September 2004 business plan identified the need for a total of sixteen staff, six more than the current ten budgeted to work at OCA in FY 08.

Independence. In determining the OCA's position and role within state government, factors considered included the agreed-upon need to ensure there were no conflicts of interest created and the goal of keeping total costs as low as possible. Over the past eleven years, OCA has moved from its initial placement (for administrative purposes only) within the Office of Protection and Advocacy, to placement within the Freedom of Information Commission (effective July 1, 1997) and to its current placement within the Department of Administrative Services (effective July 1, 2005). Options rejected included administrative placement in the Attorney General's Office, the Department of Children and Families, and the Governor's Office. Such protection and independence from political influence have long been hallmarks of OCA. Indeed, state law now requires it. Conn. Gen. Stat. 46a-13k(c) states: "Notwithstanding any other provision of the general statutes, the Child Advocate shall act independently of any state department in the performance of his duties."

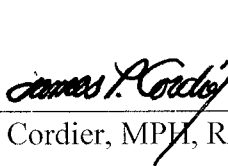
Litigation capacity. OCA also was given statutory authority to initiate litigation. Conn. Gen. Stat. §46a-13o(a) states, “ In addition to the powers set forth in section 46a-13m, and notwithstanding section 3-125, the Child Advocate, or his designee, may represent, appear, intervene in or bring an action on behalf of any child in any proceeding before any court, agency, board or commission in this state in which matters related to sections 46a-13k to 46a-13q, inclusive, are in issue. Prior to the institution of any action brought pursuant to this subsection, the Child Advocate shall make a good faith effort to resolve issues or problems through mediation.” However, as noted above, the capacity of OCA to institute litigation can be reduced if budget cuts target funding for the OCA’s staff attorney.

As the Office of the Child Advocate looks ahead to the next 10 years, it builds on a strong base of talented and committed staff, years of high-quality advocacy for individuals and for systems reform, and a stellar reputation within and without state government for always doing what is best for the state’s most at-risk children and youth. Those who had the vision to establish OCA surely have reason to be proud of this new “teenager” in its second decade.

We, the members of the OCA Advisory Committee, are very pleased with the accomplishments of the OCA and the people who staff it--especially State Child Advocate Jeanne Milstein. We extend to them our profound thanks and appreciation for their outstanding service this year and for their exemplary leadership.

As always, the OCA Advisory Committee looks forward to assisting the Child Advocate and her distinguished staff in improving the quality of life of Connecticut’s children.

On Behalf of the Office of the Child Advocate Advisory Committee,



James P. Cordier, MPH, RS, Chairman