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## An infant dies, and a new DCF commissioner is tested

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June 15, 2011

As Joette Katz manages the high-profile case of a five-month old Ansonia boy dying under her agency's supervision, child advocates are waiting to see if the new commissioner of Children and Families has the resolve to avoid the mistakes of some predecessors, who hastily removed children from their homes.

"What has happened in the past is this tendency that whenever there's a problem the decision is to just automatically remove a child from their home," said Jeanne Milstein, the state's child advocate. "It's sometimes been an overreaction by the agency."

Milstein said after high-profile fatalities in previous years, records often show DCF investigations lead to more children being removed from their homes. On Wednesday, it was determined that the death of an infant, whom DCF had twice declined to remove from his home in recent months, was a homicide.

Katz's plans for the troubled agency are to keep more children with their families, and the commissioner says she will stay the course.

The agency has been under federal court supervision for two decades, following a class-action lawsuit filed by child advocates alleging that the state took children from their families too often, among other complaints. On any given day there are about 4,300 children in state custody and thousands more living at home being supervised by DCF.

Martha Stone, one of the attorneys for the plaintiffs in the lawsuit, said after Katz took office four months ago it was inevitable that a child would die during her tenure, as is the case with the leader of every child-protection agency. The challenge, Stone said, would be to stay focused on broader reforms.

"There will always be crisis. There will always be a death, unfortunately," Stone said. "You have to keep your eyes on the prize."

In an interview Wednesday, Katz said the death will not deter her from implementing a sweeping package of changes for the agency, nor will it result in any immediate policy changes.

"I think in the past that's been exactly the mistake, frankly," Katz said. "A child dies and the next thing you know workers are getting thrown under the bus and 500 children get removed [from their homes] the next day because it's a reaction to a tragedy. I think that's the exact wrong way to behave."

Advocates said how Katz, who resigned as a justice of the Connecticut Supreme Court to accept Gov. Dannel P. Malloy's appointment to DCF, responds to crisis will be revealing about the commissioner's leadership and where the agency is headed.

"This commissioner is going to be very careful in her reaction -- she's already proven that," Milstein said.

Milstein is the chairwoman of the independent panel that will be responsible for reviewing this recent death in Ansonia. "These are very challenging cases, and sometimes tragedies happen. What these tragedies offer is an opportunity to learn, not to go backwards."

Stone said a similar incident faced former DCF Commissioner Linda Rossi on her first few months on the job with the death of Baby Emily.

“She had the Emily crisis right away. It set the department in a reactive mode right away,” she said.

The legislature’s non-partisan Office of Legislative Research reported the Baby Emily case resulted in a substantial increase of children being removed from their families and placed in foster care.

“Since the death of baby Emily in early 1995, the [department] has more aggressively removed children from homes where child abuse or neglect is suspected. This policy has stressed a foster care system that provides placements for many of these children,” reads another OLR report.

But Katz promises not to become reactive.

“You cannot let tragedies derail you,” she said. “I don’t want to be glib and say there are going to be other [deaths]. You hope there is never a death of a child. But it’s like saying to a police officer you’re never going to have a homicide, or to a firefighter, you’re never going to have a fire. That’s not just reality, which is why it’s that much more important to have good policies in place.”

However this case does play out, one reality will always remain, said Sarah Eagan, a lawyer for the Center for Children’s advocacy.

“You can’t predict outcomes all the time. That’s the tragic reality,” she said. “In the end, you have to take your best evidence and be allowed to make your best decision in each case.”