

D R A F T
Minutes
Juvenile Access Pilot Program Advisory Board
October 29, 2010 Meeting

Present: Judge Quinn, Sarah Eagan, Anne Louise Blanchard, Jeanne Milstein, Bryan Morris, Elizabeth Duryea, Nancy Porter, Cynthia Cunningham, Marilou Giovannucci, Judge Keller, Carolyn Signorelli, Michael Besso, Christine Rapillo, Matthew Larock, Deborah Fuller

The following materials were distributed:

- a. Agenda
 - b. Survey Update
 - c. Summaries of focus groups with the Child Protection Judges and the Child Protection Session judges
 - d. A September 1010 report, *An Analysis of the Connecticut Juvenile Access Pilot Program H.B. No. 6419*, by Professor William Wesley Patton,
 - e. A proposed outline of the Advisory Board's report to the Legislature
1. The minutes for the 6-24-10 meeting were approved.

2. Update on Survey Results and Focus Groups

Updated survey results were distributed and summarized by Marilou Giovannucci, who briefed the group on the focus group sessions that had been held. Written summaries of the focus groups that were held with the juvenile judges and child protection session judges were passed out. The group was informed that two additional focus groups had been held -- one with the Child Protection Session staff and one with the psychologists who are for court referrals -- and the responses received at those focus groups, which had not yet been transcribed, were summarized.

3. Discussion of Advisory Board Report

Process and Structure:

Sarah Eagan began the discussion by recommending that the group consider including in its report other recommendations to accomplish the goals of the legislation; Jeanne Milstein spoke in favor of that proposition.

A discussion of the proposed outline took place; suggestions for minor changes were made.

The report by Prof. Patton was discussed. Carolyn Signorelli noted that it appeared that a considerable amount of research had gone into the report and suggested that the Advisory Board use some of that information in its report. A discussion of the limitations of the report and the research ensued. Carolyn Signorelli offered to go through the report and write a paragraph or so for inclusion in the Advisory Board's

report. Anne-Louise Blanchard suggested including it as one of the pieces of information the Advisory Board reviewed.

Judge Keller suggested that the report include responses to some of the remarks expressed on the floor of the House of Representatives during the debate on the bill, particularly the concerns about release of confidential information.

Jeanne Milstein suggested setting up meetings with legislators at the time the report is released.

Preliminary Discussion of Recommendations:

Sarah Eagan began the discussion by stating that it is likely that recommendations will be voted on at the next meeting. She also stated that it is likely that the report will include both a majority and a minority report.

The following possible recommendations were listed:

- a. End the current pilot and do not change the statute regarding access to Child Protection proceedings
- b. Continue the current pilot program at the Child Protection Session in Middletown for an additional year
- c. Expand the current pilot program at the Child Protection Session to all matters heard there and amend 46b-124 to accommodate the pilot program
- e. Change the location of the pilot program
- f. Expand the pilot program to additional location(s)
- g. Expand public access to all child protection proceedings at all juvenile matters locations

Nancy Porter advocated that the report address a narrower charge. She noted that the statute sets out a narrow requirement for the report, and that it does not mention reform of the system.

Carolyn Signorelli stated that her view is that the pilot was not successful.

Sarah Eagan clarified that what she meant when talking about other goals was not reforming the entire system but something narrower. She stated that the Advisory Board had done a lot of work and should not waste all the knowledge it had gained by making a narrow recommendation.

Judge Keller stated that the experience of the coverage of the Hayes case shows that increased access by the media does not benefit the system, but rather degrades the system, and shows that if proceedings are open, DCF won't be hurt – the children will be. Further discussion of the state of media coverage ensued.

Sarah Eagan pointed out the lack of hard evidence about the negative effects of open courts. Carolyn Signorelli suggested that the best approach would be to do a risk/benefit analysis. Since there is no real way for the Advisory B to determine if an open proceeding has caused lifelong trauma to a child, and there is also no

evidence that opening proceedings improves the system, why take the chance? It is not worth benefitting some children at the cost of harming others.

The group agreed that there is value in ensuring that other people can attend child protection proceedings. Chris Rapillo pointed out that is what New York is doing in practice, although it is not what their statute says. There was a discussion of amending the current statute to better articulate the presumption of openness. Judge Keller suggested using a “legitimate interest” standard. Sarah Eagan volunteered to look into what other states do. Judge Quinn and Judge Keller offered to brainstorm about what would need to be done to implement a “legitimate interest” standard, such as Practice Book changes, statutory changes, etc.

Judge Keller stated that she is not in favor of continuing the pilot either at CPS or elsewhere because it uses scarce resources with no little or no benefit.

A discussion of access to records ensued. Judge Keller pointed out that anything that requires redacting would have serious resource implications.

4. Members were reminded that the Advisory Board has scheduled two additional meetings to finalize its report. Those meetings are on Tuesday, November 16, 2010 at 2:00 and on Thursday, December 9, 2010 at 2:00.

Members were asked to be prepared to discuss and vote on recommendations at the next meeting.

The meeting was adjourned at approximately 4:00 p.m.