



**Testimony in Support of
Senate Bill No. 1084
AN ACT CONCERNING THE COLLECTION OF CERTAIN DATA RELATING TO PARENTS
WHO HAVE THEIR PARENTAL RIGHTS TERMINATED**

Senator Winfield, Representative Stafstrom and Distinguished Members of the Judiciary Committee:

On behalf of the Center for Children's Advocacy, we write in support of S.B. 1084. The Center is a children's rights non-profit legal organization that provides holistic representation for low-income children in Connecticut's communities, largely centered about the Greater Hartford and Bridgeport areas, through individual representation, training and education, and systemic advocacy. The Center represents children in a variety of matters, including child welfare, immigration, juvenile delinquency, public health, and special education.

We submit this testimony in support of S.B. 1084, which would increase the collection of demographic data relating to incarcerated parents who experience a termination of their parental rights.

As you may be aware, the Adoption and Safe Families Act (ASFA), federally enacted in 1997, shifted the focus of child welfare policy away from family preservation and the rehabilitation of parents, and towards ensuring timely permanency for children, oftentimes via the legal severance of parental rights.¹ By design, absent a documented exception, ASFA requires states to move for the termination of parental rights when a child has been in foster care for 15 of the last 22 months. This has resulted in a significant increase in the severing of legal ties with a child's biological family, sometimes creating legal orphans where there has not yet been an adoptive home identified. ASFA has long been acknowledged by professionals in the field as discriminatory in practice, especially given the disproportionate impact that both the child welfare system and criminal justice system historically have on low-income families and people of color.

Yale Law School, in conjunction with Connecticut Voices for Children, recently released a report that examined the consequences of ASFA specifically on children with incarcerated parents in Connecticut.² The report indicates that in the two decades since ASFA's passage, the number of children with an incarcerated parent has increased by approximately 80 percent, and rates of termination of parental rights have substantially increased as well.³ The report found that Connecticut children with incarcerated parents are at greater risk of having legal ties to their biological family severed than children whose parents are not in prison.⁴

¹ Yale Law School, *Clinic Releases Report on Preserving Parental Rights for Incarcerated Parents*, LAW.YALE.EDU, March 12, 2021, <https://law.yale.edu/yls-today/news/clinic-releases-report-preserving-parental-rights-incarcerated-parents>.

² *Id.*

³ *Id.*

⁴ *Id.*

Both research and practice have shown that maintaining positive familial bonds can promote healthy child development. Teachers, medical professionals, therapists, and DCF workers alike can all attest to that; certainly, we at the Center see that in our work every day. We represent numerous children in DCF custody whose only consistent biological connection is to an imprisoned parent, and who significantly benefits from weekly conversations and visits with such parent, especially where the child's *other* parent may have disappeared from their lives due to substance use, mental health issues, or a variety of other challenges. Given such, actively preserving that familial relationship can reduce lifelong psychological trauma to all involved. Additionally, as a collateral benefit to maintaining these relationships, there has been a reduction in recidivism shown where a parent actively has the motivation of a child in their lives.⁵ Lastly, the benefit for a child in the foster care system of knowing that this lifelong adult connection in their life will endure cannot be overstated.

Our country is finally coming to a reckoning with the systemic racism historically linked to the criminal justice system and its disproportionate impact on our communities of color from generation to generation. Similarly, we cannot overlook the disparate impact that laws such as ASFA have. Collecting additional demographic data about parents whose rights are being terminated in our state, and specifically, those who are incarcerated, will be a first step towards addressing and rectifying such. Ideally, the data will be used to then draft a law creating a work-around to ASFA for families with an incarcerated parent, in which, for example, permanent guardianships, without the need for a termination of parental rights, will be a more commonly utilized alternative.

Similar movements for reform have succeeded in liberalizing the ASFA guidelines in New York and Washington. These states now allow parents to be judged individually by the roles they play in their children's lives, rather than the lengths of their sentences, in determining whether to ultimately terminate their parental rights.⁶ Connecticut should take similar action in order to keep families together and address this systemic disparity, and can start by first collecting additional data. For these reasons, the Center strongly supports the passage of S.B. 1084.

Thank you kindly for your consideration.

Respectfully submitted,

Stacy L. Schleif
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⁵ *Id.*

⁶ Prison Policy Initiative, States Help Families Stay Together by Correcting a Consequence of the Adoption and Safe Families Act, PRISONPOLIY.ORG, May 24, 2016, <https://www.prisonpolicy.org/blog/2016/05/24/asfa/>.